

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE ASSEMBLY

FIFTY-FIFTH PARLIAMENT

FIRST SESSION

14 October 2003

(extract from Book 4)

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By authority of the Victorian Government Printer

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The Lieutenant-Governor

Lady SOUTHEY, AM

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FIFTY-FIFTH PARLIAMENT — FIRST SESSION

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Mr P. J. RYAN

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Mr P. L. WALSH

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Hulls, Mr Rob Justin	Niddrie	ALP	Thompson, Mr Murray Hamilton Ross	Sandringham	LP
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Jenkins, Mr Brendan James	Morwell	ALP	Walsh, Mr Peter Lindsay	Swan Hill	NP
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Thursday, 16 October 2003

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

PETITIONS

Following petitions presented to house:

Disability services: schools

To the Legislative Assembly of Victoria:

The petition of residents of Victoria draws to the attention of the house that the Victorian Labor state government is threatening to reduce funds for the education of students with a disability enrolled in government schools. This will result in larger classes in specialist schools, a reduction in quality programs and may necessitate a reduction in staff numbers due to a reduced school global budget. Local primary and secondary schools will also be affected by less funds. We, as residents of Victoria, wish to know the reasons behind reducing funds and services to students with a disability and protest at the lack of consultation throughout this process. By signing this petition you are saying 'no cuts to the funding of students with a disability in Victoria'.

Prayer

The petitioners therefore request that the Legislative Assembly of Victoria maintain the current level of funding to each student on the disability and impairments program.

By Ms MARSHALL (Forest Hill) (396 signatures)

Human Services: northern and western regions

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

The humble petition of the undersigned citizens of the state of Victoria sheweth that the proposed merger of the northern and western regions of the Department of Human Services will negatively impact on communities within those regions, as will the proposed funding cuts to the department and non-government organisations in the community service and welfare sector. Merging the operations of the northern and western regions of the Department of Human Services, cutting 28 jobs, will reduce the level of service department workers provide to the community. Although jobs that have a direct client contact role are not being targeted, the ability of these staff to service members of the public will be severely reduced if support role jobs are cut. The work of the staff in these 28 jobs will not disappear, and people in direct service roles will not only lose the support, but incur increased workload as a result.

We call upon the Department of Human Services to abandon the proposed north-west merger. By cutting funding and imposing productivity savings on the department and non-government organisations the Bracks Labor government will disadvantage constituents in dire need. We call upon the Treasury to abandon plans to impose budget cuts and efficiencies.

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

By Mr NARDELLA (Melton) (717 signatures)

Housing: rent increase

To the Legislative Assembly of Victoria:

The petition of residents of Victoria draws to the attention of the house we oppose the state government changes to increase public housing rebated rent for all existing tenants to 25 per cent of their total household income commencing on 17 August 2003.

The petitioners therefore pray that the Legislative Assembly of Victoria amend the rental rebate policy so that all public housing tenants will pay the rebated rent at the rate of 23 per cent of total household income.

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

By Mr SAVAGE (Mildura) (54 signatures)

Community services: funding

To the Legislative Assembly of Victoria:

The petition of these residents of Victoria draws to the attention of the house that proposed government cuts of \$35 million to the community services sector will have a major impact on services to Victorian families.

These cuts will affect the one in four Victorian families using essential community services such as family support, children's services, services to people with disabilities, alcohol and drug counselling services and housing support.

Funding to these services will not keep pace with inflation and this represents a real budget cut over the next three years.

The petitioners therefore request that the Legislative Assembly of Victoria exempt community services from planned cuts.

By Mr SAVAGE (Mildura) (11 062 signatures)

Schools: non-government

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

The humble petition of Our Lady of Fatima Parish and School sheweth the inequity of funding to Catholic schools in Victoria. Your petitioners therefore pray that the state government:

1. link state government grant increases for Catholic schools to increases in government schools to ensure Catholic schools can maintain comparable resource levels and to be able to pay our teachers at similar rates as government schools;
2. the state government grants be increased in real terms so the gap between the state government grant in Victoria and the grants paid by other state/territory governments is closed;

3. increase state government grants over time so that the grant to Catholic schools is 25 per cent of the cost of education a student in a government school;
4. ensure that students with disabilities receive the same level of funding irrespective of the school they attend; and
5. take into account the funding levels of Catholic schools in relation to the welfare needs of the children.

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

By Mr DIXON (Nepean) (321 signatures)

Midland Highway: Peter Ross-Edwards Causeway

To the Legislative Assembly of Victoria:

The petition of the residents of Victoria draws to the attention of the house that the section of the Midland Highway between Shepparton and Mooroopna, known as the Peter Ross-Edwards Causeway, is carrying very high volumes of heavy articulated vehicles, school buses, light commercial vehicles, emergency vehicles and passenger cars on narrow, congested and dangerous carriageways. The causeway currently falls short of the design standards expected of such an important community asset and lives are frequently put at risk because of high traffic flows on this poorly designed road.

Prayer

The petitioners therefore request that the Legislative Assembly of Victoria take urgent action to execute works to enhance road safety and improve traffic flow on the Peter Ross-Edwards Causeway.

By Mrs POWELL (Shepparton) (1954 signatures)

Laid on table.

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

Ordered that petition presented by honourable member for Shepparton be considered next day on motion of Mrs POWELL (Shepparton).

Ordered that petition presented by honourable member for Forest Hill be considered next day on motion of Mr PERTON (Doncaster).

PAPERS

Laid on table by Clerk:

Legal Practice Act 1996 — Report of the Legal Ombudsman in the matter of Victorian Lawyers RPA Ltd — Ordered to be printed

National Parks Advisory Council — Report for the year 2002–03.

BUSINESS OF THE HOUSE

Adjournment

Mr BATCHELOR (Minister for Transport) — By leave, I desire to move:

That the house, at its rising, adjourn until Tuesday, 28 October.

Motion agreed to.

MEMBERS STATEMENTS

Dr Jim Cairns

Mr WYNNE (Richmond) — I rise today to pay my respects to Dr Jim Cairns, a man of passion.

From humble beginnings this great man became a politician at a significant time in the history of the Labor Party. His career began when he won the federal seat of Yarra from Stan Keon in the great Labor split of 1955. Yarra existed as a federal seat from 1901 to 1968 and included the area of my state seat of Richmond. Stan Keon held the seat from 1949 after a tumultuous preselection battle with John Wren.

Richmond in the 1940s and 1950s was described in the *Light on the Hill* as a traditional Labor storm centre. Jim Cairns was approached to stand for the Labor Party against Stan Keon, then with the Democratic Labor Party, and the election in Yarra developed into a close and lively contest. Campaign manager Clyde Holding and law student John Button assisted Jim Cairns in a strong campaign of 72 street meetings and tireless doorknocking. He ultimately won the seat by 791 votes.

Last year in an ABC interview Jim Cairns was asked how he succeeded in the harsh political climate of Richmond and Collingwood. He explained it was because his humanism and his values appealed. The strengths of these values and his lifelong commitment to humanity and peace is Jim Cairns's legacy to us all. He never gave up pursuing his ideals.

Lindsay Thompson

Mr DOYLE (Leader of the Opposition) — This morning I want to pay a very affectionate tribute to an absolute icon of the Liberal Party who turns 80 this week — Lindsay Thompson, AO, CMG. Lindsay was Premier of this state, Deputy Premier and Leader of the Opposition. If members can believe it, and it is difficult to credit it these days, Lindsay was a cabinet minister for 24 unbroken years from 1958 to 1982, which stands

as a record for longevity certainly in this Parliament and I believe in the commonwealth also.

He was perhaps best known for being education minister, and he was education minister for a record period of time. The hallmark of Lindsay's stewardship of education was that he firmly believed in excellence and in standards. But he served not only as education minister but also as Treasurer and Chief Secretary and was at various times minister for police and emergency services, Aboriginal welfare, housing and forests. He was the Assistant Chief Secretary and Assistant Attorney-General at one time, and also the parliamentary secretary to the cabinet.

In a remarkable career in our Parliament Lindsay served with great distinction in both houses. He served in the upper house in the seats of Higinbotham and Monash, but he was best known for serving in that wonderful seat of Malvern until 1982. Lindsay was also patron, trustee or president of the Melbourne Cricket Ground Trust, the Australian Gallery of Sport and Olympic Museum, the tennis centre, the Victorian Cricket Association, the Prahran Cricket Club, the Australian Children's Choir, the Victorian Life Saving Society and the Richmond Football Club. I wish him and Joan health and happiness, and on behalf of the Liberal Party I wish him happy birthday as well.

Domestic violence: government action

Ms McTAGGART (Evelyn) — On Friday, 26 September, I was interviewed by Sue Millett-Taylor and Jenny Roberts on the commitment of the Bracks government against family violence. Sue and Jenny are students at Swinburne TAFE in Wantirna and are currently studying community welfare. They were keen to hear about the safer streets and homes crime prevention strategy and that Crime Prevention Victoria has funded family violence projects. I advised them that a steering committee has been established by Victoria Police and the Office of Women's Policy to reduce the impact of family violence on women and children.

The Bracks government has produced a women's safety strategy. This is the first significant strategy on violence against women by any Victorian government for 16 years. It brings all ministers and government departments together working with a single policy framework. Sue, Jenny and I discussed that welfare organisations state that one in three women are subjected to some form of domestic violence, whether it be physical, sexual, financial or emotional abuse. It is quite frightening to think that in one in every three houses in your own street someone is being subjected to violence.

I commend these women for the contributions they have made to local communities and schools by assisting families who have been affected by domestic violence, and wish them every success with their future studies. Together we can all make a difference to the safety of Victorian women and children. Recognition that violence against women is an issue for the whole community to address is long overdue.

Bushfires: Emergency Services Commissioner's report

Dr SYKES (Benalla) — I wish to comment on the report of the inquiry into the 2002–03 Victorian bushfires. The report is comprehensive, but in covering such a broad range of issues often only one to two paragraphs are devoted to important issues. This leaves the reader to read as much or as little into the issue as he or she sees fit — for example, the issue of apparent failure to use available aircraft early in the day in good flying conditions is not specifically covered.

An overriding issue is that of balancing the need for consistency and accountability with the need for flexibility and the ability to be opportunistic when circumstances permit. This remains an ongoing challenge in such a large program. My major concern with the report is the soft nature of the recommendations, which frequently use terms such as 'review', 'give due consideration' and 'jointly develop procedures'. This leaves the gate wide open for the government to bolt from its responsibilities.

I call on the government to deliver practical outcomes acceptable to those most affected by the fires and most at risk of fires in future. In particular the government must deliver an equitable cost-sharing policy for boundary fences between private and public land, accept responsibility for restoration of damage on private land caused by controlling the fires on public land, and put in place effective fuel reduction programs.

Wheelers Hill Secondary College: redevelopment

Mr ANDREWS (Mulgrave) — On Friday, 19 September, I had the great pleasure of visiting Wheelers Hill Secondary College, one of the many fine schools in my electorate, to inspect recent refurbishments. Following the 2002–03 state budget Wheelers Hill Secondary College was approved for a \$2.29 million redevelopment. This important redevelopment has recently been completed and all facilities are now open to students and staff. The redevelopment features a new technology precinct, library and staff administration area. The \$2.29 million

investment is a practical demonstration of the Bracks government's commitment to education in my local community. This development sits beside another recent redevelopment, the \$2.3 million redevelopment at Carwatha College in Noble Park North.

Having turned the first sod of the Wheelers Hill Secondary College redevelopment with the then education services minister, the Honourable Monica Gould, I was pleased to return and inspect these fine new buildings. I commend Wheelers Hill Secondary College principal, Anne Coughlin, and school council president, Stephen Mead, on the fine job they are doing. I have confidence that these new and refurbished buildings will be put to good use in giving young men and women in Wheelers Hill and the broader Mulgrave community the education they need and the education they have a right to.

Racing: Cox Plate

Dr NAPTHINE (South-West Coast) — I congratulate the three Melbourne racing clubs for their excellent marketing and promotion of the Spring Racing Carnival, and especially congratulate the Moonee Valley Racing Club for its outstanding success in developing the Cox Plate into Australia's premier weight-for-age event. However, it is now time to take this magnificent event to the next step. Over the past five years crowds at the Derby and the Oaks have grown by 30 per cent to over 100 000, whereas the Cox Plate crowds have remained the same due to the 38 000 capacity at Moonee Valley.

It is time that the Cox Plate was moved to Flemington, where it would immediately attract a crowd of over 100 000. Negotiations should take place immediately to allow the Moonee Valley Racing Club to run the Cox Plate, but to run it at Flemington. This would allow an extra 60 000 people to see this great race, giving a huge boost to Victorian racing. Also the 450-metre straight at Flemington will provide a better race than the tight Moonee Valley track with its short straight. It is time to put our best weight-for-age race, the Cox Plate, at our biggest and best course. You do not hold the Australian Football League Grand Final at Optus Oval, you hold it at the Melbourne Cricket Ground. This would also provide a forum for all three Melbourne racing clubs to get together to examine further options to make Victorian racing even better. It is time to put the Cox Plate at Flemington, where it can attract the best crowd and the best horses for this great event.

Flowerdale Primary School: Hoof over Hills event

Mr HARDMAN (Seymour) — I rise to congratulate the Flowerdale Primary School community on the fantastic event it organised over the weekend called Hoof over Hills. It was organised by Annie Robertson and the ride leader was Alan Schultz, who also very generously hosted a community celebration on Saturday night at his farm. There was a backup team of over 30 volunteers and all those organisers and volunteers deserve the heartiest congratulations from the whole Flowerdale community on their successful efforts. Over 100 different riders took part at the weekend in the Hoof over Hills event — 80 on Saturday and 60 on Sunday. They went up through the Three Sisters and across Mount Disappointment and saw the beautiful area that exists in and around Flowerdale.

At the community celebration on the Saturday night 250 people enjoyed live music, great spit roast food and a lot of laughs, as only Flowerdale people can often provide in their style. The whole community, including the local businesses and the school community, was very supportive of the event and it was great to see. I thank the Minister for State and Regional Development for his unbridled support for this event, with the help of \$4650 through drought recovery funding. I also thank Tricia Hazeleger, the rural community development officer, for assisting with the application. The event will help promote the ongoing economic development of the area, so come to the area and visit.

Burnley Gardens: development

Mr BAILLIEU (Hawthorn) — On 18 September in this house I called on the government to guarantee that it would not call in any proposed development at the Burnley Gardens site. At that time for the Richmond, Burnley and Hawthorn communities and the City of Yarra the proposal was all but unknown. Concern was being expressed by the Friends of Burnley Gardens and the University of Melbourne's Burnley campus.

Just a few days later the Premier announced not only that the development was to be called in but that a planning scheme amendment facilitating the proposal had been approved. No notice of this amendment was given, despite this being an out-of-centre development at odds with the government's own Melbourne 2030 strategy plan. A jam-packed public meeting five days later condemned the government and demanded at least a full traffic and environmental assessment.

Burnley Gardens is in the heart of one of the few areas of parkland in Richmond. The adjacent Yarra Boulevard is promoted as a scenic drive. It is a place of tranquillity; a centre of calm. The precinct has struggled in recent years to cope with the traffic and parking problems associated with the existing office accommodation on site. Some 300 to 400 cars daily park along the boulevard, changing the amenity of the boulevard and the parkland. The proposal that has now been given the nod by the government will more than treble the occupancy of the site and the impact. Burnley golf course is also now at risk.

Through all of this, who has gone missing? The member for Richmond has not said boo! Once again the Minister for Planning has been nowhere to be seen. The minister has again been sidelined on an important planning issue. Whether it is out-of-centre developments, wind farms, Jolimont, Royal Park or open space protection, this minister is now all but irrelevant to the planning process in Victoria.

Balibo Flag House, East Timor

Mr HUDSON (Bentleigh) — Today is the anniversary of the deaths of five Australian-based journalists in Balibo, East Timor — Greg Shackleton, Gary Cunningham, Tony Stewart, Malcolm Rennie and Brian Peters. They were all young men in their twenties who wanted to report to Australia and the world what was happening in East Timor. In Balibo they painted an Australian flag and the word 'Australia' on the house they slept in, hoping that it would protect them from direct attack. They were horribly wrong. The five journalists were murdered by Indonesian forces on 16 October 1975.

The subsequent response to their deaths by the Australian government is one of the most shameful foreign policy episodes in our recent history. The recent release of official documents shows that the Australian government deceived the families and the Australian public about what it knew of the Balibo killings and Indonesia's plans to invade East Timor.

We are left to answer the question: if we had protested immediately and loudly about the killing of five Australian journalists, would the Indonesian military have thought twice about invading East Timor, with such terrible consequences for the people of that country?

We cannot undo the past, but we can contribute to a more positive future. That is why I am looking forward as chair of the Balibo House Trust to the opening of the Balibo Flag House as a community centre for the

people of Balibo by the Premier, Steve Bracks, and President of East Timor, Mr Xanana Gusmao, on 31 October. This will belatedly pay respect to the families and acknowledge how they were treated. However, a full federal judicial inquiry is required into these killings and that of another journalist, Roger East.

Disability services: funding

Mr INGRAM (Gippsland East) — I rise today to speak on behalf of the protesters who rallied on the steps of Parliament House on Tuesday. They were campaigning against budget cuts to services for homeless and disabled children.

The member for Mildura today presented a petition with over 11 000 signatures. I also have thousands of signatures on petitions which did not meet the guidelines for presentation to Parliament. I undertake to present those petitions to the Premier on behalf of people who are very concerned about the productivity cuts the government is planning. Those productivity cuts will hit the most vulnerable people in our society and cause major hardship for disadvantaged people in our community.

Welfare organisations from around the state were represented on the steps of Parliament House on Tuesday. They included the Wesley Mission, Jesuit Social Services, and Scope, which was formerly known as the Spastic Society of Victoria. Those community groups called on the government not to cut services because the cuts will cause longer waiting lists for family counselling, drug treatment and a whole range of other extremely important community services.

Dr Napthine interjected.

Mr INGRAM — And as the member for South-West Coast said by interjection, that includes disabled services right across Victoria. On behalf of those groups that were on the steps of Parliament —

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

Dr Jim Cairns

Mr HOWARD (Ballarat East) — Like the member for Richmond, I also wish to reflect on the life of Jim Cairns, who died last Sunday. I do so because Jim was a key mentor through my life. In fact he was elected to Parliament in the year in which I was born, 1955. In his public life Jim Cairns always spoke out strongly about the views and values he held, often when they were not popularly shared.

Most notably, Jim Cairns stood out against Australia's involvement in Vietnam at a time when he was decried for being unpatriotic for doing so. But we saw over the following years into the early 1970s that more and more Australians stood behind Jim Cairns. They knew that they could make their voices heard, and we saw that amazing moratorium march in Melbourne in the early 1970s and the effect of that.

After rising to the position of Deputy Prime Minister, after 1975 Jim's political life fell apart. However, he continued through his writing and talking to people to share his views and his vision for Australia. He decried economic rationalism and free market economics, which he saw as contributing to the wealth of relatively few internationalists, and he believed that we should instead focus our attention on building quality human outcomes. This involves strengthening human connectedness and providing employment opportunities — —

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

Eastern Volunteer Resource Centre

Mr HONEYWOOD (Warrandyte) — Only two days ago the member for Mitcham delivered a 90-second statement to this house paying tribute to the work of the Eastern Volunteer Resource Centre based in my electorate. But, as the member for Mitcham is well aware, this wonderful group of dedicated volunteers needs more than cheerios in the Parliament at the moment.

Members of the group have visited local MPs recently to explain that the Bracks government's offer of an average annual 2.5 per cent increase in their meagre government funding over the next three years will force them to severely reduce the services they are able to offer the frail, the elderly and the disabled in the outer east region of Melbourne.

As the centre has set out in its financial statements, this miserly 2.5 per cent increase will not even cover half of the wage increases the Bracks government's own industrial relations strategy requires it to pay. Yet the same financial statements indicate that in 1999 this worthy organisation received a 56 per cent increase in its budget from the previous Liberal state government.

The Eastern Volunteers Resource Centre has been threatened by this government, and unless it signs up to this appalling three-year funding cut in real terms it will receive nothing at all by way of an increase. However, if it does sign up, it will also have to agree to receiving

no capital allocation or vehicle changeover support for the next three years as well. Its members will be driving around in cars with bald tyres!

As well as the Eastern Volunteers Resource Centre, Uniting Care Connections and Eastern Access Community Health have raised similar concerns locally. While the Bracks government is spending millions of dollars on needless self-promoting television and print ads and while it has padded its departmental head offices with thousands of additional pen-pushing public servants — —

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

Australian school sports championships

Mr MERLINO (Monbulk) — I rise to congratulate Katie Duncan, Melissa Duncan and Jordan Williamsz, who have all competed at the 2003 school sports Australian championships with terrific results. The competition was held in Queensland from 25 to 28 August.

Katie and Melissa Duncan represented Victoria in the 2003 Victorian Secondary Schools Sports Association squad, whilst Jordan Williamsz represented Victoria in the primary schools sports association squad.

Katie, aged 14, competed in the under-16, 4-kilometre cross-country run, finishing 11th fastest in this national event. Katie has been running for less than two years and is already competing at an advanced level. She won the Brighton Bay Run in the women's open level over a distance of 5 kilometres as well as the New Balance Lap of the Lake under-18 female event. Katie is also a member of the under-16 volleyball team, which won the Victorian state school championships and came second in the national competition. She is also a member of the Belgrave Panthers A-grade basketball team. She is a very accomplished athlete indeed.

Melissa, aged 13, competed in the under-14, 3-kilometre cross-country event, finishing 14th fastest in this national event. Both Melissa and Katie ran in their respective 2-kilometre relay events, with their teams both finishing third. They both attend Upwey High School and have done Victoria, their community and their school proud.

Jordan, who is in grade 5 at Boronia Primary School, represented Victoria at this championship event, finishing 15th fastest in his cross-country race.

I would like to congratulate Jordan, Melissa and Katie on their excellent performances as well as to wish them

luck in their future sporting and academic endeavours. Well done!

Mirrimbeena Aboriginal education group

Mr MAUGHAN (Rodney) — Several years ago Echuca Aboriginal artist Clive Atkinson observed a division in the community that was widening, and in order to do something constructive to close the gap he formed the Mirrimbeena Aboriginal education group with the assistance of some like-minded people.

The group operates under a seven-member volunteer committee of management, is a registered adult, community and further education training provider and is a current member of Adult Community Education, Victoria. One of the objectives of the group is to encourage early school leavers and young people at risk to return to study without the necessity to return to a classroom environment. Courses are offered in literacy, music, ceramics and, more recently, a woodwork program, encouraging people of all ages to learn and leading them into further education and employment. In July 2002 Minister Hamilton launched the bush furniture course. Some of that furniture has subsequently been displayed in the Museum of Victoria in Melbourne.

The very commendable aims of Mirrimbeena are to encourage the youth of the district to return to study or to embark on some form of industry training, and to foster the spirit of reconciliation and encourage the local Aboriginal community to access education and training in order to progress to some form of meaningful employment. I congratulate Clive and Judy Atkinson, Gwen Smith and members of the committee of management on the very real contribution that they are making both to education and to meaningful Aboriginal reconciliation.

Housing: Ballarat

Ms OVERINGTON (Ballarat West) — Last Friday I had the privilege of attending the official opening of a recently renovated independent singles accommodation house for 15 Ballarat residents. The original building was constructed as a school boarding house in 1956 and was purchased by the Office of Housing in 2001. It has been renovated to provide 15 self-contained bed-sit rooms, with two having disability access. The renovation includes an emphasis on energy efficiency and environmental issues, with the building being upgraded to five-star energy rating with solar water, water-saving appliances and low-irrigation gardens.

The end result is a stunning building that provides safe, secure and comfortable accommodation for single women and men aged between 25 and 56 and predominantly with a mental illness. The building is managed by Centacare on behalf of the Catholic Diocese of Ballarat. Centacare also provides support services for the residents. I congratulate David Beaver and the very dedicated staff for their continuing care of the people who reside there.

One of the residents proudly showed us her new home. It had all her worldly goods in it, was very homely and she was so proud of it. She did tell us that whilst it gave her independence and privacy, it was the first time in her life that she felt safe and secure. The house is staffed at all times and there is security at the front door. I congratulate Centacare.

Road safety: speed cameras

Mr MULDER (Polwarth) — The Minister for Transport has announced that as from 8 December speed cameras will be operating on the West Gate Bridge, snapping motorists as they go downhill. Not long after this cash grab the minister will install banks of speed cameras along the Geelong–Melbourne road.

The minister is yet to advise the people of Geelong how many individual fines they can receive along the stretch of road from Geelong to the Melbourne side of the West Gate Bridge, or could it in fact be that the Minister for Transport does not know, just as he did not know what the circumstances were surrounding the point-to-point cameras on the Hume Highway? In that case the minister said that speeding motorists would get multiple fines, the police said they had discretion, and the injury-prone Minister for Police and Emergency Services indicated that it was just like shoplifting in a department store: if you steal five items from five different departments, then you will get charged with five different offences.

Since the previous Liberal government's upgrade of the Geelong–Melbourne road has been completed, it has become one of the safest roads in the state, which points to the fact that the Bracks Labor government is targeting the Geelong–Melbourne road because of traffic volumes, not road safety. Geelong motorists need to know why they are being targeted by the Bracks Labor government. It has already been proved that the Bracks government is targeting Geelong motorists over and above those in other major regional centres, with the Premier's home town of Ballarat being the only regional centre experiencing a cutback in speed camera revenue, as shown when quarterly figures were last obtained. The Minister for Transport is

nothing more than a lap-dog for the Victorian Treasurer, who is using speed camera revenue to plug the black hole in his budget.

Liberal Party: disunity

Mr BATCHELOR (Minister for Transport) — The Liberal Party has once again failed to look after the interests of Victoria. It has a well-deserved reputation for letting down the state, the people of Victoria and the economy. Its members are now letting down their own division of the Liberal Party.

For some time now federal Treasurer, Peter Costello, has been the senior Victorian Liberal, waiting loyally in the wings to take over from John Howard as leader. But in Victoria the Liberal Party is so divided that one half is actively supporting Malcolm Turnbull's preselection bid because they want Mr Turnbull to take over the leadership from John Howard and block Costello from ever being leader. This is the agenda of the Kennett faction here in Victoria, and we have members of that faction in the house.

Mr Perton — My point of order, Acting Speaker, relates to the minister seeking to cast aspersions on any member of this house. Should the minister tread down that path, I ask you to prevent him going any further.

The ACTING SPEAKER (Mr Kotsiras) — Order! At this time there is no point of order.

Mr BATCHELOR — Once again these Kennett forces are using Andrew Peacock as their stalking horse. Who can forget those tapes? The other faction in Victoria is so obsessed with propping up the current Leader of the Opposition that its members are remaining silent, mute and ineffectual in defending or promoting Mr Costello. They would rather cling to the leadership here in opposition in Victoria than have a Victorian as federal leader of the Liberal Party. A blood sport of the wealthy is taking place in Sydney. It is a corruption of the democratic processes. It is outrageous and you would think the Liberal Party here in Victoria would be defending Mr Costello and trying to keep him as the prospective future leader of the Liberal Party.

Human rights: protection

Ms CAMPBELL (Pascoe Vale) — Congratulations to Nobel Peace Prize winner Shirin Ebadi. Ms Ebadi has worked to achieve human rights and democracy in Iran, including campaigning for women's rights.

I also want to congratulate another mooted contender for the Nobel Prize, who today celebrates the 25th anniversary of his pontificate — that is, Pope John

Paul II. Since his teenage years he has worked to achieve human rights in his country and around the world. As a member of Amnesty International I believe it is important for all of us to put forward the United Nations Universal Declaration of Human Rights.

In my own electorate I believe those human rights were violated when the Australian Federal Police raided the home of the Hosseini family, a family that has shown its ongoing support for human rights in Iran. The AFP raided the family home months ago and removed items, including their daughter's school work and pocket money, family photographs, the family credit cards and a Medicare cheque for Mr Hosseini's monthly visit to receive care for the suffering that he is still experiencing due to the removal of two ribs, which occurred as a result of torture in Iran.

Good luck to Nosrat, who is about to sit her final Victorian certificate of education exams. I trust that she will not be feeling that she is living under Big Brother and that her family is being terrorised here in Victoria. It is something that I believe the AFP needs to take up. They should return the families' photos and personal belongings.

Victorian Schools State Constitutional Convention

Ms GILLETT (Tarneit) — On Monday, 13 October 2003, the 10th Victorian Schools State Constitutional Convention was held here at the Parliament of Victoria. There were 75 student delegates from 26 schools across Victoria representing the government, Catholic and independent school sectors. Student delegates discussed the issue 'Do democratic rights begin at 18?'. I was privileged to chair the constitutional convention, which was opened by the Minister for Education and Training.

The day commenced with the issue being introduced by Dr John Chesterman from the department of political science at the University of Melbourne. Dr Chesterman identified the range of issues students needed to consider before they finally decided their personal position on the issue. A campaign followed during which three speakers presented their views on the subject. The speakers were Miss Alyse Cook, from Timboon P-12 School; Mr Yorrnan Pelekanakis, from Westbourne Grammar; and Mr Geoff Lake, who is mayor of the city of Monash. As members would anticipate, the debate was lively, vigorous and absolutely inspirational. Student delegates attending the state convention were invited to ask questions of any of the speakers and to challenge their positions. Students then broke into small groups to consider the subject.

In conclusion I would like to say what a privilege it was to chair the day. I thank the State Constitutional Convention planning committee members: our own Karen Dowling, Gerard Broadfoot, Jennie Toyne, Margaret Hibbins and Jenny Shenck.

The ACTING SPEAKER (Mr Kotsiras) — Order! The member for Bayswater has 1 minute.

Knox Leader business awards

Mr LOCKWOOD (Bayswater) — Recently I had the honour of representing the Minister for Small Business at the Leader business awards for Knox. Many fine businesses were represented from across Knox. I am pleased to say that many of the winners and runners-up are located in my electorate of Bayswater.

The award winners from my electorate were: Crown on the Hill Cellars, Bayswater Industrial Wear, King Club, Bayswater Hotel, Curtains Direct and Community Pharmacy in the Wantirna Mall. Runners-up in my electorate were Bayswater Cake Kitchen, Safeway Bayswater, Boocook Discount Meats, Lily's Floral Boutique, Studfield Fruit and Veg, Salon 727 Hairdressing, F. and J. Hardware, Wantirna Health and Squash, Knox Leisureworks YMCA, The Knox Club, Wantirna Hill Hotel, Omega Paveland, Santa's Fun Factory, Stockdale and Leggo Bayswater, Henry's Restaurant and JMI Automotive. Studfield shopping strip won the Knox City Council award as the best shopping strip in the municipality.

I congratulate all the award winners and runners-up on being quality businesses in the eyes of their customers, who nominate them and vote for them. They are mostly small businesses which sustain the local community of Bayswater. I very much appreciate the contributions they all make to my local area and to the state.

The ACTING SPEAKER (Mr Kotsiras) — Order! The time for members statements has expired.

EMERALD TOURIST RAILWAY (AMENDMENT) BILL

Second reading

Mr PANDAZOPOULOS (Minister for Tourism) — I move:

That this bill be now read a second time.

I am pleased to introduce the Emerald Tourist Railway (Amendment) bill into the house.

Tourism is vital to the Victorian economy. It employs in the vicinity of 150 000 Victorians and has enormous potential for growth.

The tourism industry has experienced difficult times with the collapse of Ansett, the 11 September tragedy and, more recently, Victoria's drought. The government is continuing to aggressively market Victoria's attractions and untap the potential for future growth across the state.

One of the significant tourism attractions for the state is the Puffing Billy Railway, which operates tourist railway services from Belgrave to Gembrook.

The development and enhancement of new and existing tourist attractions and market strengths is a key priority for the Bracks government. Family-based attractions such as Puffing Billy are particularly important.

Puffing Billy is a key tourism icon for Victoria, of statewide significance in economic terms. It attracts over 250 000 visitors every year and is firmly embedded in the consciousness of most Victorians.

Despite a general increase in visitation, the railway is facing considerable long-term challenges which must be addressed in order to maintain its viability. As identified in the 10-year plan for Puffing Billy, it is vital to look at ways to strengthen the railway's capacity to be self-sustaining and, in particular, to take advantage of commercial opportunities for the railway.

The government has committed \$1.7 million to Puffing Billy for long-term capital infrastructure and stock upgrades required to keep the railway operating in a safe manner. Whilst this government funding is important, the facilitation of further development opportunities will help the railway to become more self-sufficient and reduce its reliance on government funding assistance.

Under the Emerald Tourist Railway Act 1977, Puffing Billy is managed by the Emerald Tourist Railway Board, which is responsible for the railway's operations and the provision and maintenance of other facilities and infrastructure supporting the railway.

The board is keen to facilitate commercial development that is complementary to Puffing Billy's operations as a major tourist attraction. The development of tourist facilities such as interpretive centres, cafes, restaurants and tourist accommodation will help to bring new patrons to the railway, increase expenditure and overnight stays in the region and generate increased lease revenue for the railway.

To take advantage of these important opportunities, the board needs the capacity to offer leases that are commercially attractive.

Currently, the board is unable to offer leases over vested Crown land for terms longer than 21 years, the maximum period prescribed by the Crown Land (Reserves) Act 1978. Given the level of investment required for the development and maintenance of tourist facilities, a lease period of 21 years will not offer potential investors adequate security of tenure.

The bill amends the Emerald Tourist Railway Act to allow the board to grant leases of up to 50 years over vested Crown land. Leases exceeding 21 years will be required to be approved by the minister before being granted by the board.

The bill also contains several other amendments which update the Emerald Tourist Railway Act to reflect the board's important role in facilitating tourist development for Puffing Billy.

Section 3 of the act invests the board with the power to carry out activities consistent with the railway's operations as a major tourist attraction. The bill clarifies that this power includes the development, construction and management of tourist facilities.

The bill also updates the purposes for which leases can be granted under section 41 of the act to include tourist facilities.

The amendments proposed under this bill are consistent with the spirit and intention of the Emerald Tourist Railway Act which recognises the importance of Puffing Billy as a major tourist attraction.

Through this bill, the government aims to strengthen the viability of the Puffing Billy Railway and lessen calls for government assistance.

I commend this bill to the house and encourage the house to monitor, with me, the progress of Puffing Billy in the coming years.

Debate adjourned on motion of Mr BAILLIEU (Hawthorn).

Debate adjourned until Thursday, 30 October.

FAIR TRADING (FURTHER AMENDMENT) BILL

Second reading

Mr HULLS (Attorney-General) — I move:

That this bill be now read a second time.

The primary purpose of the bill is to amend the Fair Trading Act 1999 to implement the recommendations of the report of the Fair Trading Act review reference panel (telemarketing) in its report to the Minister for Consumer Affairs in June this year on the optimal statutory regime for telemarketing.

Telemarketing is an unsolicited and often intrusive form of selling that closely resembles door-to-door selling.

The original Fair Trading Act review reference panel, which was chaired by Bob Stensholt, the member for Burwood, conducted a public review of the act in 2001 and 2002 and in its report to the then Minister for Consumer Affairs in June 2002 recommended that telemarketing be regulated along the same lines as door-to-door selling is regulated under the act.

The report stated that consumers can be put under similar sales pressure in telemarketing as in door-to-door sales; that vulnerable consumers might have as much difficulty resisting a telemarketer as a door-to-door seller; and that, like door-to-door-selling, telemarketing is trader initiated.

Provisions for such regulation were included in the Fair Trading (Amendment) Bill that was introduced in the spring 2002 session of Parliament. However, the bill lapsed with the calling of the election.

Subsequently, the government responded to concerns expressed by gas and electricity retailers and the Essential Services Commissioner about the interrelationship between the proposed telemarketing regime and the regime operating under the energy retail codes, and referred the question of the optimal regime to a differently constituted Fair Trading Act review reference panel, with enhanced representation of telemarketing interests, again chaired by the member for Burwood.

The panel included representatives from the Consumer Law Centre Victoria, the Consumer Credit Legal Service, the Australian Retailers Association (Vic), the Energy Retailers Association of Australia, the Australian Direct Marketing Association and the Law Institute of Victoria, and was assisted by Consumer Affairs Victoria.

Most of the panel's recommendations have been accepted and are reflected in the bill, and the government again records its appreciation for the efforts of the panel and of the member for Burwood in producing the report.

In introducing the bill the government is conscious of the need to move towards a nationally consistent position on telemarketing, and Victoria will work further with New South Wales, and any other Australian jurisdiction that regulates telemarketing, to move towards uniform provisions.

The bill provides that:

a telemarketing agreement commences on the date of the telephone conversation in which the agreement was reached, provided that the consumer has given 'explicit informed consent' to the agreement;

records of 'explicit informed consent' must be kept by the telemarketer and made available for inspection by Consumer Affairs Victoria;

consumers must be advised in the telephone conversation of their cooling-off rights;

consumers must be sent a prescribed cooling-off notice and the terms of the agreement (in writing) within five days of the telephone conversation or any longer agreed period;

a cooling-off period of 10 days commences from the date of receipt by the consumer of the cooling-off notice and the copy of the agreement;

there is a six-month 'penalty' cooling-off right where the trader fails to send the cooling-off notice and the copy of the agreement;

consumers can exercise their cooling-off right by telephoning the trader;

the hours of telemarketing are restricted to 9.00 a.m. to 8.00 p.m. on weekdays, 9.00 a.m. to 5.00 p.m. on Saturdays and Sundays, and precluded on public holidays; and

otherwise, similar requirements apply as for door-to-door selling under the act.

In order to ensure that the current telemarketing provisions of the energy retail codes are not unnecessarily disturbed by the proposed telemarketing regime under the bill, the bill provides that:

energy contracts that comply with the provisions of the Electricity Industry Act 2000 and the Gas Industry Act 2001 regulating standard terms and conditions, and overseeing retail tariffs for consumers covered by the energy consumer safety net, do not attract a cooling-off right under the proposed telemarketing regime, because they do not

attract a cooling-off right under the energy retail codes, on the basis that the terms and conditions are consistent with the energy retail codes;

the specialised provisions of the energy retail codes covering the timing of the retailer's obligation to send required documentation to consumers and the timing of the consumer's receipt of that documentation prevail over the somewhat different requirements in the telemarketing regime;

the provisions of the Electricity Industry Act 2000 and the Gas Industry Act 2001 relating to gazettal of variations to the standard terms of energy contracts prevail over the requirement under the proposed telemarketing regime, and under the current contact sales agreement provisions of the Fair Trading Act 1999, for each party to sign amendments to the agreement; and

deemed energy contracts under the Electricity Industry Act 2000 and the Gas Industry Act 2001 do not attract the contract cancellation procedures of the proposed telemarketing regime, in the same way that those acts currently provide that deemed contracts do not attract the contract cancellation procedures of the contact sales agreement and non-contact sales agreement provisions of the Fair Trading Act 1999.

The bill will also amend the provisions of the Fair Trading (Amendment) Act 2003 that relocate to the Fair Trading Act 1999 the provisions of the Goods Act 1958 which imply certain conditions and warranties into consumer contracts for the supply of goods and services. These amendments ensure that the exclusions given under the implied terms provisions of the Trade Practices Act 1974 are replicated in the Victorian provisions for consistency. The exclusions apply to services provided under a contract for the transport or storage of goods for the customer's business, services provided under a contract of insurance, and professional services of architects or engineers.

It will also remove the requirement for 'recreational service providers' to obtain consumers' signatures on a waiver purporting to exclude the implied conditions and warranties. The signature requirement is to be removed because it is recognised that it has been difficult or impractical for many such providers to obtain the signatures, leaving them unable to take advantage of the ability to obtain waivers of the implied terms. That ability is part of the government's response to the public liability insurance crisis.

The bill will streamline the processes for government guarantees of cooperatives borrowings under the

Co-operatives Act 1996, by removing the requirement for Governor in Council approval of the Treasurer's decision to guarantee small borrowings by cooperatives, will increase the aggregate limit on the amount for which guarantees can be executed because that limit is now being reached and is out of date, and will provide a more flexible arrangement for its future increase by allowing it to be done by regulation.

Finally, the bill will make a range of other minor amendments. For example, the Fair Trading Act 1999 will be amended to clarify definitions in its unfair contract term provisions, clarify the details that an advertiser must provide to the publisher under section 29, and remove the need for prescribed forms in some situations where prescription is considered unnecessary. The Credit (Administration) Act 1984 will also be amended to allow the director of Consumer Affairs Victoria to apply for grants from the Consumer Credit Fund.

I commend the bill to the house.

Debate adjourned on motion of Mr McINTOSH (Kew).

Debate adjourned until Thursday, 30 October.

UNCLAIMED MONEYS (AMENDMENT) BILL

Second reading

Mr BRUMBY (Treasurer) — I move:

That this bill be now read a second time.

The primary purpose of the bill is to amend the Unclaimed Moneys Act 1962. These amendments are necessary to ensure the act:

operates in accordance with the Information Privacy Act 2000;

clearly defines the powers of the registrar of unclaimed moneys; and

reflects contemporary practices.

With the exception of some minor amendments in 1993 and the introduction of part 4 dealing with unclaimed superannuation benefits, the act has remained unchanged since 1962. During this time some of the processes relating to the collection and publication of unclaimed money information have become dated.

With the introduction of the Information Privacy Act 2000, new standards were introduced for the collection,

use and disclosure of personal information. As the registrar of unclaimed moneys is required to collect and maintain information of a personal nature, it is important that the Unclaimed Moneys Act 1962 be updated to reflect these new standards.

The Information Privacy Act 2000 also places particular importance on the issue of purpose. While the Unclaimed Moneys Act 1962 contains an implied purpose, it is not clearly specified. This is a significant deficiency that must be addressed by including a clear statement of purpose in the act.

The act is also deficient with respect to the powers of the registrar of unclaimed moneys to collect, use and disclose information. It is unclear what information can be collected and maintained using these powers. There is also some uncertainty about the powers of the registrar in relation to the publication of information on unclaimed moneys.

In addition to the several specific deficiencies with the act, there is a need to restructure the overall administration of unclaimed moneys and provide for a more up-to-date approach to the management of unclaimed moneys.

This bill proposes a number of amendments to the act that address all of these deficiencies. This will result in an act that reflects contemporary practices, meets information privacy requirements, provides clear powers for the registrar of unclaimed moneys, and provides an improved service for Victorians seeking their money.

The bill proposes the introduction of an overall primary purpose to the principal act and, additionally, a special purpose to part 3 of the act, which will explicitly outline the intentions of the act. The introduction of these clauses will amend the act to meet the requirements of the Information Privacy Act 2000.

To address any uncertainties relating to the powers of the registrar, sections 12 and 13 of the act will be amended.

Section 12 will provide specific detail on the collection, use and disclosure of information on unclaimed moneys. This will include the power to publish information on the unclaimed moneys web site. This web site continues to be very popular with the public as a means for locating their moneys. The wide discretion given to the registrar, to advertise and publish the collected information, will be exercised in accordance with the purposes of the amended act and the Information Privacy Act 2000.

Section 13 of the act will be amended to broaden the inspection powers of the registrar to ensure compliance with the act by businesses and trustees. In line with current government recommendations on inspection powers, the amendments are consistent with the Victorian parliamentary Law Reform Committee report.

This bill amends the definition of unclaimed money to be any amount equal to or greater than \$20, which will bring Victoria into line with other states in Australia. The change is designed to reduce the administrative burden on business and government, as 67 per cent of the current administrative effort is being applied to amounts less than \$20.

As part of the proposed amendments, the definition of a 'business' for the purposes of the act will be changed to capture any organisations that are operating in Victoria but which may be incorporated in other states. These organisations may currently be remitting their unclaimed moneys to those states rather than to Victoria.

Trustee companies who are holding unclaimed moneys will also be included in the definition of a business and will therefore be subject to the same provisions of the act. This is considered imperative to ensure that unclaimed moneys are treated in the same way regardless of who is holding it.

The amendments in this bill also require trustees to distinguish between unclaimed moneys and unclaimed property, which are currently treated as the same.

Under the act, businesses are currently required to advertise all individual unclaimed moneys equal to or above \$100. The proposed amendments raise this threshold to \$200 and bring Victoria into line with other states. Furthermore, businesses currently advertise unclaimed moneys in a large number of different government gazettes during the year. Businesses will now only be required to advertise in one special, annual edition of the *Government Gazette*. This is a significant improvement and will greatly benefit owners by making it much easier to locate their money.

A further amendment proposed in this bill is the introduction of a requirement for businesses to provide a return to the registrar that incorporates the lodgment statement that is currently provided. The return will include a compliance statement indicating that a reasonable effort has been made to locate the owners of the unclaimed moneys. The return will also show for the 12-month period prior to lodgment a summary of the total amount of unclaimed moneys at the start, the

total of unclaimed moneys paid to owners and a breakdown of costs incurred in that process.

In line with the scale in the Sentencing Act 1991 and the Department of Justice recommendations, the structure and value of penalties in the act have been revised in the proposed amendments. For example, the penalty for not lodging a return with the registrar will be up to a maximum of \$12 000.

The proposed amendments to the Unclaimed Moneys Act 1962 will result in the more efficient and effective management of unclaimed moneys and an improved service to all Victorians. This will contribute to the key government strategic areas of sound financial management and the promotion of the rights of all Victorians.

I commend the bill to the house.

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

Debate adjourned until Thursday, 30 October.

STATE TAXATION ACTS (FURTHER MISCELLANEOUS AMENDMENTS) BILL

Second reading

Mr BRUMBY (Treasurer) — I move:

That this bill be now read a second time.

This bill makes a number of important amendments to the Duties Act 2000, the Taxation Administration Act 1997, the Land Tax Act 1958 and the First Home Owner Grant Act 2000. In line with the government's commitment to a fair and efficient taxation system, these amendments will clarify administration and enhance uniformity with other jurisdictions where appropriate. These amendments will also improve compliance and protect the revenue base.

Amendments to the Duties Act 2000

The bill introduces significant amendments to chapter 11 of the Duties Act, which contains the exemption from duty available where transfers of property take place as part of a corporate reconstruction. The exemption is intended to ensure that bona fide corporate reconstructions are not impeded or distorted by taxation implications. At present the act provides that a transfer of property arising out of a bona fide corporate reconstruction is exempt from duty to the extent determined by the minister, under guidelines approved by the minister.

These guidelines currently require that the transfer of property be between members of a pre-existing corporate group, and that the transferred property be held within that group for a set period of time. They also provide for revocation of the exemption in certain circumstances, meaning the duty that would have been paid if the exemption had not been given becomes payable.

It is proposed that these important issues are better specified more fully in the legislation rather than guidelines because this will provide greater certainty for the community. By moving certain aspects of the exemption into the act the government is also providing equity of treatment between taxpayers.

The bill introduces joint and several liability for members of a corporate group where an exemption is revoked. This is an important tool to prevent revenue leakage via transfer of assets and similar provisions exist under the Pay-roll Tax Act. The amendment will also provide legislative authority for the imposition and recovery of duty plus penalty and interest.

The terms of the exemption have been subject to extensive consultation with industry and with other jurisdictions and these changes are welcomed.

The bill also includes a measure announced publicly on 15 August 2003 to stop those who are avoiding mortgage duty by using a concession designed to assist legitimate company capital raisings. Some companies raise funds by issuing debentures to the public and then guaranteeing or securing payment of monies borrowed by issuing a mortgage over company property. The current provisions were intended to ensure that full duty was paid on this type of corporate fundraising. However, to avoid a substantial duty liability upon initial execution of the mortgage, a concessional rate and progressive instalment payment regime was established.

The commissioner has detected an increase in the number of notifications of proposed mortgage-backed debenture issues. However there is no liability to duty in a number of cases because the debentures are not being issued to the public but to financial institutions outside Victoria. The use of these debentures rather than direct borrowings secured by mortgage is driven solely by efforts to minimise duty.

Mortgage duty is to be abolished from 1 July 2004. However, in the interim, the government must move to protect the revenue base from identified duty avoidance schemes. These amendments will be retrospective, effective from the day of that public announcement, and

they are in line with similar announcements made recently in New South Wales to its duties legislation.

Amendments to the Taxation Administration Act 1997

The government is amending the Taxation Administration Act to allow the disclosure of information to the director of fair trading and to a member of the Australian Federal Police. Whilst conscious of an individual's rights to privacy, as evidenced by the establishment of the Office of the Victorian Privacy Commissioner, this government is committed to the sharing of appropriate information where it is in the public interest to do so.

Taxation investigations may disclose consumer protection issues outside the commissioner's jurisdiction, which should be the subject of inquiry by consumer and business affairs Victoria. Similarly, the police may request information from the commissioner in furtherance of criminal investigations. The commissioner may disclose information to the Victoria Police and the amendment will enable disclosure to the Australian Federal Police also.

The bill further amends the objection provisions of the act to remove any ambiguity and ensure consistency with other jurisdictions. The amendments confirm that a taxpayer who receives a reassessment and wishes to object to that reassessment can only object to that portion of the reassessment that imposes a fresh liability or increases an existing liability.

Amendments to the Land Tax Act 1958

The government recognises the importance of exemptions designed to benefit and protect our rural industries, and this bill contains amendments to reflect changes in agricultural practices. Amendments are required to the primary production definitions in the act so that activities such as conversion of produce before sale, for example the conversion of grapes into wine, are included.

In 1991 the government of the day introduced an exemption from land tax in favour of land used and occupied as a retirement village. This bill contains amendments to this exemption to confirm the intended scope of the exemption and clarify its extent.

These amendments are necessary following the Victorian Civil and Administrative Tribunal (VCAT) decision in *Burwood Terrace Pty Ltd v. Commissioner of State Revenue* in March 2002. That decision significantly widened the scope of the exemption by determining that it should be wholly available even

where not all of the land was actually used and occupied as a retirement village at the relevant date for land tax assessing.

The amendments will clarify the scope of the exemption and repeal an unused formula for calculating a reduction in the unimproved value of land where part only is used and occupied as a retirement village, to provide greater certainty for taxpayers and considerably ease administration for taxpayers and the State Revenue Office.

There are also amendments in the bill regarding the exemption from land tax for land used and occupied as a principal place of residence. As a matter of fairness, a discretion is to be provided to the commissioner to extend the periods allowed for particular sets of circumstances during which the principal place of residence exemption should be available. These include situations of damage or destruction, builder inefficiency or other factors beyond the taxpayer's control.

The bill makes one further minor amendment to the Land Tax Act whereby the term 'premises' is given the same definition as it has in the Taxation Administration Act.

Amendments to the First Home Owner Grant Act 2000

The bill introduces a number of measures to the First Home Owner Grant Act that will ensure the grant is limited to genuine first home owners and ensure consistency across jurisdictions. These amendments will aid the State Revenue Office in recovery of grants made in error or due to incorrect information, and that will ensure interest may be charged on both the amount to be repaid and any penalty imposed.

The Bracks government has made it clear that the eligibility criteria for the first home owner grant scheme (which were set by the commonwealth) are unfair and not targeted at those most in need of the grant. In its current form, the scheme is allowing very wealthy Australians to use the grant to purchase million-dollar homes. Since 1 July 2000, almost 80 Victorians have received the first home owner grant to purchase homes worth more than \$1 million. Some 1400 Victorians have utilised the grant to purchase homes above \$500 000. Across Australia, it is estimated that around \$35 million has been spent providing the grant to home buyers purchasing a first home worth \$500 000 or above. It is this government's view that the scheme should be limited to properties worth up to \$500 000 — rather than allowing taxpayer funds to be used to purchase high-value properties.

Under the intergovernmental agreement on the reform of commonwealth-state financial relations, the capping (or means testing) of the first home owner grant is currently prohibited. The introduction of means testing via a capped value limit would therefore require the agreement of the other states and the commonwealth before it could be implemented. Without such agreement, Victoria would be in breach of the intergovernmental agreement and could face financial penalty. Regrettably, the commonwealth Treasurer has failed to support a capped value limit, but the Victorian government will continue to pursue this matter because it is concerned to ensure that the scheme helps those who really need it. For the reasons I have just stated, this bill does not provide for the introduction of means testing or a capped value limit. It does, however, provide for amendments that will improve the administration of the scheme, to which I will now refer.

There is agreement across all jurisdictions that the residence requirement is to be set as a minimum of at least 6 continuous months occupation commencing within 12 months of the date of the eligible transaction. This amendment is to take effect from 1 January 2004 and the other jurisdictions are expected to follow Victoria's lead in legislating this requirement in due course. The residency requirement is further amended so that, in the case of joint applicants, it is sufficient if only one person occupies the property for 6 months.

This bill also strengthens the act to include a minimum age requirement of 18 years. This ensures that existing home owners are unable to apply for the grant in the names of their children and therefore unfairly benefit from the grant. South Australia and New South Wales have also prescribed a minimum age for the grant.

All of the eligibility criteria in this act, except for the residency requirement, are designed to be met at the time of completion of the eligible transaction. Although this can be inferred from the legislation, the government is making a minor amendment to specifically state this for the purposes of clarity.

The government is further clarifying the eligibility criteria to ensure that current policy regarding prior interests is clearly reflected in the act. It was intended that a genuine first home owner who purchases a home under a nomination agreement should be eligible for the grant. The government is therefore making an amendment to remove any doubt about this scenario. The amendment specifies that an eligible transaction is completed where a purchaser of a home, or a nominee of the purchaser who has provided valuable consideration, becomes entitled to possession of that home.

This government is determined that the first home owner grant will be administered as fairly as possible. Therefore where the grant has been paid in error or due to incorrect information there should be clear and strong powers of recovery, and indeed there need to be powerful disincentives for the deliberate roting of the grant. To this end this bill contains amendments allowing clear and certain registration provisions for statutory charges, and the imposition of interest where a grant has been reversed but not repaid.

I commend the bill to the house.

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

Debate adjourned until Thursday, 30 October.

PROFESSIONAL STANDARDS BILL

Second reading

Mr BRUMBY (Treasurer) — I move:

That this bill be now read a second time.

Introduction

The increased costs and reduced availability of professional indemnity insurance is a real issue for many occupations and consumers alike.

A JP Morgan and Deloitte joint survey of the general insurance industry found that, in 2002, the professional indemnity insurance market recorded a 51 per cent premium rate increase. It also forecast premium increases of 27 per cent for 2003 and 13 per cent for 2004. The same survey also noted the withdrawal of many insurance companies from the local professional indemnity insurance market.

The Professional Standards Bill addresses the ongoing availability and affordability of professional indemnity insurance by introducing limited liability while also protecting consumer interests through requiring the adoption of rigorous risk-management standards and practices.

Objectives

The objects of this bill are to:

enable the creation of schemes to limit the civil liability of professionals and members of occupational associations and groups;

facilitate the improvement of occupational standards of such persons and to protect the consumers that receive their services; and

establish the Professional Standards Council to supervise the preparation and approval of schemes and to assist in the improvement of occupational standards and protection of consumers.

Application

This bill is not confined to the traditional professions of accounting, law and engineering. It can apply more broadly to all occupational associations. As such this bill offers a genuine opportunity to influence and improve standards across a range of occupational groups.

Capping

This bill limits liability by imposing a cap on the level of professional liability damages for pure economic loss. The cap will not apply to liability arising from claims for death, personal injury or any conduct involving a breach of trust, fraud or dishonesty. In particular, the bill does not apply to claims against the medical profession.

The concept of capping professional liability damages has attracted some criticism because it is perceived as unfairly removing from consumers the right to obtain redress for losses exceeding the statutory cap.

However, the concept of capping professional liability is not new.

Professional liability has always been capped, in a practical sense, by limits on the resources available to compensate loss. An entitlement of full compensation can be illusory. It is no consolation to a claimant to receive an award for full compensation when there are insufficient assets available to meet the damages awarded.

Secondly, from a consumer perspective, under this bill caps will be set at levels that are significantly higher than average consumer claims while remaining within the scope of insurable risks. In practice, the caps would apply overwhelmingly to claims by larger commercial clients. It is legitimate to expect such commercial clients to have a professional knowledge of commercial risks.

Thirdly, once professionals know that their potential liability is limited and can be covered by insurance, they would no longer need to resort to creative techniques such as discretionary trusts to protect their assets from potential plaintiffs or, alternatively, to 'run bare' by refusing to carry any insurance cover at all. Capping professional liability will, in other words,

maximise the incentives for professionals to maintain adequate insurance levels.

Liability may be capped, under this bill, by reference to:

- insurance arrangements;
- business assets;
- a multiple of the professional service fee; or
- a combination of all three.

The bill, which is designed to be flexible, provides that a minimum threshold cap of \$500 000 would apply in all cases. The cap on liability can vary between and within occupational groups, reflecting the perceived level of risk to which potential clients may be exposed. For example, the New South Wales solicitors scheme sets caps that range from a minimum of \$1.5 million up to \$50 million.

Risk management

A corollary requirement for professionals benefiting from a liability cap is the obligation to develop and adhere to risk management strategies.

Consumer interests will be protected and occupational standards improved by a range of tailored risk management strategies which may include: codes of practice, codes of ethics, quality management, claims monitoring and review, voluntary mediation services and continuing professional education.

Adopting such risk management strategies should result in enhanced professional practices and reduced claims.

The success of any risk management strategy also depends upon an effective complaint and disciplinary system. Such a system provides a more efficient and cost effective way of dealing with consumer concerns, rather than resorting to civil litigation.

The Professional Standards Council (the council)

This bill, in its form as template legislation, is modelled upon professional standards legislation enacted in New South Wales and Western Australia. At a ministerial meeting on insurance issues in August 2003, all jurisdictions confirmed their commitment to implementing professional standards legislation on a nationally consistent basis. The commonwealth government formally recognised the importance of a national approach to professional standards and agreed to amend the Trade Practices Act 1974 to support this legislation.

Consistent with New South Wales and Western Australian legislation, this bill provides for the responsible minister to appoint an independent Professional Standards Council. To avoid duplicating the same arrangements in each state, New South Wales and Western Australia have appointed the same persons to their respective professional standard councils. Victoria proposes to adopt the same approach. In the long term, this will facilitate the emergence of a national council comprising members from each state and territory, thus reflecting the national structure of many occupational associations.

Despite its national character, the council will continue to be accountable at a state level to:

- the direction of the responsible minister; and
- the operation of the Victorian Financial Management Act 1994.

The role of the Professional Standards Council

Under the bill, the council is responsible for supervising the preparation and approval of schemes for limiting the occupational liability of a member of the relevant association.

An occupational association is responsible for developing a scheme in consultation with the council. As well as limiting professional liability a scheme must address:

- the level of compulsory professional indemnity insurance; and
- risk management standards, including complaints and disciplinary systems.

In considering a scheme, the council is required to consider all comments and submissions that it receives. Public hearings may also be conducted. Having approved an application, the council is required to submit a scheme to the responsible minister for approval and gazettal. Following publication of the scheme in the *Government Gazette*, the scheme will apply as though it were a statutory rule. However, there is a two-month interim period before the scheme commences. This allows any person who is reasonably likely to be affected by the scheme to challenge the scheme's validity before its commencement.

A scheme may operate for up to five years. However, the council retains an overriding discretion to extend, revoke or amend an existing scheme. The council also has authority to audit member compliance.

The council will also have overall responsibility for monitoring and reporting on the operation of the legislation and maintaining a charter to promote ethical behaviours by encouraging and assisting in the development of professional standards.

Scheme membership

Membership of a scheme is voluntary. Under the bill a scheme would not be imposed on any profession or occupation. Different professional and occupational associations or groups will be responsible for determining whether they wish to participate in professional standards by applying to the council to register a scheme.

A scheme may apply to all, or certain classes of its members. Such flexibility is essential as not all members of a professional association may be engaged in providing services to a member of the general public. One clear example where this scenario may apply is in relation to student members.

Statements under section 85(5) of the Constitution Act 1975

I wish to make the following statement under section 85(5) of the Constitution Act 1975 of the reason for altering or varying section 85 of that act.

Clause 55 states that it is the intention of clauses 30, 31 and 48 of this bill to alter or vary section 85 of the Constitution Act 1975 in the following ways.

Clause 30 provides for the limitation of occupational liability by the member of an approved scheme. The liability of a member of a scheme will be limited by reference to the relevant scheme. Under this bill, a scheme will limit liability by reference to insurance arrangements, business assets, a multiple of the fees charged or a combination of these three different facets. It provides that the court may give judgment against each defendant for not more than that amount.

However, this limitation on liability will only apply for any cause of action based on an act or omission that has occurred while the scheme is in force.

The reason for imposing restrictions on the power of the court to award damages for purely economic loss is to promote the objects of the act, namely, to limit the civil liability of members of occupational associations and create appropriate incentives for such persons to:

- promote the interests of consumers by adopting rigorous risk management strategies; and

- be subjected to a complaints and disciplinary code administered by the relevant occupational association.

This clause also directs that liability will not be limited, as set out in a scheme, where the member has, at no stage before the relevant act or omission, given or caused to be given to the client a document disclosing that the member is party to a scheme that limits liability or otherwise so informed the client.

Under clause 31 a limitation imposed by a scheme in force under this bill limits the amount of damages that may be awarded by the court for a single claim. This clause does not impose a limitation on the amount of damages that may be awarded for all claims arising from a single event.

This clause provides that joint interests between two or more persons, founded on the same act or omission, must be treated as a single claim by the court.

The court is also required to treat as a single claim, two or more claims by the same person, that have arisen from a single event involving associated persons to whom a scheme in force under the act applies.

The reason for limiting the amount of damages that may be awarded by the court, based upon the occurrence of a single event, is intended so as to ensure that liability is limited in accordance with the operation of a scheme in force under this act. Moreover, this clause encourages the efficient allocation of judicial and court administration resources whilst reducing the costs of litigation to potential claimants, defendants and related persons.

Clause 48 provides for those instances where an occupational association refers to the Professional Standards Council, established by this bill, any complaint or other evidence relating to a member or former member of an occupational association and the commitment of an offence under this bill or any associated regulations.

Under this clause, a court will not consider any action, liability, claim or demand, relating to the referral of a complaint to the council, against an association (or any member of the association's executive body or any person acting under the direction of the association or its executive body) who has acted in good faith.

The reason for providing an immunity for occupational associations and its members is to ensure that the association is able to undertake its functions effectively. A restriction on the ability of the court to consider any action relating to the referral of a complaint to the

council is intended to encourage an occupational association to take appropriate action to discipline its members.

Funding

Under the current arrangements in place in New South Wales and Western Australia, the council is fully funded from fees payable to the council by professional associations. The current application fee, imposed by the New South Wales and Western Australian professional standard councils is \$5000 per occupational association. An annual fee of \$35 per member is also payable by an association.

The national structure of the council means that Victorian associations should benefit from economies of scale by using the current council and its infrastructure.

Penalties

This bill mandates that members of a scheme must disclose a limitation of their professional liability to a customer or potential customer. A member who fails to make this disclosure will lose the benefit of capped liability.

Any scheme member who breaches the provisions of the bill is also liable to statutory penalties. Furthermore, a member who fails to comply with obligations imposed under a scheme may be subject to disciplinary action by his or her occupational association.

Consultation

A nationally consistent framework for professional standards has attracted strong support from Victorian and national professional bodies and associations such as CPA Australia, the Institute Of Chartered Accountants in Australia, the Law Council of Australia, the Law Institute of Victoria, the Institute of Marine Engineers and the Association of Professional Engineers, Scientists and Managers, Australia (APESMA). The Australian Council of Trade Unions (ACTU) also endorses the concept of professional standards legislation.

Conclusion

We live in an increasingly complex technological and highly industrialised society. Very few activities are risk free. It is the inevitable consequence of almost all activity, whether that activity is commercial, sporting, cultural or social.

Insurance is the principal response of our society, to managing risk. However, as noted in my opening comments, insurance is increasingly expensive and not always available on a commercial basis.

This bill is designed to address the issues of access and availability of professional indemnity insurance in our community. Professional standards legislation encourages differing professions and occupational associations to assume greater responsibility for their professional conduct by placing upon participants a transparent set of rights, obligations, controls and accountabilities. Such legislation also offers a real opportunity to promote consumer interests by raising the overall level of professional standards in our community.

In conclusion, this bill will provide three important benefits to consumers.

First, when dealing with a member of a registered scheme, a consumer may be certain that the member holds appropriate indemnity insurance. In the event that a sustainable claim arises, the consumer can be confident that there are funds available to meet his or her claim.

Secondly, a consumer can be sure that the member adheres to rigorous risk management standards.

Finally, in the event that a consumer is dissatisfied with the level of service, he or she will have recourse to a meaningful complaints and disciplinary system.

I commend the bill to the house.

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

Debate adjourned until Thursday, 30 October.

EDUCATION LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL

Second reading

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

Mr PERTON (Doncaster) — What is the central issue of this bill? The title, ‘Education Legislation (Miscellaneous Amendments) Bill’, should indicate it is a clean-up bill to fix up a number of legislative defects. However, this is a bill which highlights differences between Labor and Liberal. It is a bill which highlights the values of Labor and the values of the general community. It is a bill which highlights the difference between the management needs of schools and Labor’s

contrary actions. I am sure the community will remember this bill for this reason.

During the rushed introduction of the government's Victorian Institute of Teaching legislation, poor drafting and ministerial oversight by the Minister for Education and Training left a loophole that meant state teachers convicted of certain sex offences could not be dismissed. Instead of simply closing that loophole, pages of provisions were put into this legislation — the Minister for Education and Training's legislation, the Education Legislation (Miscellaneous Amendments) Bill — which would have given the departmental secretary the power, and I quote:

To grant an exemption to a teacher who is disqualified owing to a conviction for a sexual offence against a child.

I repeat:

... an exemption to a teacher who is disqualified owing to a conviction for a sexual offence against a child.

In other words, that provision would have allowed the department to re-employ or continue to employ a teacher convicted of a child sex offence.

The minister's second-reading speech was notorious for this idea and there was widespread public condemnation of the idea. I quote the minister:

The secretary, in respect of employment in the teaching service, and the Victorian Institute of Teaching, in respect of registration with it, will have the right to grant an exemption to a teacher who is disqualified owing to a conviction for a sexual offence against a child.

It is extraordinary that a minister of the Crown could actually stand in the Parliament and read that. Was this a slip of the tongue, Acting Speaker? Was this a case of the minister reading a speech which she had not read before, as happened with her predecessor minister? No. In the *Herald Sun* of 22 September the minister defended these provisions by using one narrow example of the type of person she proposed to exempt.

The community expressed its concern, and a person very well qualified to speak on this was quoted in the *Herald Sun* of that day. Mr Joe Tucci, the chief executive officer of the Australian Children's Foundation, a body of substance and respect in this community, shared my concerns and the community concerns. He said:

A sex offence against a child is a sexual offence ...

The government should not be saying this is a lesser form than something else.

It is not up to a government or a department to make that decision.

The *Herald Sun* paraphrased what he said. The article states:

He said sex offenders were calculating, and the exemption created an unnecessary loophole that could be exploited

I repeat, the article says Mr Tucci:

... said sexual offenders were calculating and the minister's exemption created an unnecessary loophole that could be exploited.

The *Herald Sun* again directly quoted Mr Tucci:

'I don't understand the motivation to introduce the exemption, because in a lot of ways the legislation is otherwise a benchmark' ...

Mr Tucci does not understand at all why the Minister for Education and Training would want to re-register a teacher disqualified for a child sex offence. In calls that day to talkback radio, to my office and to other offices — and I suspect to Labor members' offices — the public expressed great concern.

Again, was it a slip of the tongue? No. During the morning the minister, well prepared, on ABC radio and I believe on 3AW and other radio stations, actually defended these provisions and attacked me. She accused me of taking the wrong approach on this piece of legislation. She said that, in my highlighting to the community that the minister wanted to allow a convicted child sex offender back into the classroom, the change room or school camp, I had somehow misread public opinion.

Then midmorning the minister suddenly backflipped. In the midst of a radio interview she backflipped. Was the note passed under the nose from the Premier's office saying, 'Cut and run'? Did her spokesman, Tim Mitchell, reading the runes and also under instruction from the Premier's office, slip the note under her nose saying, 'Cut and run'? Many people noticed the backflip mid-interview defending the provisions, attacking the opposition and attacking her other critics — all of a sudden a backflip.

She made the most extraordinary, untruthful statement that day: that she had been working all weekend to review her legislation, to remove her own proposals to allow a teacher convicted of a child sex offence to be re-employed by the department and to be re-registered. If this was the truth — if the minister had been involved in this, and if the member for Yuroke, her parliamentary secretary, had been involved in this — why were the amendments not ready until Tuesday of this week? Why could the National Party not be briefed on these amendments until Tuesday of this week? Why did I have to rely on John Livi taking me in the briefing

through a pencilled draft of the amendments? I think there is a lack of credibility on the part of a minister who says she was working to remove these provisions before they became a matter of public controversy.

Obviously this minister is a master of public relations. She spends millions of taxpayer dollars every year on public relations, on spin, to untruthfully deny what has been said by other people. I gave an example yesterday in respect of the Education (Workplace Learning) Bill. Confronted by Jon Faine on ABC radio with the facts of the legislation and the example of its effects in his office, she untruthfully said that his interpretation was wrong, that the legislation did not say that.

To take some pressure off herself, using her taxpayer-funded spin masters or propagandists, the minister offered the newspapers a glimpse of the sorts of offenders from whom we need to guard the state's children. I quote from the *Herald Sun*:

Ms Kosky said the police checks on applicants had stopped two sex offenders, a third teacher who had previously been dismissed for inappropriate behaviour, and another with dishonesty convictions, from entering the profession this year.

This raises the question raised by many people: as this was deliberate policy and not a mistake by those writing the bill or the second-reading speech, who were these provisions designed to protect? The minister consciously and deliberately read the words to the Parliament that she wished to grant an exemption from deregistration to a teacher who is disqualified owing to a conviction for a sexual offence against a child. At the time I asked the question: had the minister or the Premier actually read the bill before it went to the cabinet? The minister's own defence said she had read it. On radio 3AW the Premier also took the rap. I quote from an AAP coverage of the 3AW interview:

Premier Steve Bracks said yesterday's public opinion-driven backdown was a sensible assessment of the legislation.

Mr Bracks said he had been aware of the bill's contents.

I quote Mr Bracks:

Of course the government examined that initially, and we had legal advice on (the exclusion), but we are determined that we do this properly and appropriately and we are happy to listen to input.

A backflip. This was going to be snuck through the Parliament and past the community. It is a bit like the Attorney-General's proposal for legalised street prostitution in the St Kilda area. It was a proposal that was backed by himself and the Deputy Premier and withdrawn before the election only under intense public pressure.

I ask the Premier and the Minister for Education and Training — or the member for Yuroke, if she is going to defend her minister as she is wont to do — who these provisions were designed to protect. If there is an old conviction — and based on the advice that I have, it would need to be 20 or 30 years old — for consensual carnal knowledge between two teenagers, why was the exemption not restricted to this class of case? Had I and the National Party been briefed on that had it been put to the public that someone who had been convicted of a sexual matter that in today's world would not be regarded as a crime, there would have been a public outcry. That is not the case; this exemption was much broader. The public has the right to know the real reasons for the government's actions. At this stage the question I have asked goes unanswered.

Other serious issues raised by this bill relate to the minister and her department and the operations of the Victorian Institute of Teaching and its registration of teachers. What will the police checks process tell the government about the existing teacher work force? What does the government already know about the convictions of the state's teacher work force? Parents are entitled to know that teachers teaching their children are above reproach in respect of violence and related offences. I ask the minister — or the member for Yuroke as parliamentary secretary — to give Parliament details of the offences which the Victorian Institute of Teaching takes into account in registering or refusing to register a teacher and the offences they will not take into account.

This is a serious question; it is not just a rhetorical question. A concerned public servant has advised me that a teacher has been registered under the Victorian Institute of Teaching process despite having a known conviction for aggravated rape. A teacher has been registered in the state despite having a known conviction for aggravated rape! I will not more closely identify the teacher as I do not know him nor do I know his current family circumstances. I do not know the school that he has been employed at. But I would think most parents and most other members of the public would regard a conviction for aggravated rape as precluding that person from teaching in the classroom.

There are hundreds of other jobs that a person who has been convicted of aggravated rape, has served their time in prison, has been released and has training as a teacher, can undertake. They ought to be able to rehabilitate themselves and get on with their lives. But I put it to you, and I will not make the judgment myself — —

Mr Hulls — You have just tainted every teacher in the state.

Mr PERTON — I think the public is entitled to know — —

Mr Hulls — It's extraordinary.

Mr PERTON — It is very interesting that the Attorney-General interjects. Yesterday the Minister for Planning interjected when I told the Parliament that the Minister for Education and Training had proposed to allow teachers convicted of child sex offences to teach in our schools. The Minister for Planning across the table, where the Attorney-General is sitting, said, 'Oh, you mean charged'.

I suspect she is a busy woman. I am sure she had accepted the quality control of a bill which had gone through cabinet, but it was evident to me that the Minister for the Arts, a political opponent but nevertheless a decent person, was shocked by the fact that the minister was prepared to re-employ a person convicted of a child sex offence. Members are entitled to know what convictions are acceptable for a teacher to be registered under the Victorian Institute of Teaching system and what convictions are unacceptable. This is a question that ought to be answered for the public.

You would have thought, Acting Speaker, that this backflip on the employment of a teacher convicted of a child sex offence would have been sufficient. But no! Backflip followed backflip, executed like a seasoned professional athlete, and another significant component of this bill was withdrawn. There was pressure from the primary and secondary principals associations and the school councils association and questioning by the *Herald Sun* in respect of clause 7 of this bill, which would have abolished the annual auditing of schools. Annual auditing provides protection and comfort to principals and school councils. The minister was going to replace a system of auditing that people in schools and in the community find satisfactory with a system of auditing totally controlled by the minister's fiat. Exactly what she says in respect of audits would be what goes.

You would have thought that an audit provision in an education bill would have been the subject of consultation with the Treasurer and the Auditor-General, and in particular the subject of positive consultation with principals and school councils. You would have taken it to them around a table and said, 'This is our proposal. What do you think?'. But it is evident that on the day the minister announced this backflip that she had not been talking to

the Auditor-General. I do not have the clipping in front of me, but my recollection of what was said in the *Herald Sun* on Monday is, 'I am engaged in — —

Ms Beattie interjected.

Mr PERTON — We will let that stand. The member for Yuroke said, 'Don't believe what's contained in the *Herald Sun*'.

Mr Hulls — No, she said, 'Who read the paper to you?'.

Honourable members interjecting.

Mr PERTON — You would have thought that this would have been discussed with the Auditor-General, but it was not. Again it is clear that this provision is being withdrawn under pressure. Backflips seem to be the stuff of this minister and her administration of education. A bit of humour has been shown by the other side of the house during the course of this debate. Perhaps there has been some training of this minister by the member for Forest Hill in aerial gymnastics.

We only have to look at what the minister has done. She was elected to power with what she said was a clear mandate to employ more public servants. Even last October it was a matter of pride for her that she had employed hundreds of extra public servants to work in the Department of Education and Training.

Mr Herbert — She was talking about teachers.

Mr PERTON — It is interesting that the member for Eltham, perhaps like — —

The ACTING SPEAKER (Mr Delahunty) — Order! The member for Doncaster, without interjections and through the Chair!

Mr PERTON — It is very interesting, Acting Speaker; the occasional interjection helps to enlighten the debate. The member for Eltham has not gone back to the transcripts to look at what the minister said. She did not talk about people who had been employed in schools. The minister was very proud of the people she had employed in the department, and probably rightly so. I see one of the honourable members nodding — I shall not name him — but he is aware that the people who were employed in the education department are highly qualified. There are people with — —

Honourable members interjecting.

The ACTING SPEAKER (Mr Delahunty) — Order! The member for Doncaster, through the Chair and without interjections!

Mr PERTON — The honourable member is probably aware that the people who were employed in the department have lots of degrees, training and qualifications. If you look back through the advertisements, you see that the positions they were applying for almost invariably paid well over \$50 000 a year more than teachers earn. But invariably the people I have met who were employed over the last couple of years by the government are people who thought they were being invited to participate in the reform of education.

Imagine their astonishment and the astonishment of the community at the comments made by the minister at the big announcement at Altona Primary School. The media was invited along, and the minister surrounded herself with young children — perhaps we will avoid the metaphors or analogies. She said that she was going to dismiss 300 of the public servants who had been employed in the last three years and that she was going to dismiss them because they had added no value to the education of this state — no value! What an extraordinary admission it is that 300 public servants employed under the administration of the now Minister for the Arts and under this minister's administration had added nothing to education. Is it the fault of the well-qualified and intelligent people who applied for the jobs that were advertised that they were given no productive work? Does this minister take no responsibility for anything that goes wrong in her department?

She could have taken it on the chin: 'We made a mistake. We employed too many people. Our budget is out of sync now. For budgetary reasons I am going to have to sack them'. But no, she chose to slur them by saying they had made no contribution to education.

Now you meet on the street or at functions people who are being, to use the modern management language, outsourced. Taxpayers are paying for personal counselling and career counselling for senior public servants whose incomes were over \$100 000 but who are now being moved on because, in the words of the minister, they made no productive contribution to the education of this state.

I met a woman the other day, and I shall not name her classification, who is a very learned person with high academic qualifications and a great curriculum vitae and who really wanted to make a contribution to this state. She applied for one of these jobs and got it. She turned up to work on day one, to be told, 'There is nothing for you to do. We will give you another job. We will make up another job'.

Ms D'Ambrosio interjected.

Mr PERTON — It is interesting that the member for Mill Park dismisses it. In a sense a group of mushrooms sits on the other side of the chamber. The minister brings in a bill that is going to allow convicted child sex offenders back into the classroom and the chairman of the Scrutiny of Acts and Regulations Committee cannot even bring herself to study it or to object to it.

Ms D'Ambrosio interjected.

Mr PERTON — It would be very interesting if the member for Mill Park, who is interjecting vigorously, took it back to her constituency and said, 'Do you accept the idea that a convicted child sex offender should come back into Mill Park Primary School?'. Would it — —

Ms D'Ambrosio interjected.

Mr PERTON — I challenge you. Why don't you do it? Go out and do a survey!

The ACTING SPEAKER (Mr Delahunty) — Order! The member for Doncaster, through the Chair.

Mr PERTON — It is very interesting that again it is a group of mushrooms, Acting Speaker, interjecting vigorously.

Ms D'Ambrosio interjected.

The ACTING SPEAKER (Mr Delahunty) — Order! The member for Mill Park will refer to the member by his electorate name.

Mr PERTON — It is about a process of shouting down and antagonising, which they have built to a high level.

This piece of legislation has now been stripped of literally pages that were devoted to a system for reemploying convicted child sex offenders. Maybe the mushrooms on the other side could have a look in the briefing bill: two-thirds of page 5 has gone, page 6 has gone completely, swags of pages 8 and 9 have been crossed out, nearly all of page 11 has gone, page 12 has gone, half of page 14 has gone, all of page 15 has gone, all of page 16 has gone, and half of page 17 has gone. This bill was about allowing the minister to reemploy convicted child sex offenders, and government members are going to get up on their feet and somehow defend the indefensible, probably reading straight from the script given to them by the minister or the member for Yuroke.

The legislation has also been stripped of its second element — a proposal to take away the audit system that is in place for the public by which every school is audited annually and in which the Auditor-General has an appropriate oversight so that schools are appropriately audited.

Ms Beattie interjected.

Mr PERTON — The member for Yuroke screams out at the top of her voice, ‘Hypocrite’. The challenge to her, if she does not want to be guilty of hypocrisy, is to go out and consult her community about how it feels about child sex offenders being allowed to go back, for instance. In fact I would love to take the member to Craigieburn Primary School, a school in her electorate which actually needs some building works and which has asked the parliamentary secretary for help with the works but for which she has done nothing. But if in her embarrassment she wants to scream out at me, that is okay.

Stripped of those two pieces of drafting, there is only one thing left in this bill, and that is the power for the government to sack or suspend a teacher who has not paid their registration fees to the Victorian Institute of Teaching. We know there are many teachers who, as a matter of conscience or because they have taught for many years, believe they ought not be subject to it and have chosen not to pay it. As I understand it, there are some 200 or 300 teachers in that position.

We will have a very interesting time in state education when this bill is proclaimed and the government starts sacking these teachers. Will they sack them on the basis that they are deregistered, or will they sack them on the basis that they are deregistered and not a friend of the union, because that is an option. The government is not compelled to do so under this bill, so it will be very interesting to see what happens.

As I said, when this piece of legislation was brought into the house with the title ‘Education Legislation (Miscellaneous Amendments) Bill’, you would hardly have thought it would be controversial — but it has been the stuff of controversy in newspapers and on radio and television. I think the editorial in the *Herald Sun* said it all when in fact it praised the Premier for the government’s backflip on this bill, the editorial asserting rightly that this provision outraged the public’s views on what ought to be the qualifications of teachers. But its concluding sentence was strongly put.

In respect of the Minister for Education and Training it said that the Premier really ought to question her judgment, given that this was allowed to go through her

department, that this went through her office, that it had her personal scrutiny, that it was deliberately read into *Hansard* and that she defended it. The *Herald Sun* I think summarised the judgment of the general community. And in summarising that it said this minister’s judgment should be questioned.

Mr MAUGHAN (Rodney) — I am pleased to make a contribution on the Education Legislation (Miscellaneous Amendments) Bill. The minister in the second-reading speech pointed out that there were essentially two prime purposes of this bill. The first was to disqualify teachers convicted or found guilty of sexual offences from teaching in our government schools; and the second was to improve auditing procedures in state schools. There were a number of, as the bill says, miscellaneous amendments, and I will come to those in a minute.

I point out that the bill was introduced on 16 September. It was presumably clearly thought out by the minister and the department, and it was certainly introduced in this house with a second-reading speech. But shortly after it was introduced there was widespread community concern over some of its aspects. The *Herald Sun*, the member for Doncaster, Joe Tucci and others ran a strong campaign against some of the provisions of the bill to do with teachers who have been convicted of a sexual offence. The minister has now done a backflip, and I congratulate her on that — I think it is the right thing to do — but I query why the legislation came in as it did. A whole host of amendments are required to correct what was introduced into this house originally on 16 September.

The government’s amendments were introduced into this house only some 48 hours ago. They very significantly change clauses 5 and 6 — the ones dealing with teachers found guilty of a sexual offence being dismissed — by removing the power of the secretary to grant an exemption. All of those powers within the original bill have now been deleted. That was the first main part of the bill.

The second one, which was to do with the audit, has also been deleted. As the member for Doncaster indicated in his speech, by the time you put the house amendments into the bill there are crosses all through it. There are very significant changes.

I again make the point that there has been insufficient time for these amendments to be adequately considered. Members of Parliament have had 48 hours to get their minds around them. There has been insufficient time to allow the various representatives out there in the community to really think through what the

amendments mean. I make the point that the bill came in some four weeks ago. Why then have the amendments been brought in with inadequate time to deal with all the community groups that have expressed a view on this legislation and with only 48 hours for us to debate them in this house?

As I said, clauses 5 and 6 and other clauses have been amended by removing the power of the secretary to grant an exemption for a teacher who has committed a sexual offence against a child, even though it might have been 20 or 30 years ago.

Clause 7, which deals with school council audits, would in its original form have removed the requirement under section 15F of the Education Act for all school councils to conduct an audit of their accounts by 31 March each year. The original proposal would have allowed for fewer but higher quality audits, and I supported that; I think it was a good idea. I therefore wonder why what was a good idea, and I think still is a good idea, has suddenly been deleted. We are entitled to an explanation as to why that happened. I still think it is a good idea to have fewer but higher quality audits. Was it not properly thought out in the first place? Was there insufficient consultation with the Auditor-General and others? If that is the case, then I think the minister and the department stand condemned for not having made those inquiries in the first place.

Why the sudden backflip? Why have two of the key provisions of this bill, which was introduced by the government some four weeks ago, been significantly amended with only 48 hours notice given to the opposition parties and other interested groups to get their minds around this and respond adequately to it? The National Party has certainly had little time to consult with the key stakeholders. We had spoken with most of them previously, but have not been able to get around to all of them before the debate today. Hopefully that will be done before this bill is debated in the Legislative Council. But we will come back to all of that later.

The bill also introduces a range of relatively minor changes. The first repeals the now redundant section of the Education Act which specifies what subjects may be taught in high schools and higher elementary schools. The language alone indicates why these changes are necessary. There are not many high schools left in the state these days; there are even fewer higher elementary schools. There is a high school in Echuca, and I am aware of at least one higher elementary school, but section 27 of the Education Act has been in place for some 45 years now and is clearly redundant. It has been overtaken by the curriculum and standards

framework and the eight key learning areas which are specified in schedule 2 to the Education Act.

Schedule 2 to the act says that these key areas are the arts, English, health and physical education, languages other than English — LOTE, in other words — mathematics, science, studies of society and environment, and technology. This amendment is a sensible housekeeping amendment needed to tidy up the changes that have taken place in education in the last 45 years.

Another provision in this bill updates the delegation of powers from the Minister for Education and Training and the Secretary of the Department of Education and Training to a wider group of people, including other ministers. This is perfectly appropriate: there are times when the minister needs to delegate powers to other ministers, to parliamentary secretaries or to people who have expertise in a specific area. It also enables the secretary to delegate powers vested in the secretary to people with special expertise. It might be a retired judge, a retired member of a tribunal or a person with special expertise to deal with, for example, matters of discipline.

This is a perfectly appropriate amendment to the act to allow the delegation of these powers from the minister to another specified group of people. As I said, I think these powers would be used when the minister was unavailable for various reasons or where there was a special need to deal with disciplinary matters or something of that nature.

The next change deals with amendments to the Children and Young Persons Act of 1989. I well remember that bill coming into this house. I was a very new member at the time and was delegated the task of dealing with that legislation, which introduced mandatory reporting. Clause 3 of the bill amends section 64 of the Children and Young Persons Act. That section essentially mandates a whole range of people to notify authorities about sexual offences. It lists medical practitioners, registered psychologists, nurses et cetera. When it gets to teachers it is referring to people registered under the Education Act 1958, the Teaching Service Act 1981 and so on. Clause 3 of this bill replaces that with a reference to people registered as a teacher under the Victorian Institute of Teaching Act 2001. Again this is just a relatively minor housekeeping amendment to correct the Children and Young Persons Act because of the introduction of the Victorian Institute of Teaching Act in 2001.

The next change allows for teacher vacancies to be advertised on the Internet instead of having to be

advertised in a newspaper. Clause 9 of the bill amends the Teaching Service Act 1981 to remove any reference to public notice, publications and publishing. This simply recognises the reality that an increasing number of people these days get their information electronically rather than through the press. This is a perfectly sensible change.

Let us now return to the more controversial provisions of this bill: the proposals regarding teachers who have been convicted or found guilty of a sexual offence against a child. Clause 5(2) of the bill which was presented on 16 September inserts new subsection (4) after section 15B(3) of the Education Act:

A person who has, at any time, in Victoria or elsewhere, been convicted or found guilty of a sexual offence within the meaning of the Victorian Institute of Teaching Act 2001 is not eligible to be employed by a school council as a teacher within the meaning of the Act, unless exempted by the Secretary under section 15BAA.

The amendments that have been put forward by the minister and will be considered later remove everywhere in this bill the power for the secretary to make an exemption.

A sexual offence is defined in section 3 of the Victorian Institute of Teaching Act. A whole range of offences are specified on page 3 of the act. One could argue that maybe the amendments introduced have gone too far. Some people would say that there are special cases, instances where people should be granted an exemption because the offence was 20 or 30 years ago, the person has had an impeccable teaching career and those offences have been known, considered and the person has not reoffended, and it is therefore unfair to a teacher who might have committed an indiscretion — a serious one, although it was 20 or 30 years ago — and has had an impeccable career as a teacher since.

While there will be people who argue that way, and there certainly will be teachers who will be disadvantaged under the legislation that is before the house, it is our belief in the National Party that we must err on the side of caution. While there will be individuals who will be adversely affected, and some people would argue there should be some right of appeal — and I generally accept that there should be some right of appeal — nonetheless we have to err on the side of caution. There is absolutely no place in the classroom for people convicted of sexual offences against a child.

The community has spoken on that. Joe Tucci, for whom I have a great deal of respect, has been very strong in his comments on behalf of the Australian Children's Foundation (ACF). Mr Tucci said the

government should not be saying that any sort of sexual offence is of a lesser form than something else. A sexual offence is a sexual offence and, as far as Mr Tucci is concerned, all are reprehensible, and teachers convicted of a sexual offence at whatever time have no place in the classroom.

The National Party has consulted with a wide range of different groups — the Australian Education Union, the Association of Independent Schools of Victoria and the Catholic Education Office — and those groups initially were generally supportive of the legislation. The ACF is vigorously opposed to the original proposals on sexual offences. Whilst I have not spoken to Mr Tucci over the last couple of days, I would imagine he would be delighted with the amendments that have now been introduced by the minister.

In conclusion, we would contend that the original bill was not well thought out; it was not properly considered. The amendments have been introduced in haste. There has been insufficient time for consultation with all the interest groups and people in the community who are concerned about these issues. Because of the comments that we have received from the groups with whom we have consulted, the National Party will not be opposing this legislation.

Mr Savage — On a point of order, Acting Speaker, I want to bring to your attention the fact that the member for Doncaster when he left the chamber a few minutes ago failed to acknowledge the Chair. That is a serious breach of the forms of the house and I ask you to remind him of the requirement.

The ACTING SPEAKER (Mr Delahunty) — Thank you. I call the member for Oakleigh.

Ms BARKER (Oakleigh) — I am very pleased to make some comments on the Education Legislation (Miscellaneous Amendments) Bill. I want to deal with some clauses of the bill, but probably not with all of them. I will speak briefly on the delegation provisions. The delegation powers of the secretary and minister under the Teaching Service Act 1981 and the Education Act 1958 rely on sections which have really not kept pace with the current structure or needs of the department, which is a very large one, and in 2003 a very modern one.

The education portfolio is a huge area. The schools division alone employs 40 000 persons, teaches 500 000 students, involving over 1 million parents, and administers over 1630 state schools. As indicated in the second-reading speech, the current delegation powers of the secretary and minister only enable delegations to

officers and employees, professional officers, teachers or other officers, persons employed in the administration of the act, or persons employed in the administration or execution of the act.

The use of the word 'employed' and the restricted list of persons therefore do not permit the delegation of powers to persons such as parliamentary secretaries or retired judges or magistrates, people who are not employed in the department. The changes are being sought to provide consistency in the various delegation sections, to overcome the difficulties covered by the interpretation of words such as 'administration or execution' and to widen the scope of power to allow delegations to persons other than those already 'employed' in the administration of the act. As I said, the education portfolio is a very large one and all of the things that can arise on a daily basis can certainly be undertaken efficiently through a system of delegations.

It should be noted that while these delegation powers have been widened, this clause is not as wide as the clause in the Public Sector Management and Employment Act, in that this bill does not permit the further subdelegation of powers. Also the minister may not delegate the power to make regulations or to issue guidelines or directions to school councils or to compulsorily acquire land.

It is a reasonable measure aimed at providing a better foundation on which decisions on delegations can be made. We should always note that at the end of the day ministers will continue to be answerable to Parliament as to whom they select as appropriate delegates.

As outlined by the member for Rodney, an important amendment in the bill is the amendment to the Children and Young Persons Act 1989 to require all teachers registered with the Victorian Institute of Teaching (VIT) to report incidents of child abuse. As he outlined when referring to that act, the obligation is placed on persons to report instances of child abuse to the Department of Human Services, and of course teachers are within that group.

The obligation is placed on teachers by a number of provisions, including a subsection which covers all teachers registered with the Registered Schools Board, and of course since December 2002 teachers are no longer required to be registered with that board and instead have to be registered with VIT. This is a consequential change and is necessary to ensure the role of teachers in reporting child abuse.

The bill inserts three extra provisions in the relevant education acts to deal with the various scenarios the

department may face in the future if a teacher's registration is cancelled. As we know, the Victorian Institute of Teaching became fully operational in December 2002 and its act states that to be eligible to teach in any school in Victoria, government or non-government, the teacher must first be registered with VIT.

The Victorian Institute of Teaching Act 2001, the Teaching Service Act 1981 and the Education Act 1958 are silent on what happens to the employment of a teacher who is currently teaching in a state school and is refused registration by VIT or whose registration is cancelled or suspended. It must be noted that the institute can cancel or suspend registration for matters other than just an unsatisfactory police record check. Those matters include serious misconduct, having fraudulent qualifications, unfitness to teach or refusing or failing to pay the registration fee.

Without the changes in the bill the department would have to continue to employ teachers or pay teachers whose registration has been suspended or cancelled. Of course that is not a way to move forward. The bill therefore gives a school council, in respect of its employees, and the secretary, in respect of persons employed under the Teaching Service Act, the discretion to suspend a teacher without pay if that teacher's registration is suspended, refused or cancelled. This is a logical and sensible direction to give to school councils and the secretary, given that they would not be able to engage the teacher for the purpose of teaching once that teacher's registration is stopped.

The second area in that part gives the school council, in respect of its employees, and the secretary, in respect of temporary employees, the discretion to terminate a teacher's employment if the teacher's registration is suspended, refused or cancelled, and that decision needs to be made based on justifiable reasons. There are several situations where that could apply — false qualifications, a false criminal record check, or having engaged in inappropriate behaviour in a non-government school prior to being employed in a government school.

The bill also provides that if after 12 continuous months a teacher remains unregistered, then that employment is automatically terminated. It is similar to section 47 of the Teaching Service Act 1981, which states that a teacher who is absent from duty for a continuous period of 3 months ceases to be an officer. The bill provides for more than 3 months — namely, 12 months. If you remain unregistered for a period of 12 months and you

have not been assigned other duties, then your employment as a teacher is automatically terminated.

It is important to note, however, that the bill provides for any periods of approved leave, such as family leave, where it may be that the registration of the person on leave has lapsed for more than 12 months. That is not included in computing the period of 12 months. All members would agree that these measures are fair and balanced.

The bill strengthens the provisions dealing with teachers who are convicted or found guilty of a sexual offence against a child. As members are aware, criminal record checks have been conducted in the department since 1995 for those applying for positions or seeking a transfer, but there are certainly teachers who have remained in their present positions and have not undergone a criminal record check.

The new provisions will apply to convictions irrespective of when they occurred, and this is needed because the teaching service is a statutory scheme and there is currently no provision in the Teaching Service Act which expressly deals with teachers convicted of sexual offences against children. The provisions state quite clearly that persons convicted of such offences must be dismissed.

I note that the member for Doncaster concentrated most of his speech on the removal of the exemption as outlined in the second-reading speech. It has been removed, so I am not quite sure why we are debating it. I note that the member for Rodney once again made a considered approach to this bill, but I point out that the circumstance that may have been considered was very small, and the minister made it clear at the time that it might justify granting an exemption. Obviously there are times when changes need to be made, and that is what has been done in a sensible way.

There are several other amendments in the bill with which I will not have time to deal. The member for Rodney raised an issue about the timing of the amendments. The amendments are quite clearly in line with the removal of the power to grant an exemption, so I do not feel time would necessarily have been needed for consultation on that. Of course this government consults on a large scale over all the work it does, unlike the previous government, which consulted on nothing.

In conclusion, the terms of the audit measure have been removed at this stage because the Auditor-General obviously requested some opportunity to further

consider it. I am not aware of that, but I consider that to be the way — —

Mr Perton interjected.

Ms BARKER — Good. The member for Doncaster has an absolute nerve to even mention the words ‘Auditor-General’ when it was his government that wanted to do away with the Auditor-General and wanted to remove any power — and now he reckons he is wonderful!

Mr Perton — On a point of order, Acting Speaker, this debate is confined to the contents of this bill and general rhetoric ought not to be part of the member’s contribution. I ask you to bring her back to the bill.

Ms BARKER — On the point of order, Acting Speaker, I was in the chamber and I listened carefully to the member for Doncaster’s contribution to this debate. In terms of his speaking on the bill, I would question very much whether or not he did that. He raved on about all sorts of things, like the current — —

The ACTING SPEAKER (Mr Delahunty) — Order! On the point of order.

Ms BARKER — On the point of order, things like the current restructure of the department, which is not in this bill, and now he has the nerve to say that I cannot say that he was part of a government that wanted to do away with the Auditor-General — and we gave the power back.

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

Mr KOTSIRAS (Bulleen) — I am pleased to speak on the Education Legislation (Miscellaneous Amendments) Bill. I do so because of the uproar the initial bill caused in my electorate of Bulleen when it was introduced. What a farce! What a disgrace! The minister’s office has failed in its duties. The parliamentary secretary has failed in her duties. She is happy with the perks of office, but has failed. The members of the government benches have also failed in their duties. The minister, of course, has failed in her duties as well. It is unfortunate that the honourable member for Eltham has left the minister’s office, because he has left a gap. He is missed by this minister.

The bill has had so many changes made to it that it makes a mockery of this government’s ability to handle any legislation. The minister has done so many backflips that perhaps she should consider taking part in the Olympic Games in Athens next year. I am sure the

Minister for Tourism, the Minister for Resources and I would assist in her participation, perhaps in gymnastics.

Ms Beattie — On a point of order, Acting Speaker, the shadow minister for education raised a point of order earlier when the honourable member for Oakleigh was speaking about sticking to the bill. The honourable member for Bulleen is now talking about the Olympic Games in Athens. I fail to see that anywhere in my version of the bill. Perhaps he has a different bill to the one I have.

The ACTING SPEAKER (Mr Delahunty) — Order! This has been a fairly wide-ranging debate, led by the lead speakers, but I ask the honourable member for Bulleen to try to confine his remarks to the bill.

Mr KOTSIRAS — Perhaps the parliamentary secretary would also like to attend the opening ceremony of the Olympic Games. I am sure her staff would try to ensure she receives an invitation!

The bill does a number of things. It repeals section 27 of the Education Act 1958, which lists the subjects that are taught in high schools. This is out of date. We now have the curriculum and standards framework (CSF), which provides the basis for planning from prep to year 10. It also sets out the major areas of learning, such as the arts, English, science, technology and languages other than English (LOTE). I condemn the government for its treatment of LOTE, which is now an expensive extra in many schools. Schools are dropping LOTE, because they do not have the resources or the staff to be able to teach the languages. Funding has also decreased in this important area. Despite the rhetoric of the minister and this government, LOTE has gone backwards over the past four years.

The bill also allows the department to dismiss or suspend deregistered or unregistered teachers. Again we see the minister has done another backflip. Originally the minister said in her second-reading speech:

The secretary, in respect of employment in the teaching service, and the Victorian Institute of Teaching in respect of registration with it, will have the right to grant an exemption to a teacher who is disqualified owing to a conviction for a sexual offence against a child.

I would not want my child to be taught by a person who has been convicted of a sexual offence. I do not think the minister quite understands the consequences. According to the Australian Childhood Foundation:

Child abuse ... is a major social problem in Australia.

We hear about extreme cases of child abuse in the news, but few people are aware of the true size of the problem.

In 2001–2002, almost 138 000 reports were made of suspected child abuse ... That is one report every 4 minutes.

Many more children and young people are suffering alone and unnoticed.

More than 80 per cent of abused children are harmed by someone they know and trust.

For children and young people, abuse can lead to major emotional, social and psychological problems. For some it can lead to drug and alcohol addiction ... depression, suicide and crime.

In relation to this legislation I quote Joe Tucci, the chief executive officer of the foundation:

‘A sex offence against a child is a sexual offence ... the government should not be saying this is a lesser form than something else’.

‘It is not up to a government or a department to make that decision’.

He said sex offenders were calculating, and the exemption created an unnecessary loophole that could be exploited.

‘I don’t understand the motivation to introduce the exemption, because in a lot of ways the legislation is otherwise a benchmark for the rest of the country’, Mr Tucci said.

Let us see what the minister said. Under the headline ‘Schools sex uproar’ an article in the *Herald Sun* of Monday, 22 September, states:

Education minister Lynne Kosky has introduced an amendment which she said would be used only sparingly when there were extenuating circumstances.

...

... the exemption clause is part of a bill that ... cracks down on paedophiles in schools by introducing, for the first time, retrospective police checks ...

...

Ms Kosky said yesterday the clause acknowledged that young people sometimes made mistakes.

She gave an example:

‘An 18-year-old having a consensual sexual relationship with a 16-year-old doesn’t mean the 18-year-old is a paedophile’, Ms Kosky said.

However, in 24 hours she changed her view: she did a backflip. Again I wish to quote what the minister said, as reported in the *Herald Sun* on 23 September:

Education minister Lynne Kosky said yesterday that over the weekend she sought further advice on ‘this very specific exemption’.

‘I’ve decided that it is so unusual and narrow, and will be so rare, that we’ll actually let the courts deal with it’, Ms Kosky said.

She said no-one with a sex conviction would be allowed to teach in any Victorian school.

What did the Premier have to say as well?

Ms Beattie — On a point of order, Acting Speaker, twice now the honourable member for Bulleen has referred to the minister by her name. I ask you to direct him to use the proper forms of the house.

The ACTING SPEAKER (Mr Delahunty) — Order! My understanding is that the honourable member for Bulleen was quoting from a newspaper article. There is no point of order.

Mr KOTSIRAS — The *Age* of 23 September reports that the Premier said:

... he had been aware of the bill's contents. 'Of course the government examined that initially, and we had legal advice ... but we are determined that we do this properly and appropriately, and we are happy to listen to input', he said.

But what else do you expect from a weak Premier, a Premier who has no courage to stand by what he believes?

Clause 7 of the bill was going to reduce the current requirement to audit every Victorian state high school, and again we saw a backflip from this minister. Again I quote, this time from the *Herald Sun* of 14 October:

The state government has been forced into a second backdown over controversial changes to the Education Act.

...

Primary Principals Association president Fred Ackerman said the proposal represented another lapse of judgment on the part of education minister Lynne Kosky.

The bill clearly illustrates that this government has lost the plot. It has made many changes to the bill, which only illustrates that it is incompetent in the area of education. Teachers have suffered over the past four years under this government. The number of teachers who are on sick leave has increased, and the number of students away from school has increased. This minister has failed the education system, and this government has failed the education system. The Premier needs to appoint a new minister who knows the area and who can deal with the problems.

Ms BEATTIE (Yuroke) — It is always a pleasure to follow the honourable member for Bulleen and get the debate back on track and talk about the bill. In her second-reading speech the minister talked about the trust that is needed between teachers, parents and students. In his contribution the honourable member for Doncaster focused heavily on that aspect. What I want

to say is that when a parent leaves a child at the school gate in the morning a very special trust is given. That trust is absolutely vital to the health and wellbeing of all children and their futures. No amount of cajoling, threats or punishment can force a parent to leave a child with someone they do not trust.

There is no greater threat to public confidence in a school system than having a teacher in that system who has sexually abused a child. The reasons for that abuse do not matter. If abuse has taken place, there is no excuse for it. The fact that it takes place breaks that trust. Nobody would condone having a teacher in the school who has sexually abused a child.

This bill sends a very strong and unmistakable message to offenders: a trust broken is a trust lost. This bill sends that message in a number of ways. Firstly, it provides that a teacher convicted of a sexual offence against a child is ineligible for employment in a school, including a state school. I shall repeat that, because it is worth noting: a teacher who has been convicted of a sexual offence against a child is ineligible for employment in a school and ineligible for employment in a state school.

Secondly, it provides that the secretary or school council, as the relevant employer, must dismiss any teacher convicted of a sexual offence against a child. There is no equivocation about that: they must dismiss them. Finally, the bill provides that employers and the Chief Commissioner of Police must inform the Victorian Institute of Teaching of teachers who have been charged with, committed for trial, convicted or found guilty of a sexual offence against a child. There are no two ways about it, and that cannot be misunderstood.

These provisions strengthen existing provisions in the Victorian Institute of Teaching and the police record checks which were introduced in 1995 by the Department of Education and Training. I get a little confused about where the opposition stands on its policy regarding police checks. In debating the Education (Workplace Learning) Bill opposition members dismissed the value of police checks as being an unnecessary impediment to business — they did not want police checks in that bill. But this government stands for the police checks. Police record checks have been conducted since 1995 for all new employees and those seeking transfer or promotion. However, some teachers have been in their present positions since prior to 1995 and they have obviously not undergone police checks.

Members opposite were worried about consultation. Consultation is something that they have discovered

recently. There was a dawning in 1999 when they started to discover consultation, but it was certainly the light on the hill for them in 2002 when they really discovered consultation. Consultation has taken place and I will list the names of some of those who have been consulted in regard to the audit provisions: the Association of School Councils; the Victorian Council of School Organisations; the Victorian Primary Principals Association; the Victorian Association of State Secondary Principals; the Australian Education Union; the Auditor-General; and the Department of Treasury and Finance. It was important to note that we have consulted.

The new provisions will apply to convictions, irrespective of when they occurred. It will be irrelevant whether the conviction occurred 10 years ago or whether it occurred yesterday. That does not matter; and it does not even matter whether it occurred before or after the person became a teacher. To ensure we receive early warnings the bill also provides that employers of registered teachers and the Chief Commissioner of Police must inform the Victorian Institute of Teaching if they become aware that a teacher is charged with, committed for trial, or convicted of a sexual offence against a child. Again there is no grey language around that; it is quite clear.

I want to talk a little about the Victorian Institute of Teaching and the related clauses of the bill. The Victorian Institute of Teaching became fully operational in December 2002. Its act states that to be eligible to teach in any school in Victoria — and that is government and non-government schools — the teacher must first be registered with the Victorian Institute of Teaching. It is an offence for an employer to allow an unregistered teacher to teach in a school, as well as an offence for an unregistered teacher to teach in a school. Again we have checks and balances to make sure that once a child enters the school gate that very trust I spoke about earlier is adhered to — we have all those in place.

The Victorian Institute of Teaching Act 2001 and the Teaching Service Act 1981 are silent on what happens to the employment of a teacher who is currently teaching in a state school and who is refused registration by the institute, or whose registration is cancelled or suspended. The institute can cancel or suspend registration for matters that result in an unsatisfactory police record check, such as serious misconduct, having fraudulent qualifications, unfitness to teach, or refusing to pay a registration fee. Again you see there the tightening of restrictions to make sure that when a teacher is in that position of responsibility everything is done to ensure that the welfare of the

child is protected. So we have all those things in place. This is a good bill.

I want to touch on the comments of the member for Doncaster about the Auditor-General. I can resist everything except temptation! I must touch on this, because there is no greater hypocrisy than those on the other side talking about the Auditor-General.

Mr Perton — On a point of order, Acting Speaker, a speaker other than the lead speaker for the parties is restricted to the contents of the bill, and I ask you to restrict the member to speaking on the contents of the bill. As she has already indicated, the audit provision is the subject of a house amendment by the minister to have it removed. The member is entitled to talk about the clause, she is entitled to talk about the amendment, but she is not entitled to go on a frolic discussing the Auditor-General's legislation generally.

Ms Kosky — On the point of order, Acting Speaker, it is very clear in the bill — and the member is right — that the audit provision has been removed. There is an amendment about that and there has been quite considerable discussion within this house about who has been consulted. The Auditor-General is part of that process and I think it is absolutely appropriate therefore that the member speaks about the Auditor-General; it is clearly part of the bill.

The ACTING SPEAKER (Ms Lindell) — Order! As members may or may not have realised I have only just arrived in the chair, but the previous Acting Speaker did say that there had been generally fairly wide discussion of this bill. I am sure the member for Yuroke will confine her comments to the bill as much as she possibly can and as much as I will allow her to, so I will allow her to continue.

Ms BEATTIE — Consultation has taken place, Acting Speaker, and this bill is a good bill which has been presented to the house by a great minister.

Mr DIXON (Nepean) — It is a pleasure to say a few words about the Education Legislation (Miscellaneous Amendments) Bill — or what is left of it! I have the amendments in front of me. When you read through them you see the bill has been gutted. The first amendment omits a couple of lines from clause 5, the second amendment omits another few lines, the whole of clause 6 is gone, the whole of clause 7 is gone, amendment 5 omits a couple of lines from clause 11, amendment 6 omits another three lines from clause 11, amendment 7 omits another few lines from clause 11, amendment 8 omits a couple of lines from clause 12, amendment 9 omits another 20 or so lines from

clause 12, amendment 10 omits another 30 or so lines from clause 12, and clauses 15 and 16 are gone. There is a litany of clauses and lines being omitted, and there is really not much left to talk about.

This is a very important bill, and it is about a very important topic.

Mr Cooper interjected.

Mr DIXON — Well, it started off that way! But it is still on a very important topic. There is total agreement in this place about how important this bill and the subject of it are. But if this is such an important bill, and it is, why is it that all the things that are being withdrawn from it did not come up during the consultations? It begs the question of whether there was any real consultation. Was the letter sent out too late or something like that? It is called consultation, but to what depth did it actually occur?

We are seeing a disturbing trend in this place on very important bills like the constitution bill. Some amendments have come in here at the last minute, like the Easter trading ones. Some incredibly important amendments have come in at the last minute, and consultation seems to take place post the second-reading speech. Often a minister comes into this place to make the second-reading speech and that is the first time anyone has any idea of what the bill is about. Yes, there has been consultation, but what sort of consultation? It is a very easy word to say, with its four syllables, but what does it actually mean? If people do not understand a bill until they have heard the second-reading speech and then they get all up in arms, it means that no-one has really understood the bill. It means that the bill has not been explained correctly to the people being consulted in the first place or that the wool has been pulled over their eyes so they will not object to it. This is a very disturbing trend, and it has been manifested in what I think is a very important bill.

The other thing it means is that the legislation passing through this place is treated with contempt. The government says, 'Yeah. We will put a bit of legislation through. Who cares what is in it? Let's just get it through. We have an object in mind, and no-one will care', and away we go. That is not the role of this place. The legislation that goes through this place should be carefully crafted so that last-minute changes are not made after a second-reading speech has taken place.

Is this the sort of standard we are going to have? As I said, it has happened across a number of portfolios, and it is certainly happening in a big way with this portfolio. When I think about the 300 officers in the department

who are going to leave, I start to worry about the other legislation that will come out of the department. How good is that going to be given the sorts of problems we have already had?

This bill deals with the reporting of sexual offences against children and the teachers involved, and when it comes to protecting children we should not have any exemptions. It is black and white. In a debate on a bill earlier this week I talked about the difference between having black and white provisions and grey provisions and how the law has to be adaptable sometimes. But when it comes to child protection we need to be black and white. There should be absolutely no exemptions with that.

In a practical sense, even if one or two are treated badly because of it, I think a very strong message has to be sent out with any bill dealing with child protection, and it should be black and white. We should be saying as a state, as a society, as the broader community and as a school community that the protection of our children is the most important thing. We should look at every case thoroughly, and we should consult in the proper sense. We should not be consulting at the last minute and pulling the wool over people's eyes. We should have real consultation and always send out a very strong message to our community, the parents and children that we think the protection of children is of the utmost value.

I would like to touch also on the audit provisions that were in the bill but which will be taken out. I cannot stress how important a yearly audit of a school is for a number of reasons. Having been the principal of a school, I know how very important it is to have the comfort of an audit, because you can know for your own protection that you are doing the right thing and your school community and the broader community can know you are doing the right thing. It is for everybody's protection. It protects the whole school — it protects the principal and it protects the people who are responsible for all those aspects of a school that are audited. A yearly audit is also very important for the ongoing monitoring of what is happening in a school rather than an audit being done after two years, then after three years and then in the following year. Ongoing and regular monitoring is very important for all aspects of a school. I am glad this provision is now being reconsidered.

I can understand why some people complained when they saw this. They obviously did not see it in the bill or they were not told about it. They found out about it after the second-reading speech, after it had been in the press and on talkback radio and after the shadow

minister had brought it up. I can understand their concerns about this, despite it being for their own protection. A strong auditing process carried out regularly is very important to give a school community confidence in its school and the school system. I am glad there has been a rethink on this, because it is a very important aspect of our schools.

I have absolutely no problem with the Victorian Institute of Teaching provisions, but I caution the minister and the department to look at this very carefully. On the whole there has been a good sign-up rate for the Victorian Institute of Teaching. I have paid my fees, and I am registered — not that I intend to go back to teaching, because I intend to stay here for a while!

An honourable member interjected.

Mr DIXON — All the children I used to teach will be voting for me. They think I am wonderful!

With that large number of teachers in a huge profession, there are on occasion individual reasons why teachers have not registered. I urge the minister and the department to go softly on that. There might be some very good reasons why they should not have to be re-registering, and that is probably why they are not. With so many numbers and so many reasons why a person may not be registering, it is important to remember that we need to go carefully.

The Victorian Institute of Teaching is important. As I talk to teachers in schools, I find there is a bit of haziness about what it is there for. Getting all the teachers registered has been the main direction of the institute at this stage, but now that is out of the way — and this bill puts the lid on that — I hope the Victorian Institute of Teaching goes on to the other very important things that are part of its charter. I look forward to that. With those few comments, including saying that there is not much left in this bill to talk about, we in the Liberal Party are not opposing it.

Ms CAMPBELL (Pascoe Vale) — It is with pleasure that I rise to support the Education Legislation (Miscellaneous Amendments) Bill. This bill is really significant given that our government has put education as its highest priority. We want to make sure that the children in the state receive excellent education in excellent facilities from well-qualified and appropriately trained teachers and that their educational outcomes are improved as a result. This government has received standing ovations from people who are teachers and parents and of course members of the wider community in making education such a

significant component of its work. I compliment the minister on her role in that regard. The legislation is significant in ensuring that, after listening to the community, we are acting to implement measures that provide better educational outcomes for children.

The bill is extremely wide ranging. The minister outlined in her second-reading speech the great array of areas that the bill covers, from the curriculum and standards framework and the delegation of powers to this government's — and I might say the whole Parliament's — abhorrence of paedophilia. We see that children have to be protected when they are in school, because they are entrusted to the state and to the school for their schooling.

The bill also amends the Victorian Institute of Teaching Act by putting in very stringent provisions. It also specifies clearly that we are updating the Children and Young Persons Act in regard to persons registered as a teacher under part III of the Education Act.

I want to devote my attention particularly to the Victorian Institute of Teaching (VIT), backing up the member for Yuroke, who outlined how important it is to have a strong institute of teaching so that our existing teachers and the 3000 teachers who have come on board as a result of the Bracks government's commitment to education will be appropriately screened. The Victorian Institute of Teaching, as she outlined, became fully operational late last year. As a parent who has had four children go through a vast array of schools — four different secondary schools and one single primary school — I believe it is important for parents to know that the Victorian Institute of Teaching has jurisdiction over teachers in all forms of education, be they in the state or non-state system.

The Victorian Institute of Teaching will make sure that to be eligible to teach in any school a teacher must be registered. There are offence provisions that apply to both the school and the teacher should those institute of teaching requirements not be met. So we have a double check: we have a check in ensuring that the teachers actually register themselves, and we also check that the schools ensure that they are registered.

The changes proposed by the bill strengthen that even further. Without the changes the department would have to continue employing and paying a teacher whose registration was suspended or cancelled, even though that teacher could not be employed in a school or be usefully employed elsewhere in the department. How often have we heard people comment on the fact that they cannot understand why some people, who are

clearly ineligible due to stringent protection measures put in by the state, continue to receive pay? It is very comforting for those who want to be absolutely crystal clear that, first, our schools will have teachers appropriately qualified and, second, the schools, which are trying to manage their budgets, will have access to the provisions of this particular bill. To overcome the absurd situation where someone could in the past have received payments even though their registration was suspended or cancelled, this bill tightens the provisions.

Firstly, the bill gives a school council, in respect of its employees, and the secretary of the department, in respect of persons employed under the Teaching Service Act, the discretion to suspend a teacher without pay if the teacher's registration is suspended, refused or cancelled. The vast majority of people would see this as absolutely logical and a sensible direction to give to school councils and the secretary. We are not in the business of paying a teacher where we are not able to engage them for the purpose for which he or she was employed once that registration is stopped. That is a very good measure.

Where a teacher is employed in a non-teaching position, the secretary or the council may exercise their discretion not to suspend the teacher provided the teacher agrees to these non-teaching duties. That would be seen as fair. However, in the days of finite budgets and staffing structures, schools must be able to meet their budgets and ensure they have appropriate teaching staff. If its current teacher employees cannot be used because they do not have VIT registration, the school must be in a position to use its budget to engage other persons. Having heard people at many schools, and one in particular, talk on this topic, I really welcome that initiative.

Secondly, the bill gives a school council, in respect of its employees, and the secretary, in respect of temporary employees under the Teaching Service Act, the discretion to terminate a teacher's employment if their registration is suspended, refused or cancelled. That again is a very sensible and justifiable addition to the state's legislation. Thirdly, the bill provides that if after 12 continuous months a teacher remains unregistered then their employment is automatically terminated. That is similar to existing section 47 of the Teaching Service Act, which states that a teacher who is absent from duty for a continuous period of three months ceases to be an officer of the teaching service.

It is important to note, too, that the bill provides that any periods of approved leave are not to be included in computing the period of that 12 months. That way, teachers on family leave for up to seven years who let

their registration lapse for more than 12 months will continue to be employed by the department. For a government that is attempting at every opportunity to ensure we have family-friendly policies and we enable people to have a balance between their family and work, this is a very welcome addition.

This bill strengthens the safety of children; it enables school councils to operate their budgets well; it enables principals to have a clear oversight of the qualifications and standards of their teachers; it also improves the curriculum and standards framework in relation to the arts, English, health and physical education, languages, maths, science, studies of society and environment, and technology. It is good legislation brought in by a great government that puts education at the top of its policy commitments.

Mr COOPER (Mornington) — The Education Legislation (Miscellaneous Amendments) Bill — what we are debating of this bill — is certainly very little of what was presented to this Parliament on 17 September by the minister. The bill in its original form was probably the brave new world of the Labor Party in regard to education. The minister found out fairly quickly after introducing this bill that her aspirations, the aspirations of her department, and no doubt the aspirations of her compliant backbench, were very different from the aspirations of the general community. I suppose one has to ask what was the consultation process that was employed by the minister and her department in introducing this legislation.

It was a question that was posed by my colleague the honourable member for Nepean, and one would have hoped we might have got an answer in the contribution from the member for Pascoe Vale to that question, but it was carefully avoided. It is almost as if in the contributions that have been made by the member for Yuroke and the member for Pascoe Vale they were talking about this bill as it is now going to be, rather than the bill as it was. They have carefully avoided any comment on the bill as it was presented to this house, and they talk now about what we have got left in this bill as great matters and great initiatives of this government.

The concern that has been raised and the aggravation in the community have been carefully ignored. The fact that this minister has, as my colleague the member for Bulleen said, done a backflip that would be a credit to any gymnast in the Olympic Games has been ignored by the members of her own party. I suppose when you consider the consultation process you would have to say that this has been a consultation process that is usually employed by the Labor Party. It is a

consultation process that skips across the top of issues and does not allow people to respond. The government does not want to have a meaningful response because that might destroy the predetermination of the minister. It might create a situation of doubt in her mind, and therefore it might alter that predetermination that she has entered into in the creation of this bill.

We now have a situation where this bill has been truncated to the stage of sheer embarrassment of this minister and of this government. The two most important issues that are contained in this bill deal with teachers who are paedophiles and with the audit provisions, and both of those have been removed. They have been removed, firstly, because of community outrage, and secondly, in the case of the audit provisions, because of the outrage of schools, as was demonstrated only this week by a statement by the president of the Victorian Primary Schools Association who said that it was ridiculous to put in these audit provisions which would enable the wholesale pilfering of school moneys and therefore not be in the best interests of school communities or of the people of this state.

Where was the consultation, I ask, with the president of the primary schools association during the creation of this bill? One would suggest from his comment that there was no consultation — zero consultation. You would have to ask what this government thinks it is doing. Is it fair dinkum in the way it goes about creating legislation?

The answer is fairly obvious to us all on this side of the house. This government does not want to consult with people who know what they are talking about. Government members prefer to have their minds made up and then go ahead and create a bill like this, a bill that is a standing joke, a sick joke, in the community, particularly among those in the education sector.

For years, in fact for decades, there have been calls to strengthen the laws in regard to paedophilia in schools. There have been step-by-step moves to try to strengthen the law and to eliminate these vultures from school communities around the state, not only in government schools but in private schools. Having a wife who was a secondary school teacher, I know some of the appalling things that went on many years ago.

In the days when my wife was a teacher in the secondary school system in this state when a teacher was outed as 'behaving inappropriately', as it used to be termed, with students — in other words, having relationships with students that were regarded as not healthy — they would be moved out of the school; but

they would not be moved out of education. In those days — and I am talking about the 1950s and 1960s — they would be moved into the correspondence unit of the education department. They did not take them out of the school community, they just moved them to a place where they might not be able to have contact with students on a face-to-face basis. The way the department handles these issues moved on, and in later decades they were moved out of schools and into regional offices.

I well recall having a conversation with a regional manager in the education department not all that long ago. We discussed the issue of paedophilia in schools because I had had a parent come to me to complain about the activities of a teacher in a school adjacent to my electorate, and I was told by this regional manager that if the managers had had their way of dealing with it teachers such as the person the parent complained of would be sacked. But I was told that three teachers employed in that regional office had bad records of inappropriate behaviour with students and that they had been moved out of the schools and into the regional office. I was also told that the case of that regional office was not unique. It is simply not good enough.

As the member for Nepean said, when it comes to paedophilia and teachers there is only one way to look at it, and that is in a black-and-white way. You cannot have any shades of grey. You cannot say that there are permissible forms of inappropriate sexual behaviour. When it comes to schoolchildren I agree with a comment that I think was made by the member for Yuroke. She said that parents have to feel and be sure when they drop their children at the school gate that the children are going to be safe. I agree with that statement. I would say that is the view of virtually every parent.

But what did this bill do when it came in here on 17 September? This bill, which clearly has gone through the government party room and been signed off by all members of this government, introduced provisions which said there are grey areas. This bill introduced provisions which said there could be exemptions for certain people who had been convicted of inappropriate sexual activity with young people. That is what this bill did.

One has to ask questions, and it is reasonable to ask them. Were all the members of the Labor Party in the party room asleep when this bill came before them? Did they not think that there might be a problem about this? Did they not suggest to themselves or to others that this could be something that needed further consultation, that government members needed to go to

their communities, particularly their school communities, and ask, 'Do you support this'? Did they circulate a draft of these provisions to school councils in their electorates? Did they get any response to that?

I would like to know the answers to those questions, Acting Speaker, because it is now quite clear that the consultation — that is, contact with school communities now represented by Labor Party members — did not take place. It could not have taken place, otherwise they would have received responses along the lines of the response to this issue by Mr Joe Tucci, the chief executive officer of the Australian Children's Foundation. I would suggest that he reacted in the way most people in the community would have reacted. He said:

A sex offence against a child is a sexual offence.

...

He said sex offenders were calculating and the exemption created an unnecessary loophole that could be exploited.

Of course it does! Anybody with a modicum of commonsense and experience in the real world, particularly among parents, would say, 'Yes, that is so'. But the Minister for Education and Training wanted to create an exemption and allow the loophole to exist. This minister stands condemned for her incompetence and stupidity in bringing such a piece of legislation into this house.

Ms GREEN (Yan Yean) — I would also like to speak on the Education Legislation (Miscellaneous Amendments) Bill, which is now being debated. There has been an awful lot of discussion this morning about what is not in the bill, and it is a lot of rubbish. Unlike the members for Doncaster and Mornington — —

Mr Cooper interjected.

The ACTING SPEAKER (Ms Lindell) — Order! The member for Mornington!

Ms GREEN — The member for Mornington tried to tell this house that there was virtually nothing left of the bill. Nothing could be further from the truth. All the matters in the original bill are still covered in the amended bill, except for the proposed new audit clause, which is only one clause, and an amendment to the sex offences provisions. All the other matters remain. The other matters comprise provisions on child sex offences; additional employment powers to deal with unregistered teachers; updating the delegation provisions; and enabling positions to be advertised on the Internet. The bill also updates the Children and Young Persons Act and repeals the outmoded

section 27 of the Education Act. This is a fulsome bill. It deserves to be debated, and debated in an appropriate way which discusses the bill and does not talk about the things that are not in it. Unlike others, I am actually going to speak about the bill.

Firstly, the bill makes a consequential amendment to the Children and Young Persons Act following the passing of the Victorian Institute of Teaching Act. This amendment will replace the existing reference to teachers registered or permitted to teach under the Education Act 1958 with a reference to teachers registered or permitted to teach under the Victorian Institute of Teaching Act. The amendment will maintain the existing statutory obligation of teachers to report instances of child abuse.

Secondly, the bill amends the mechanism by which the secretary and the minister may delegate powers or functions, and this should be supported. The education portfolio is a huge one. The schools division alone employs 40 000 persons, teaches 500 000 students, who have 1 million parents — of whom I am proud to be one — and administers over 1630 state schools. The responsibilities and functions that arise on a daily basis can only be undertaken efficiently through a system of delegations. The proposals in this bill are in line with other states, which give their secretaries wide delegation powers.

Thirdly, as I mentioned, the bill contains very important clauses relating to the employment of teachers in schools. Like the members for Yuroke, Oakleigh and Pascoe Vale, I believe the safety of children in our schools is paramount. Yes, as parents we do place an enormous amount of trust in the school when we leave our children at the school gate, and this is a government that recognises that and is fully committed to it.

There is no greater breach of trust than the sexual abuse of a child by an adult. As a parent I have drawn great comfort in knowing my children are safe in our schools, but as a government we can always do more to ensure that abuse cannot happen. It should never happen, and the government will do more to make sure that, if sexual abuse happens, those responsible will be hunted down and removed from our schools. I am also proud that I have a son who works in the state school system as a teachers aide, and he really welcomes the protections that are included in this bill.

The community of Yan Yean which I represent recognises the enormous improvements that the Bracks government has made in education. It knows we are fully committed to it, unlike others who just mouth platitudes and try to talk about something they did not

do when they were in government — that is, to be committed to the state education system. We have delivered more teachers, more schools and better quality facilities, particularly computers. This bill continues the Bracks government's commitment to quality education and the protection of the children educated in it.

The Bracks government has shown its respect for the quality of education by the introduction of the Victorian Institute of Teaching Act in 2001, and this bill continues and has numerous provisions which are prescriptive and will ensure that we do have quality teachers and that those who breach the trust of parents and students will be removed from the system — and that should be applauded. I think opposition members had a real nerve this morning when they talked about consultation. What an absolute joke!

Mr Herbert interjected.

Ms GREEN — Yes, they are not here now. We absolutely know about consultation. We constantly talk to the teachers employed in the system, the parent bodies, the parent clubs and the broader community. We know the real meaning of consultation, and it is not something that we have just discovered since 1999 or since 2001. It is something that has been central to the way we govern — in education and in other areas. It is crucial and not something that has been recently discovered, as it has been for the opposition.

The member for Doncaster and a couple of others mentioned the Auditor-General. I find it absolutely laughable that they would talk about defending the Auditor-General after what they did in gutting that office and removing its powers. I am proud to be part of a government that has restored the powers of the Auditor-General. I commend this bill to the house and I look forward to hearing more speakers contribute to debate on the bill.

Mr HONEYWOOD (Warrandyte) — Having noted the Minister for Education and Training responsible for this legislation fled the chamber some time ago, it is wonderful to welcome the former Minister for Education to the chamber — the only education minister in living memory who has had a vote of no confidence passed against her by schools and principals across Victoria! It is wonderful that we have the member for Northcote here, because we know what she did to education in Victoria — just ask principals and the schools who voted in favour of the no-confidence motion.

The member for Yan Yean, of course, is an apologist for this appalling piece of legislation which has been totally gutted after backflip after backflip dictated by the Premier's office to the current Minister for Education and Training. The member for Yan Yean applauded the trend to 'give the secretary of the department wide delegation of powers'.

Ms Barker interjected.

Mr HONEYWOOD — I am quoting her directly; I wrote it down as she said it. She applauded the trend of other states to 'give the secretary of the department a wide delegation of powers'. Obviously the member for Yan Yean supported the original legislation to enable the secretary of the department to allow convicted child sex offenders to teach in the classrooms, given her support for the delegation of powers.

Imagine my surprise this morning to pick up today's *Age* newspaper and there on the front page with a big headline is 'Minister to penalise underperforming schools'. You have to laugh, do you not? Why do we think, Acting Speaker, this was given as an exclusive to Roslyn Guy at the *Age*?

Ms Green — On a point of order, Acting Speaker, I ask that you direct the member for Warrandyte to return to the bill. He is not referring to the contents of the bill.

Mr HONEYWOOD — On the point of order, Acting Speaker, I am specifically referring to the delegation of powers. The member for Yan Yean might like to quote the clause that she is referring to in raising her point of order.

The ACTING SPEAKER (Ms Lindell) — Order! I will rule on the point of order. There has been a degree of latitude allowed in this debate. I am sure the member for Warrandyte is aware of the need to speak on the bill, but there is an ability to generally make some passing comments, as other speakers have, in this debate.

Mr HONEYWOOD — What the opposition is attempting to show to this inept government is that on the one hand this government in this legislation is prepared to delegate powers; on the other hand, if you read today's *Age*, it wants to go into schools and penalise them for not performing properly. It is okay to drop the audits of schools; it is okay to delegate to secretaries of departments that child sex offenders can teach in our classrooms. But what about going to go into schools and telling them that they are not performing. What would Mary Bluett have to say about this?

Ms Green interjected.

The ACTING SPEAKER (Ms Lindell) — Order!
The member for Yan Yean!

Mr HONEYWOOD — When the Minister for Planning, who is at the table, was the Minister for Education, the then real minister for education, Mary Bluett, decided not to have literacy tests in schools — and, of course, the former education minister agreed with the trade union that you cannot have compulsory literacy tests. She said, ‘We agree with the union; it is wrong to test our children on reading and writing’. Yet what is the first thing — —

The ACTING SPEAKER (Ms Lindell) — Order!
The member for Warrandyte, on the bill.

Mr HONEYWOOD — On the bill, Acting Speaker. We are talking about the inconsistency in this government’s application of education policy where a previous minister agreed with the teachers union not to have literacy tests — we could not have learning assessment program tests — and then the current minister totally did a backflip and made compulsory literacy tests the go.

We can understand why the front page of today’s *Age* had the exclusive about the rights of the government to penalise underperforming schools because the government was embarrassed by the article on page 6, which said that after all the money that has been put into literacy and numeracy there has been no real improvement in average literacy across the state. What an indictment of this government’s attempt to try and enact major education reform!

So now when we come to the issue of delegation, we wonder why it is — on the bill — that when it comes to the auditing of school council accounts we are going to have a situation, according to clause 7, where there will be a dropping off of the annual auditing. Why has that occurred?

Ms Barker interjected.

The ACTING SPEAKER (Ms Lindell) — Order!
The member for Oakleigh!

Mr HONEYWOOD — The government has gutted the bill so much, it is such an embarrassment of a bill, that in referring to the auditing we know that the government no longer has the money to audit schools properly. What does the government do when it does not have the funds any more to do appropriate checks and balances on the education delivery? Government

members say, ‘We will delegate that responsibility. It is no longer a core issue. You can do it on your own’.

The other reason, of course, why the audit provisions contained in the bill have been put forward is that they are ripping so much money out of the annual school global budgets. Now we have the \$10 000 a year penalty to Berwick High School for workers compensation problems and the \$8000 a year penalty to a primary school in the Wonthaggi area because it dared to have a workers compensation problem — money taken out of their school global budgets simply because this government cannot balance the books. We know why the government does not want to audit schools properly. It is so embarrassed about having taken money out of school global budgets and penalising teachers at the coalface for workers compensation issues that it now has a situation where it is too embarrassed to properly — —

Ms Green — On a point of order, Acting Speaker, three-quarters of the member for Warrandyte’s speaking time has elapsed and he has still not addressed the bill. I ask you to ask him to return to the content of the bill.

Mr HONEYWOOD — On the point of order, Acting Speaker, I am referring specifically to clause 7, which is still in the bill.

Honourable members interjecting.

Mr HONEYWOOD — No, this is a bill which was brought into the house. The amendments are not being debated in committee — —

Mr HONEYWOOD — I know the minister has no idea about parliamentary procedure, but we might like to teach her something today — that is, she is the only minister to ever read — —

The ACTING SPEAKER (Ms Lindell) — Order!
To the point of order!

Mr HONEYWOOD — She is the only minister to ever read the same second-reading speech twice over and not realise what she was doing.

The ACTING SPEAKER (Ms Lindell) — Order!
I will rule on the point of order. I find myself caught in a dilemma. The shadow minister for education, the member for Doncaster, objected to an earlier speaker speaking on the Auditor-General. Now a member of the government objects to someone speaking on the audit provisions of the bill. The member’s contribution has been quite wide ranging, but perhaps he could confine himself more strictly to the bill.

Mr HONEYWOOD — One would have thought that if this government was genuine in its the rhetoric about education service delivery, instead of sending out a glossy magazine once a term — what is it called, *Parentlink?* — which has photograph after photograph of smiling Labor politicians promoting the rhetoric of education — —

Honourable members interjecting.

The ACTING SPEAKER (Ms Lindell) — Order! The member for Bulleen is out of his seat! The member for Mulgrave!

Mr HONEYWOOD — You would think the government would have bothered to survey what parents actually thought about convicted child offenders teaching in classrooms — the Cheryl Kernot clause — —

Honourable members interjecting.

Mr HONEYWOOD — You do not like Cheryl anymore do you? No, she did the dirty on the party.

The ACTING SPEAKER (Ms Lindell) — Order! The member should address his comments through the Chair.

Honourable members interjecting.

The ACTING SPEAKER (Ms Lindell) — Order! The member for Mulgrave and the member for Yuroke!

Mr HONEYWOOD — You think it would have bothered to consult with parents and school councils to find out what they felt about the triennial reviews that have become a farce when it comes to the performance of schools. Now, according to the front page of the *Age* today, schools are going to be penalised for not performing, which I thought was Liberal Party policy. The government has now adopted it, according to the *Age*.

You would think that the government would have surveyed parents to find out what they thought about embezzlements in schools? The Sandringham Secondary College, where cars were sold and on-sold, is a classic example of that. The government has taken its eyes off the ball.

The ACTING SPEAKER (Ms Lindell) — Order! The member's time has expired.

Sitting suspended 1.01 p.m. until 2.03 p.m.

Business interrupted pursuant to sessional orders.

ABSENCE OF PREMIER

The SPEAKER — Order! I advise the house that the Premier will not be present during question time today. The Deputy Premier will answer questions relating to the Premier, and the Minister assisting the Premier on Multicultural Affairs will answer questions relating to multicultural affairs.

QUESTIONS WITHOUT NOTICE

Mitcham–Frankston freeway: tolls

Mr MULDER (Polwarth) — My question is for the Minister for Transport. I refer to the decision of the Bracks government to break its election promise and impose tolls on the Scoresby freeway. Will the minister confirm that because of the whingeing of the member for Bayswater he has directed that Vicroads write to the City of Knox demanding that the city's 'No tolls' protest signs be removed by today, and what will he do if they remain?

Mr BATCHELOR (Minister for Transport) — The City of Knox thinks that it is above the law, and when we find it breaches the Transport Act we will advise it to comply with the law, as we will with any other citizen or body that chooses to break the law.

This is not the first time for the City of Knox. The City of Knox broke the law in relation to the Electoral Act and had to pulp thousands of postcards that were intended to be sent to me, so I was unable to receive them. The City of Knox is doing this to direct the attention away from the hostile reaction it is receiving from residents about a rate increase. The City of Knox has just rammed through a rate increase that averages in excess of 17 per cent.

Honourable members interjecting.

The SPEAKER — Order! I ask members on both sides of the house to stop interjecting in such a loud manner so that we can hear the Minister for Transport answering the question asked by the member for Polwarth. The minister, to continue.

Mr BATCHELOR — The City of Knox has just rammed through an average rate increase in excess of 17 per cent, the highest rating — —

Mr Mulder — On a point of order, Speaker, on the matter of relevance, rate increases in the City of Knox have nothing whatsoever to do with the anti-toll signs. I ask the minister to answer the question.

The SPEAKER — Order! I do not uphold the point of order at this stage. I believe the Minister for Transport was addressing the question about what action he was taking in relation to the City of Knox. He can make passing reference to other matters, but I ask him to relate his answer to the question asked.

Mr BATCHELOR — The City of Knox has taken a deliberate decision to spend thousands of dollars of ratepayers money trying to affect a decision that it cannot affect. It is a waste of money. The signs are part of its campaign and have been illegally placed on part of the declared road network. The waste of this money is clearly a campaign on the part of the City of Knox to divert attention away from its massive rate hike. The City of Knox is the meanest, money-grabbing council in Victoria. The City of Knox is an absolute disgrace, and attendees at a very large public meeting the other night called for the council to be sacked.

Housing: affordability

Ms DUNCAN (Macedon) — My question is to the Minister for State and Regional Development. Given the importance of housing affordability for communities across the state, will the minister outline how Victoria's submission to the Productivity Commission's inquiry into first home ownership highlights the need to promote regional development and how this is in contrast with the federal government's policy?

Mr BRUMBY (Minister for State and Regional Development) — I thank the member for Macedon for her question. I begin by observing that regional Victoria is booming under the Bracks government. Honourable members will be pleased to note that the Australian Bureau of Statistics regional labour force figures were released today. They show that the September quarter labour unemployment rate in regional Victoria is 5.2 per cent, and that compares with 6.1 per cent in September 2002. This is a great achievement for regional Victoria. Employment in rural and regional Victoria has grown by more than 10 per cent since the election of the Bracks government. We have a strong commitment there, and we will continue it going forward.

Today I am pleased to advise the house that in partnership with the Minister for Housing I am releasing the Victorian government's submission to the Productivity Commission inquiry into first home ownership. A key element of our submission is that we believe the development of vibrant regional centres and the encouragement of population growth in regional

areas would improve housing affordability and reduce the pressure on metropolitan housing prices.

The submission notes that the Bracks government has acted to alleviate pressure in the housing market through a number of initiatives. Firstly, we have promoted growth in the regions encouraging people and investment to move to country Victoria; secondly, we have ensured adequate land supplies in metropolitan areas through Melbourne 2030; thirdly, we have provided targeted stamp duty concessions for lower priced housing; fourthly, we have expanded the supply of social housing by committing \$174 million over and above the existing commonwealth-state housing agreement; and of course we have doubled spending on vital infrastructure, which supports housing development.

It is no surprise that today 70 per cent of Victorians own their own homes, compared with around 65 per cent for the national average. The reality is that while the federal government has essentially been a spectator watching the roller-coaster in this industry, the Bracks government has been out there ensuring proper housing policies.

The submission calls on the federal government to introduce a raft of measures to promote regional development across Australia. The things that the government suggests include establishing a national regional infrastructure development fund, which we believe should be set at \$1 billion, emulating the Victorian government's \$180 million Regional Infrastructure Development Fund; providing more regional university places right across country Victoria in the provincial centres; providing a higher-education-contribution-scheme-free scholarship option for students studying in regional and rural campuses; and increasing the skilled migration program and offering additional incentives and credits for migrants who wish to live in regional areas.

We also say with other initiatives that the commonwealth should have capped the first home owner grant at homes worth \$500 000 or less.

The other observation we make here is that over the last decade — —

Mr Honeywood interjected.

Mr BRUMBY — The honourable member for Warrandyte interjects, 'A two-and-a-half-year wait'. During the last decade the commonwealth has reduced funding to Victoria for social housing by \$691 million. If the commonwealth had been keeping its side of the

bargain there would be more affordable housing and rental housing available.

We are developing far-reaching policies. This is a quality submission that provides good suggestions to the Productivity Commission. But it is certainly our view that the Bracks government is doing its bit, and what we want to see is the federal government increase its commitment to boosting investment across Victoria, providing infrastructure, improving access to things like higher education and promoting the benefits of regional development. These are the most constructive measures to tackle the issue of housing affordability.

Questions interrupted.

DISTINGUISHED VISITORS

The SPEAKER — Order! Before I call the next question I welcome to the gallery the Consul-General for Chile and the Consul-General for Spain. Welcome to the Legislative Assembly.

Questions resumed.

Bushfires: aerial firefighting

Mr RYAN (Leader of the National Party) — My question is to the Minister for Police and Emergency Services. I refer to the minister's statements blaming the commonwealth for a lack of aerial firefighting capacity, which the minister says caused extensive house and property losses in last summer's bushfires. Can the minister confirm the claim made in a submission to the fire inquiry that on 14 January this year six aircraft, including Elvis, were withdrawn from the front line for a firebombing demonstration for the minister's benefit when he made a brief visit to Mount Beauty?

Mr HAERMEYER (Minister for Police and Emergency Services) — Obviously the Leader of the National Party is a little bit touchy on this subject, because certainly — —

Mr Smith — You're the touchy one!

The SPEAKER — Order! The honourable member for Bass!

Mr HAERMEYER — Why is it that whenever I look over there I am reminded of the cafe scene from *Star Wars*?

Honourable members interjecting.

The SPEAKER — Order! I ask members of the opposition to cease interjecting, and I ask the minister to address his comments to the question.

Mr HAERMEYER — The Leader of the National Party — —

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Bass!

Mr HAERMEYER — The Leader of the National Party has been running out there and saying that the government has been misleading Victorians in respect of the position it has taken on the national aerial firefighting strategy. I think it is about time the National Party got behind the Victorian government and insisted that the commonwealth government fund a national aerial firefighting strategy. In respect of — —

Honourable members interjecting.

The SPEAKER — Order! There is too much loud interjection, particularly from the members for Scoresby and Doncaster.

Mr HAERMEYER — In respect of the allegation the Leader of the National Party has just made, my recollection of 14 January is that I actually went to Mount Beauty where the fires were in full flight with representatives of the Country Fire Authority. We went up there to be briefed by the CFA on what was taking place. I have to say that Elvis and a number of other aerial firefighting aircraft were quite busy. They were doing a firebombing demonstration all right — on fires!

Housing: affordability

Mr DONNELLAN (Narre Warren North) — My question is for the Minister for Planning. I refer to the importance of housing affordability for Victorian families, and I ask: will the minister advise how the Bracks government is ensuring that Victoria has an ongoing supply of land and how Victoria's land prices compare with those in the rest of Australia?

Ms DELAHUNTY (Minister for Planning) — I thank the honourable member for his question and the opportunity to share with the house the fact that Melbourne is the only city in Australia that has a guaranteed 15-year ongoing supply of land for housing. Through Melbourne 2030 we have a plan. It is a 9-point plan, not a 10-point plan. We have a plan, and we have a process which is supported by the housing industry to manage both the challenges and I think the

opportunities that population growth in this state and this city affords us.

The population growth we are enjoying at the moment has fuelled a significant building boom: there have been \$14 billion worth of building approvals in the last financial year. Our population increase outgrew that of Sydney. In the last five years we had 1.2 per cent growth. We outgrew Sydney by about 10 000 people in the last five years. That has meant there has been increased demand for housing lots on the fringe of Melbourne, and housing starts have increased by 15 per cent in the past six years.

There have been price increases right around the country for land and for houses. We have seen that in regional Victoria, in cities right around Australia and in regional parts of the rest of Australia. Sydney's prices went up by 44 per cent in the last few years; our prices went up by 30 per cent. The difference is that we have a guaranteed, ongoing 15-year supply of affordable housing lots.

We have five designated growth corridors under Melbourne 2030 — in Wyndham, Hume, Whittlesea, Casey and Cardinia. So the designated growth corridors are there. They are agreed to by all the stakeholders, and now we have an agreement about the tools to manage that growth with the sequenced release of affordable land.

There are two tools I would like to share with the house. The first is the urban development program, which brings together all the major stakeholders — the government, local councils, developers in the area, and the water and transport infrastructure agencies. Each year their data on land supply and demand are shared and tested and, if need be, adjusted.

Secondly, we have set up smart growth committees for each of the five growth corridors. They will project manage what is required in these growth corridors. They will coordinate the development of these new and expanding communities, because the government is interested in not just delivering subdivisions but actually developing communities. We will provide advice on the timing and location of both public and private investment in infrastructure and the sequencing of land release through the urban growth boundary adjustment.

Both these tools have the support of the housing industry. In fact, as reported in the *Age* last week:

Urban Development Institute executive director Geoff Underwood ... praised the government for producing

information and a process of land release that provided certainty to all parties.

Also in the *Age* but earlier this year, under the heading 'The world's most liveable city didn't happen by accident', an article goes on to say:

... despite enormous pressures of rapid growth, metropolitan Melbourne's charm and character have been protected and enhanced by planning and environment policies specifically designed to do so.

Was that a stakeholder? It was a previous Liberal planning minister. Mr Alan Hunt went further:

Planning —

of this scale —

must be bipartisan.

That is what a previous Liberal planning minister said, but unfortunately it has been 12 months since the launch of the — —

Mr Ryan — On a point of order, Speaker, I think the minister has been speaking for at least 4 minutes.

The SPEAKER — Order! I uphold the point of order. It gives me an opportunity to remind the house of the previous Speaker's ruling that ministers must be succinct, and I ask the minister to conclude her answer.

Ms DELAHUNTY — The question of housing affordability goes to land supply. It goes to the certainty that all stakeholders have in the process of releasing appropriate land when required for housing.

It is expected by all stakeholders that the process the Bracks government has set up will be supported by the opposition, but its members are mute; they are silent. They have no policies and no ideas — no idea at all! We are getting on with the job.

Housing: first home owner scheme

Mr CLARK (Box Hill) — I refer — —

Honourable members interjecting.

The SPEAKER — Order! The member for Box Hill, without the assistance of government backbenchers!

Mr CLARK — In the absence of the Premier, my question is directed to the Deputy Premier. I refer to the nine press releases from the Victorian Treasurer promoting, and I quote, the 'Bracks government-administered first home owner scheme'. I further refer to the Premier's answer yesterday when he

stated that the scheme's rules are set by the commonwealth, not Victoria. I ask: if the rules are set by the commonwealth, as the Premier claimed yesterday, why did the Treasurer state in his second-reading speech on the first home owner legislation on 2 March 2000 that:

... eligibility criteria for the grant have been jointly developed by all jurisdictions ...

and why did the Treasurer introduce Victorian legislation this morning to fix the scheme's eligibility criteria? Or was the Premier just plain wrong?

Mr THWAITES (Minister for Environment) — I thank the honourable member for his question. I indicate that the Premier is attending the national remembrance service in Canberra honouring the victims of the Bali terrorist attacks with the Prime Minister and other state premiers.

In relation to housing and housing affordability, this government has shown its commitment to affordability. Through the Treasurer this government has shown that it is committed to assisting first home owners in buying their homes. But as the Treasurer indicated in his submission to the Productivity Commission, it has to go a lot further than that. It has to go into social housing —

Honourable members interjecting.

The SPEAKER — Order! The member for Bass will cease interjecting in that manner and speaking to the Deputy Premier in that manner! It is not appropriate.

Mr THWAITES — This Treasurer has shown his commitment to first home owners, something that we are not seeing from the other side — and we are not seeing it consistently adopted by the commonwealth government.

Housing: affordability

Mr WYNNE (Richmond) — My question is to the Minister for Victorian Communities. I refer to the Bracks government's commitment to supporting Victorian families and the Productivity Commission's inquiry into first home ownership, and I ask: what action is the Bracks government taking on social housing to support Victorian families and strengthen our communities?

Mr THWAITES (Minister for Victorian Communities) — I thank the member for his question. The Bracks government understands that housing is about much more than just bricks and mortar. It is also about having healthy, strong and well-connected

communities. For families on low incomes, public and community-based rental housing is their guarantee of affordable housing. That is why it is so important that we consider this when we are looking at the whole concept of affordable housing; and that is why it is disappointing that the Productivity Commission does not have affordable housing right there at the centre of its terms of reference in terms of social housing.

So far, unfortunately, the commonwealth government's record on social housing has been appalling. As the Treasurer indicated, in the last decade the commonwealth has cut back its commitment to social housing in Victoria by more than \$600 million. In contrast, the Bracks government has committed an additional \$174 million to social housing over and above the commonwealth-state housing agreement between 1999 and 2007.

In addition to that, we are supporting families by improving public housing through our urban renewal projects. I refer to outstanding projects like the Wendouree West community renewal project at Ballarat, where the renewal of local housing estates has given residents a sense of pride and new jobs. I also refer to the project in Geelong, at Whittington, which is part of a \$500 000 initiative to make that suburb safer and more liveable.

Housing affordability is about much more than the average price of owner-occupied housing; it is about expanding the supply of affordable housing to everyone, including low-income families. That is why the Bracks government is supporting families by investing in social housing and by linking families to their neighbours and to job opportunities.

Water: Vegetable Growers Association of Victoria

Mr PLOWMAN (Benambra) — My question is to the Minister for Water. Given that the Premier has written to every Melburnian requesting them to use water wisely, and given the Treasurer's public endorsement of Victoria's largest water reuse project, the Sandhurst development at Carrum Downs, will the minister guarantee the 54 members of the south-east division of the Vegetable Growers Association of Victoria that they will be able to use treated water from the Carrum plant this summer, as promised, rather than the offer of potable water, which they received this morning?

Mr THWAITES (Minister for Water) — I thank the member for one of his rare questions. The opposition member in his question refers to the

government's water campaign. This campaign will be invaluable to everyone right around Victoria, because we have a long-term plan to ensure the sustainability and security of Victoria's water supplies.

We are the party that supports water reform and supports the \$320 million Victorian Water Trust. We are seeing, as a result, widespread support right around the state for our water campaign. This support is coming from farming communities, from regional communities and from within the suburbs.

Mr Smith interjected.

The SPEAKER — Order! The member for Bass will cease interjecting in a continual manner or I will warn him.

Mr THWAITES — Consistent with that we are encouraging more recycling and more reusing of water, and we will go on doing that. But of course we always have to do it in a financially responsible way, and we will ensure that our water campaign is delivered properly and in a financially responsible manner.

Industrial relations: work-life balance

Ms McTAGGART (Evelyn) — My question is directed to the Minister for Industrial Relations. I refer to the Bracks government's ongoing support for Victorian families, and I ask: will the minister advise the house on the latest initiatives to improve the work-life balance and how these initiatives can provide a national standard?

Mr HULLS (Minister for Industrial Relations) — I thank the honourable member for her question. I am pleased to receive this question because it has been a long time since the opposition asked me one. In fact it has been 498 days! Four hundred and ninety-eight days! Collingwood has lost two grand finals since I was last asked a question by this mob!

Mr Ryan — On a point of order, Speaker, Collingwood and the minister make a very good double!

The SPEAKER — Order! There is no point of order.

Mr HULLS — We are talking about work-life balance — and in fact I think Denis was the Leader of the Opposition in those days.

Honourable members interjecting.

The SPEAKER — Order! The minister will address his comments through the Chair and address the question.

Mr HULLS — In fact the lack of questions has enabled me to balance work and life, because since I was last asked a question I now have an eight-month-old son and I spend some of my nights changing his nappy — although a lot of my days are spent in this crèche looking after the opposition babies opposite!

Luckily the Victorian government has developed and is implementing an innovative work-life strategy that is leading the nation. We should all understand that a work-life balance benefits both workers and their families. Companies that introduce family-friendly strategies such as paid maternity leave have improved employee retention rates and higher productivity as well.

When employers have policies that allow employees to get the balance right between work and family, the employers, their employees and indeed the employees' families reap the benefits. Can I say that Victoria is a long way ahead of the commonwealth when it comes to responding to the work-life challenge. We are developing industry-based pilot projects, and targeted research to all businesses. These innovative work-life practices make a difference to employees and improve the bottom line of businesses.

I have also recently called for applications for partners of work grants to encourage businesses to adopt innovative work-life practices. Other initiatives include providing payroll tax exemptions to employers, providing paid maternity and also adoption leave, return-to-work grants for training of parents who have cared for children on a full-time basis for two or more years, and working towards an integrated system of child care and preschools.

I guess the challenge now for the new federal workplace relations minister is to try to catch up with Victoria. Work-life balance is a perfect opportunity to demonstrate he is a can-do minister; it is a perfect opportunity for him to institute some work-life balance strategies. In relation to the new workplace relations minister, I urge him to have a look at work-life balance policies. I have also taken the opportunity to send him a copy of the 10-point plan because, as everyone in this house now knows, the work-life agenda of the federal government is in major need of surgery, as is the Workplace Relations Act. I have written to the new minister, sending him a copy of the 10-point plan, and I think it is very important that he get on board the

industrial relations reform that is set out in this very important 10-point plan.

Schools: Workcover premiums

Mr PERTON (Doncaster) — My question is to the Minister for Education Services. I refer to the government's proposal to dock the budgets of schools with above-average workers compensation claims, and I ask why Berwick Secondary College with an excellent occupation health and safety compliance will be hit by the maximum penalty and why the minister is taking money from schools and students to fill a Workcover black hole?

Ms ALLAN (Minister for Education Services) — The Bracks government is building on its record to create a smarter and healthier Victoria, and it is interesting to note that the member for Doncaster is suddenly interested in the welfare of teachers in schools considering he was part of a government that was certainly not interested in the welfare or Workcover issues in schools during his reign of terror over schools between 1992 and 1999. The teaching profession certainly is not helped by desperate members of Parliament who will say anything to get a headline, while the government is committed to getting on with the job and strengthening its support to schools in this area.

The Bracks government has introduced new school global budget Workcover premium funding arrangements for 2004, and this is part of a department-wide approach to looking at these issues. We recognise that with over 1600 schools around this state it is important to look at where the responsibility for Workcover lies, and we have to recognise that workplace safety, as the Minister for Workcover will certainly recognise, is everyone's responsibility. It is the department's responsibility, it is schools' responsibility and we need to work together around this. We have put new arrangements in place to establish some financial incentives for schools to improve their occupational health and safety performance.

We are certainly working with schools in this area to ensure that no school is placed at financial risk because of high Workcover premiums, but we want to work with them where there are areas of concern.

Because of this the Department of Education and Training — —

Mr Perton interjected.

The SPEAKER — Order! The member for Doncaster will cease interjecting in that fashion.

Ms ALLAN — The member for Doncaster may wish to note this — the Department of Education and Training will retain over 98 per cent of all costs associated with workplace illnesses and injuries.

Mr Perton — On a point of order, Speaker, on the question of relevance, the minister was asked why Berwick Secondary College, which has an excellent occupational health and safety record, is going to be hit by the maximum penalty. What else can it do?

The SPEAKER — Order! I understand that the question related to the Workcover practices, and the minister was answering the question.

Ms ALLAN — We are looking at Workcover practices in schools, but we are also wanting to support schools, which is why, I repeat, we are retaining over 98 per cent of all costs associated with workplace illnesses and injuries. In addition to this, members of the house may like to note that we are actually boosting support in this area. We are putting in an extra \$1.2 million as part of this package to address Workcover issues and to support our schools in being safer while also recognising the issues surrounding Workplace illnesses and injuries.

We are certainly committed to ensuring our schools are as safe as they can be. We want to work with schools, unlike the opposition, which chose to close them instead.

Employment: Parents Return to Work program

Ms LOBATO (Gembrook) — My question is to the Minister for Employment and Youth Affairs. Will the minister inform the house of the latest developments in the government's plans to support families and help parents return to the work force after having children?

Ms ALLAN (Minister for Employment and Youth Affairs) — I would like to start by thanking the member for Gembrook for her question. I am not surprised at her interest in this area, as she herself is a young new mother who has returned to the work force — perhaps in a different role to the one she was in originally. It is certainly an important issue, and the Parents Return to Work program is an important commitment as part of the Victorian government's strategy to boost jobs right around Victoria. We are establishing a partnership with parents, and that is why the Premier unveiled our plan to give parents and families a helping hand.

It is important to note that for many families the financial costs associated with job seeking or training can be a significant barrier to their re-entering the work force. The Bracks government recognises that at times we need to help families. It may be hard at times for them to get ahead on their own, and they need their government to give them a bit of extra support. That is what the Parents Return to Work program is all about; it is about helping parents who have been out of the work force caring for children for two years or more.

Through this program we are offering \$1000 cash grants to parents to help with some of the costs associated with going back to work, such as child-care costs, higher education contribution scheme payments or training fees and other associated costs involved with getting back into the work force. We want to help as many parents as possible who want to get back into the work force.

With this program parents can get assistance to update their skills. They might want to return to the type of work they were doing before they left the work force to have children or they might like to retrain in a new area. This is a very flexible program, because we have taken notice. We heard Victorians say, 'Get on with it. We want some flexible programs to help us', and that is certainly what we are doing.

During our second term the government will be providing \$11 million through the Parents Return to Work program to assist almost 10 000 Victorian families.

Mr Ryan interjected.

Ms ALLAN — Maybe the Leader of the National Party would like that repeated. We are going to help 10 000 families with \$11 million of funding in this area. We are very pleased to see that Victorian parents have enthusiastically embraced this program — I am sure many members on our side of the house, particularly the Minister for Women's Affairs, would know that parents have enthusiastically embraced this program.

I would like to report to the house that since the program commenced on 1 July, 829 grants have been issued to eligible applicants and 129 training organisations have registered with the program — that is, 829 Victorian families have already seen a real difference made to their lives through this program. This is a four-year program as part of the Bracks government's \$155 million package to help people get back into the work force. That \$155 million is in stark contrast to the opposition's pathetic \$1 million

commitment to employment programs given during the last election.

Under Jobs for Victoria we want to target employment programs to those most in need. The Parents Return to Work program is an important part of this. We have already heard the Treasurer report this afternoon on the record unemployment levels. For the 40th month we are below the national average; the statewide average is at 5.2 per cent. It is the 40th consecutive month that it has been below the national average. Country unemployment is also at 5.2 per cent — 2.1 per cent lower than it was when we came to office in 1999. We are certainly delivering on our commitments to Victorian families; we are delivering on our commitments to build a smarter and healthier Victoria.

I am proud to be part of a government that is growing the whole of the state and committed to getting on with the job in this area. In stark contrast to the opposition, which just wants to punish parents, this government wants to help parents get back into the work force.

The SPEAKER — Order! The time for questions has now expired.

Honourable members interjecting.

The SPEAKER — Order! Yes, I thought you would all be disappointed!

EDUCATION LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL

Second reading

Debate resumed.

Mr LOCKWOOD (Bayswater) — I am pleased to support the Education Legislation (Miscellaneous Amendments) Bill. It is about children, and children are precious to us. In education, investing in people is the most important thing we can do. I am a believer in doing the best we can do — —

Dr Napthine interjected.

Mr LOCKWOOD — No, nothing to do with the Knox council today. It is about education and about protecting children.

Dr Napthine interjected.

The SPEAKER — Order! The member for South-West Coast!

Mr LOCKWOOD — I am a believer in doing the best we can in education for young people. We get a better society for the future for our investment. We have a duty to protect, nurture and develop our children and young people for their future and ours. It is extremely important to us. Although it has been said earlier that the bill has been gutted, it certainly has not been gutted. It does things like updating the subjects to be taught — —

Mr Perton interjected.

The SPEAKER — Order! The member for Doncaster!

Mr LOCKWOOD — It updates the delegation powers of the minister and secretary. It deals with teachers convicted of sex offences against children. There are changes in references to the Victorian Institute of Teaching (VIT) from the previous registration process. It makes changes in advertising jobs and provides that job ads can be placed on the Internet. In terms of subjects to be taught — —

An honourable member interjected.

Mr LOCKWOOD — It has nothing to do with any council, no.

It modernises the subjects, making the provisions more relevant, because the old act was obsolete. It talks about the arts, English, health and physical education, languages other than English, maths, science, studies of society and environment, and technology. These are the major areas of learning as agreed nationally and are part of the substance of the bill.

Criminal record checks have been done since 1995, but there are no current provisions that expressly deal with teachers convicted of sex offences against children. This bill will change that and put the issue beyond doubt. Teachers in that position will not be able to teach, whether they are teaching now or seeking employment as teachers, and that is the way it should be.

Mr Perton — That is not what your government wanted. You voted the other way in the party room, didn't you? You voted for the bill as it came into the house, didn't you?

The SPEAKER — Order! The member for Doncaster will cease interjecting.

Mr LOCKWOOD — I will be voting for the bill as it will be amended today.

Mr Perton interjected.

The SPEAKER — Order! The member for Doncaster!

Mr LOCKWOOD — In terms of delegation, currently it is viewed as too narrow. There has been lots of discussion on this delegation, but at the moment it does not permit the minister's powers to be delegated to, for example, a parliamentary secretary, another minister or a school council, a parliamentarian, a retired judge, or an expert or professional not employed in the department. Now that will be able to be done. There will still be limits on the delegation — that is, the ability to make regulations and issue guidelines to school councils, and the power to delegate and to compulsorily acquire land.

It will broaden the flexibility of the department. As members heard earlier, it is a huge portfolio, with some 40 000 employees and 500 000 students. An effective administration requires an effective delegation system. This power does not allow further subdelegation. It is a reasonable measure that will assist ministers and agency heads to administer a large and complex structure, which the Department of Education and Training is. Ultimately it will produce better decisions and a better administration.

Now teachers must be registered. School council employees and temporary teachers can be dismissed if they lose VIT registration. Permanent teachers must be dealt with under the Teaching Service Act but can have their salaries suspended and be dismissed if their registration is not current for 12 months.

Teachers must be registered by the Victorian Institute of Teaching. We cannot have unregistered teachers in the system. That will not be allowed. The bill allows the department to cease employing a teacher whose registration is suspended or cancelled. Previously there was no power to remove a teacher whose registration was suspended or cancelled, but that will change. Only new employment was affected previously. The bill gives school councils and the secretary the ability to suspend a teacher without pay if their registration is suspended, refused or cancelled. It is a sensible and logical approach. Other professions require their professionals to be registered before they can practise and that is being extended to teaching.

Any termination has to be based on justifiable reasons, otherwise it is subject to unfair dismissal action. Termination can be based on things like falsifying qualifications and false or bad record checks.

We will now be able to advertise jobs more flexibly. It will not be, as currently specified, in newspapers. It will be good to do it online on the Net, as many job ads appear on the Internet — it is a quite common and widespread way to advertise job vacancies. It is about time the provisions were updated. An Internet ad can be continually updated and kept current, is always available, reduces costs and, by providing an electronic method of response, gives people the ability to respond at all hours of the day and night. It is now a common teaching and study tool and it seems logical to use it for job ads as well. The skills are taught in the schools and those skills should apply to job advertising.

In terms of sex offences, a teacher convicted of a sex offence against a child is not eligible for employment in any school. This has got to be a good thing and I am sure everybody here applauds that particular change. It is certainly a sign that the bill is not gutted as it is a very important provision. The relevant employer, the secretary or the school council, must dismiss any teacher who has a conviction. Employers and the Chief Commissioner of Police must inform the Victorian Institute of Teaching if a teacher is charged with, committed for trial, convicted or found guilty of a sex offence against a child, so that there is an early warning of these problems arising. It allows checks on teachers employed before 1995 when these other checks began. As members have heard, the new provisions will apply to convictions regardless of when they occurred. As I said, the notification process provides an early warning system.

There are about 20 schools in my electorate. I visited Regency Park Primary School just the other day.

Mr Wells interjected.

Mr LOCKWOOD — It is a school that speaks very highly of the member for Scoresby, actually. I have recently visited Great Ryrie Primary School and other schools in Bayswater and other parts of my electorate. They are fine schools with hardworking and dedicated teachers. I very much enjoy getting around to the schools.

I am sure the overwhelming majority of teachers will not be touched by this bill. I am confident that there are few people who will be affected by these changes, but we must find those who are. We want to ensure our schools are totally free of the wrong sort of person. Anyone convicted of a child sex offence should not be in a school. That is obviously commonsense. As has been spoken of before, we need trust in our schools. Students, parents and teachers operate on this trust and that trust has to be maintained. Now we can ensure that

that trust will be strengthened. There is no greater threat to that trust than that a teacher has sexually abused a child. I will never understand how someone can sexually abuse a child. Children must be nurtured and loved in the proper way, never in any distortion of those words that some people seem to rely on.

I remember that in my school days — thousands of years ago that it may be — I had complete confidence in my teachers. We always gossiped about them, of course, but we always trusted their behaviour and they lived up to the trust, in my experience. Students and teachers spend a long time together, especially in primary schools, and the relationship between the student and teacher is crucially important for learning and personal development.

The government has been accused of not consulting on amendments to this bill, but I think the bill is proof that this government does listen to the community. We have acted on the concerns voiced in the community, with the amendments now before the house.

It was suggested that I was nodding a little earlier in agreement with the member for Doncaster. Perhaps I would have been tempted to nod off during his contribution, but as I could not hear my head rattling, I was not nodding. On that note I commend this bill to the house.

Mr THOMPSON (Sandringham) — The Education Legislation (Miscellaneous Amendments) Bill, as I understand it, also has some more recent amendments introduced to it, so they are major miscellaneous amendments that are before the house today.

One key issue in the bill relates to the audit system. Under clause 7 of the original bill it was proposed that the secretary of the department could indicate which schools were to be audited. This would have had the effect of some schools not being audited for a number of years. Some education department schools would have budgets of over \$10 million per year. They involve a substantial amount of trust and responsibility on the part of the financial management team within a school environment. The prospect that some of these budgets may remain unaudited for two years or perhaps even longer is not an acceptable state of affairs.

It is noteworthy that shortly after the legislation was introduced to the Parliament the *Herald Sun* noted there was a backflip on the part of the minister. An article in that paper says:

The second section of the bill to be scrapped called for the current auditing system, where all schools undergo a compulsory annual audit, to be replaced by an arbitrary

system where the education department secretary selected schools.

The article further says:

... it was predicted thousands of schools could go unaudited for two years at a time or more.

And:

... it was predicted the cost of auditing was to be shifted from the department to the individual schools.

In the Sandringham electorate there are a number of schools which have not yet had major maintenance funding under the physical resource management system (PRMS) forwarded to them in the present financial period. The councils of a number of schools are very concerned that PRMS funding is not available to create the appropriate school environment in which they wish to establish and facilitate the good educational outcomes which the teachers would aspire to on behalf of the students.

The proposed changes to the audit measures drew strong criticism from a number of educational groups. The Victorian Primary Principals Association president, Fred Ackerman, indicated that as schools are responsible for looking after large amounts of public money it is important that the audits be undertaken on an annual basis. It was noted that a spokesman for the minister indicated that there had been discussions with the Auditor-General over the changes and that he was interested in the audit process being strengthened rather than weakened to facilitate the good governance of schools.

There was an earlier backflip on the part of the minister in relation to clause 6 of the bill, which would have enabled the minister to approve certain people remaining in the teaching service or qualifying as teachers. According to a report in the *Herald Sun*, the law would have allowed the secretary of the education department to exempt certain child sex criminals — that is, people who had been convicted of child sex offences.

When parents send their children to school they have a keen interest in their welfare being advanced, and it is imperative that an education environment be one where children remain free from harm. It was unusual in part that the minister subsequently reversed her earlier position, because it was done in the context of a public outcry. An issue like this should have been picked up within the government's bill committee process and as a result of constructive and strategic consultation with stakeholder groups. It was noted in the *Herald Sun* of 23 September that:

The Bracks government was forced into an embarrassing backflip yesterday after the *Herald Sun* revealed plans to exempt some sex offenders from a teaching ban.

Again, it might be suggested that the legislation before the house shows a lack of due process and consultation with key stakeholder groups. It was in part due to the vigilant work of the shadow minister for education that some of these issues were brought into the public focus and highlighted. But for the able work of the opposition this bill might be passing through the house unamended, and that could have led to adverse outcomes, both on a financial scale and in terms of schoolchildren, whose welfare and best interests must always remain paramount.

Mr HERBERT (Eltham) — The Education Legislation (Miscellaneous Amendments) Bill and the government amendments will fulfil a number of key needs within the legislative framework that schools operate under. I congratulate the Minister for Education and Training on bringing this bill forward. It is but one of a raft of reforms that are making our schools smarter, safer and healthier places for young people to be.

The bill has a range of purposes. Firstly, it addresses outmoded and redundant sections of existing legislation — that is, section 27 of the Education Act 1958, which lists the subjects to be studied in high school, or as the act says, 'higher elementary schools'. Amazingly this section has not changed since 1958. In the last 45 years schools have changed dramatically for the better. We have new subjects — —

Ms Buchanan interjected.

Mr HERBERT — They have changed for the better, especially in the last four years. We have new subjects and new certificates. The curriculum standards framework provides a basis for what is studied up to year 10, and the Victorian certificate of education applies to senior years.

The bill also updates the delegation powers in the Teaching Service Act 1981 to ensure that the government acts more efficiently and effectively. The changes provide for more consistency in the various delegation sections of the act whilst retaining the safeguard of preventing subdelegations of power. Importantly the bill enables advertising for provisional appointments to teaching positions to be published on the Internet. That is a move which I am sure will be popular with teachers and those seeking employment whilst hopefully saving the cost and the waste of paper which currently occurs.

Undoubtedly the most important aspect of the bill is the provisions to safeguard children. The bill will amend the Teaching Service Act 1981 and the Education Act 1958 to state that a person convicted of a sexual offence against a child is, irrespective of the date of the conviction, ineligible for employment in the teaching service, and if they are currently employed in a school, that employment must be terminated.

This provision will benefit literally millions of young people. The Victorian education system is huge, and in the government section alone at any one time there are 500 000 students, 1 million parents and 40 000 people employed. All of these people, as well as the general community, expect that the government will ensure that the most stringent duty of care applies. The measures we see being implemented today are an appropriate response to society's increasing concern for the security and protection of our young.

The legislation is about strengthening measures to ensure that young children are safe from sexual abuse in schools and that they are perceived to be safe. That perception is important. Whenever a parent drops their child off at a school gate they want to know and they want to feel in their mind that that child is protected and is safe.

Put simply, this bill enables that most stringent process to apply. It ensures that any adult with a recorded conviction of a sexual nature will be banned from teaching in schools. This is an important measure. I was amazed earlier in the debate to hear a number of opposition speakers comment that the bill is basically administrative and that it has been gutted and stripped of importance. Surely they think that protecting young people and precluding people convicted of sexual offences from teaching is important. I think it is very important, and it is a pity that many opposition members seem not to think so, as indicated in their contributions to the debate.

As the minister said in her second-reading speech, this bill delivers trust, the trust parents can have when they leave their child alone at a school with a teacher. They trust that their children, while at school, will be safe from any predatory behaviour from an adult, particularly an adult in a position of responsibility. The measures in the bill and the house amendments are clearly in line with community expectations, which in recent years — probably the last decade or so — have seen a far greater emphasis on student safety and protection.

I was not at school back in 1958, but I have been a teacher, having taught some 10 years ago or so. I

thoroughly enjoyed being a teacher. From visiting the schools in my electorate I can see that they are a lot more stringent and safety conscious today than they were then. For instance, if students are absent they get followed up fairly rapidly, and often parents are rung that afternoon to check that the students are okay.

Yard duty rosters are always difficult for teachers, but they are certainly a lot more stringent nowadays. The protocols for teachers dealing with children after hours are more stringent. When you visit a school — I know Labor members are regular visitors to schools in their electorates — you have to sign in at the front desk and display a pass while you are in the school, and that is a good thing. They are some of the extra safety features we have in our schools nowadays.

New teachers must have police checks. This legislation takes the protection that we have seen in schools one step forward. In mandating police checks on all teachers it ensures that any teacher convicted of a sexual offence is ineligible to teach. It ensures that any teacher convicted of a sexual offence must be sacked.

I would like to take this opportunity once again to congratulate the minister, but this time on her promptness in acting on the clear community sentiments and the amendments to the original bill that were foreshadowed, amendments that strengthen the intent. Those amendments have been well aired in the community. They have been debated, and they have been discussed. The government listened, and it moved at the first opportunity. That is to be commended, not used to score political points from. It is a sign of a good government in a good democracy that the government will listen and will act in a proper manner.

It is a pity that the opposition, instead of seeking to work through issues of substance on this sensitive matter in a bipartisan manner, has sought to politicise it and to go for sensationalism over substance. No-one benefits from that type of approach, particularly when it relates to such a serious issue affecting the protection of young people and, importantly, parents' trust in our school system.

Mr Lupton interjected.

Mr HERBERT — The member for Prahran says it would be better if they had a policy. It would also be better if they looked at parents and tried to encourage and support them and make them feel better about their children in schools.

The position the opposition has taken on this debate has been scaremongering sensationalism, and it has attempted to undermine the faith that parents have in

the school system. It has not worked. The government has acted. We have amendments before the house today which strengthen far more than ever in our history that protection of young people.

I would also like to comment on statements the opposition has made about lack of consultation, particularly on the audit provisions. It has been said here that they were rushed and that we did not seek to talk to anyone, that they were simply thought through in the minister's office and then brought into the Parliament. That is not the case. Consultations did take place on the audit provisions. They involved the Association of School Councils of Victoria, the Victorian Council of Schools Organisations, the Victorian Primary Principals Association, the Victorian Association of State Secondary Principals, the Australian Education Union, the Auditor-General and the Department of Treasury and Finance. We have heard member after member of the opposition say, 'There was no consultation'. It is simply not the case. All key stakeholders were consulted.

I finish off by saying that in my electorate of Eltham schools are important. There are some 13 000 young people in my electorate alone attending schools. They are attending excellent schools. The teaching staff there are a fantastic group. They are innovative, hardworking, creative and talented. I think they will welcome these provisions because they will prove to the electorate as a whole that once again our schools are not just great places of learning, they are safe places for young people to be.

I commend the bill to the house.

Mr SMITH (Bass) — Sorry, Yuroke, are you right? I thought you were a bit excited for a moment.

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

Mr SMITH — In rising to speak on the Education Legislation (Miscellaneous Amendments) Bill I have to say that I am vitally concerned about what is going to happen to our kids with regard to the lack of action by the government to ensure that sexual offenders are weeded out of schools.

As the previous speaker said, we have a large number of fantastic schools in Victoria. We have great teachers in our state school system, and I think that is fantastic. I work very hard with schools right throughout my electorate. I know them all. I go to the schools on a regular basis, and I enjoy the opportunity to talk to the teachers, talk to the principals, talk to the school council

members and, in particular, talk to the kids and see some of the great things they are doing.

We are not scaremongering on this. We are not using scare tactics. Anybody who sexually offends against a child should be nowhere near a school, let alone teaching them. Teachers in the system who have been there for some time and who have offended against kids should not be there; they should be removed from the system. The fact that the minister is trying to move through some amendments that will not ensure that that is going to happen worries me.

I worked for two and a half years, along with the Minister for Police and Emergency Services, who is on the other side of the table, the Leader of the Opposition and a number of other members, on the Drugs and Crime Prevention Committee when it looked at sexual offences against children and adults. It was two and a half years, I must say, of emotional agony for all of us to sit down and be confronted with paedophiles and what they actually did to kids. It was just horrible, and I hope no other members of this Parliament are ever going to be in a position where they have to go through what we went through.

We learnt so much about paedophiles and the way they act, the way they cannot be trusted, the way they think — they think that having sex with children is seen as being right — and the way they will groom the children. Unfortunately teachers who are of that way of thinking can get into our education system and cause devastation for individuals who are offended against, and we as legislators in this state have to do our very best to ensure that these people are weeded out and that there is no opportunity for them to get their hands on our kids, because the devastation of those kids goes on for the rest of their lives. It is not just something they can forget about.

We have problems as far as the churches are concerned. We have seen of recent times some of the priests that have been charged with sexual offences against kids. It is something that they consider to be the norm. It is not something that you can be cured of, I can tell you that now. It does not matter whether you are a teacher, a priest, a minister of religion or whether you are a just a plain old ordinary paedophile — going to jail, being treated in jail, being treated by counsellors outside jail is not going to cure you. That is the way they are. We have to do something about protecting our kids from these people.

We have to be able to take them out of the system, to be able to do a police check to find out whether they have been charged. Often I know these people have been

convicted, but many of them go to court where lenient sentences are sometimes handed out. People can be fined but not convicted for these types of offences. Offences against kids and school kids are things that have to be stopped, and stopped now.

We have to do something about it. We have to show some strength. We have to go through the school system, and we are able to because of the way the education system is set up — where the teachers have to be registered, where the teachers are all known and are named, and they should be. The police minister should be able to ensure that the checking of these people is done and done in the quickest way possible and that the department has the opportunity without fear or favour to remove these people from the system. They are scum on our society. They are scum in the education system. They are scum within their own communities, and they should be, as I said before, weeded out to ensure that they cannot get near our kids. They should not be allowed to live near schools, because their sick little minds allow them to wander around those schools and look at the school kids and take any opportunity they might be able to get to offend against those children.

In conclusion, I want to say to the government, ‘Take some strength, take some power, weed these people out of our system. Do not allow them to devastate the lives of any more of our kids. You are not going to be able to cure them. You are not going to be able to rehabilitate them. You are not going to be able to leave them in the system’, because I am telling you now these people will reoffend again and again and again, and every victim they offend against is a kid of our society. Let us get them out of the system as quickly as we possibly can.

Mr HARDMAN (Seymour) — I rise to support the Education Legislation (Miscellaneous Amendments) Bill 2003. From my point of view it is always a great pleasure to speak on education bills because one of the reasons that I got interested in becoming a member of Parliament was a desire to turn around the damage done to education in Victoria by the Kennett government.

One of the major purposes of the bill is to further protect children. That is a great thing to do because children are vulnerable. As the member for Bass eloquently put it, child sex offenders will continue to repeat offend: that is the evidence that is on the table.

The opposition has made a point of having a shot at our government for originally allowing the secretary of the department to grant exemptions for people convicted of child sex offences. We have to remember there is a double standard there, because what the opposition did

not state is that while it was in power in 1995 the scheme of criminal record checks that it introduced allowed for a review by the Merit Protection Board that enabled it in effect to grant exemptions. But we quickly forget those things when in opposition.

The policy of protecting our children that is being implemented through this legislation is in line with whole-of-government policy and other bills that have recently been through the house including the Child Employment Bill and the Education (Workplace Learning) Bill. Parents and the community need to be confident in our institutions and that their children are being cared for and protected by people of the highest level of trustworthiness and ethics. This bill gives the power to the Victorian Institute of Teaching to check all teacher’s criminal records, not just new teachers or those changing positions.

The Victorian Institute of Teaching was established to ensure that our teachers are recognised for their professional standing in the community. This bill gives the institute the powers to help our community have confidence in our education institutions through the professionalism of their teachers. This legislation helps the institute do that as it is retrospective and any teacher who has been convicted of a child sexual offence in the past will be dismissed. I commend the Minister for Education and Training for taking this strong action, which will ensure the safety of our children.

Another important provision in the bill is the clarification of the minister’s ability to delegate powers. With 1625 schools, 40 000 teachers and up to 500 000 students in Victoria the minister has incredible responsibility. There is no way one person can effectively deal with all of those things, so the minister needs to be able to delegate powers. Provided the powers are delegated to those with appropriate skills — and this bill does ensure that — it is a very practical and sensible amendment. It is sensible that a retired judge can advise on disciplinary procedures because it will help ensure that people of a high calibre and with the appropriate skills are able to help these cases be dealt with in an effective and timely manner instead of dragging along and not being dealt with appropriately. I congratulate the minister on this.

I know that it will be better for the person who is being dismissed, or the schools and children whose teachers are facing those kinds of disciplinary proceedings, to be able to get on with their life and get on with what they are doing, which is trying to get an education.

Enabling advertising on the Internet is another sensible and practical amendment in the legislation. It will

obviously help schools save a great deal of money. Many people, especially professionals, now utilise the Internet to look for jobs. Some of the applicants for the research officer position with the Rural and Regional Services and Development Committee — which we advertised and interviewed for recently — actually read about it through Internet advertisements. This amendment is a sensible and practical way of ensuring that we are doing the right thing and helping Victorian schools to save money so they can spend it on the most important thing — providing better resources for our kids.

I am proud of the improvements the Bracks government has made to education through legislation, policy and the significant boosting of resources we have recently undertaken. Not only have those resources been significantly boosted, but they have, more than ever, been significantly targeted to those students who need it most. That is something we should be really proud of, and I know that I am.

I commend this bill to the house. I commend the Minister for Education and Training for bringing it forward and the people from the Department of Education and Training who helped her put it together. I wish it a speedy passage.

Ms BUCHANAN (Hastings) — I also rise with great pride to speak in support of this bill. The Education Legislation (Miscellaneous Amendments) Bill roughly proposes five main areas for reform. In brief these are: firstly, repealing section 27 of the Education Act 1958; secondly, updating the delegation sections of the Teaching Service Act 1981 and the Education Act 1958; thirdly, strengthening the provisions relating to teachers or prospective teachers who have convictions or who are found guilty of sexual offences against children in the Teaching Service Act and the Education Act; fourthly, updating the Children and Young Persons Act to reflect the current names of the registration body; and fifthly, amending the Teaching Service Act to allow for advertising and advice of appointments to be placed on the Internet.

The overall intent of this bill's amendments is very clear. They reflect the current focus on learning in our education system. They move to ensure that all students are in the safest possible study environment. They look at the integration of Internet usage for employment and recruitment and the enhancement of the powers of delegation for greater efficacy.

I would like to speak on a couple of these points. The first relates to the repealing of section 27. For all intents and purposes this has been superseded by the

curriculum and standards framework and the eight key learning areas in schedule 2 to the Education Act. I think everybody would agree that the curriculum and standards framework most accurately reflects the basis of curriculum planning, reflecting as it does the nationally agreed standards. The eight key learning areas are: the arts, English, health and physical education, languages other than English, mathematics, science, studies of society and environment, and technology. These are the foundations of our children's learning environment, and it is therefore fitting that Victorian legislation reflects these nationally agreed standards and key learning areas.

The second of the amendments I would like to speak on concerns the updated delegation powers. Under the current legislation the authority of the minister and secretary under the Teaching Service Act and the Education Act to delegate is limited in quite a few areas. This bill seeks appropriately to redress the limitations in the current legislation, thus enhancing the potential for greater administrative efficiency.

Under clause 4, for example, the secretary can delegate discipline issues to experts such as retired judges or tribunal members to hear and make recommendations on. It is also salient to point out that a delegate cannot subdelegate, nor will there be any changes with respect to powers to make regulations or to compulsorily acquire property. Those powers remain with the minister and the secretary.

The fourth aspect of the bill is administrative and relates to consistent references to the name of the teaching registration body, it having changed from the Registered Schools Board to the Victorian Institute of Teaching.

Another aspect of the bill is the provision for greater use of the Internet as a medium for advertising employment and notifying appointments in the Department of Education and Training. That is common practice in many organisations, and I applaud this initiative being brought forward to the education department.

The final amendment I would like to speak on is the effective removal of teachers from the education system if they have been convicted or found guilty of a sexual assault against children. I want to focus on the key words 'convicted' and 'found guilty' and the concept of 'in a position of trust', which is the overriding intent in why these amendments have been brought in.

I have had numerous interactions with my local schools over the last couple of months, including local union

representatives, students and parents, and there is certainly sound agreement on these amendments. As recently as last Tuesday night I had occasion to go to the opening of an art show in my electorate. I was approached by teachers and parents congratulating this government on taking the initiative and being so sound in making sure that people with convictions for child offences are permanently removed from the education system.

Our children are our greatest asset. The trust we place in our teachers has to be one based on certainty, and the processes that we are putting in place now will guarantee that. As many members have said, when it comes to leaving your child at the school gate in the morning, you want to be guaranteed that they are still laughing at the end of the day. You want them to be in a totally safe environment — and that is about peace of mind for both student and parent in the long run. The views that parents and teachers have expressed to me are very clear. Only people who have not abused children should be allowed into positions of trust with students. The bill is also very clear about that.

In summing up I would like to commend the Bracks Labor government, and in particular I would like to commend the minister for the sterling leadership she has consistently shown on all issues pertaining to her portfolio. The amendments in the bill before the house are further examples of this exemplary leadership. This is in sharp contrast, I might add, to that of the opposition; but then given its track record during its seven years in government in the 1990s, it is obvious that the concepts of quality education, knowledge and skills for an innovative economy, and safe learning environments were never factored into its policy equations. It certainly had an economic rationalist approach that saw school closure after school closure and the decimation of teaching numbers.

Mr Perton — On a point of order, Acting Speaker, I have been listening intently and with respect to the member, but at this point she has drifted beyond the bounds of the bill, and I ask you to bring her back to order.

The ACTING SPEAKER (Mr Ingram) — Order! The previous speakers on this bill have strayed fairly far and wide, but the custom of this house is that members other than the lead speakers should remain focused on the bill. So I remind the honourable member for Hastings that that is the case.

Ms BUCHANAN — I certainly will, because unlike the opposition the ALP makes sure it champions the causes of students, teachers and the Victorian

community. On that point, I would like to commend this bill to the house.

Ms ECKSTEIN (Ferntree Gully) — I am pleased to make a contribution in support of this bill. While the bill tidies up a number of anomalies in existing legislation, it contains some important provisions. The opposition has made much of trying to portray this bill as not having any content. That could not be further from the truth. From time to time it is important and necessary to tidy up existing legislation — for example, bringing the list of subjects studied in line with the curriculum and standards framework, which is outlined in schedule 2 to the Education Act, instead of listing subjects that are to be studied. It is important to ensure we are up to date with what is happening in our schools and education system.

Similarly, the advertising of vacancies in the teaching service on the Internet is also a timely and important move. Advertising for employment positions is increasingly more commonly done on the Internet, and it is a timely reform given the importance of this technology to our daily lives. It is surprising that it has not been done before. It is important to address this anomaly.

The delegation powers of the minister and the secretary will ensure consistency and the smooth operation of what is a huge enterprise. As a longstanding employee of the department, first as a teacher and more recently as a public servant in the department, I am well aware of what a huge organisation it is. It is either the second or third-largest enterprise in the country. As others have said, there are about 40 000 employees as teachers and other staff, 500 000 students, 1 million parents, and over 1630 government schools. It is a huge responsibility and undertaking, and delegations are appropriate.

A department of that size cannot function efficiently unless ministers and the secretary are able to delegate powers and functions appropriately. That has been long recognised and accepted. It is appropriate that the minister be able to delegate those powers, including to other ministers and to parliamentary secretaries.

Similarly, as others have said, it is also important for the secretary to be able to delegate certain powers — for example, it is appropriate for the secretary to be able to delegate powers to a retired judge to hear and make recommendations on a disciplinary matter. There are important safeguards in the delegation of powers — for example, a delegate cannot further delegate the same power to a subdelegate. That is again highly

appropriate. Ministers, of course, continue to be answerable to this Parliament for those delegations.

The bill strengthens the provisions for ensuring that all teachers in Victoria are registered with the Victorian Institute of Teaching. Where VIT has refused, cancelled or suspended registration of a teacher, the secretary will be able to suspend that teacher without pay. There could be a range of reasons why that suspension or cancellation has occurred. If the teacher remains unregistered for 12 months continuously, then that person's employment will be automatically terminated. It is important that teachers be registered with the VIT not only to ensure their standing in the profession, but more importantly to ensure the community that children in our schools are in the hands of competent professional teachers.

The community entrusts our most important and valued asset, our children, to teachers and to schools to be educated and cared for, and all parents trust their children's teacher to look after and care for them, to protect them from abuse and harm, and to teach and educate them appropriately. The government takes that seriously.

Consequently, and most importantly, the bill strengthens provisions where a teacher has been found guilty of a child sexual offence. The bill provides for mandatory dismissal of any teacher convicted of a sexual offence against a child. There will be criminal record checks for pre-1995 employed teachers. Teachers employed subsequent to that have already had criminal record checks. Anyone who has gained a transfer or a promotion has undergone a police check, but it is important to ensure that those pre-1995 teachers who have not undergone a criminal record check do so forthwith.

If it is found that there are inappropriate teachers employed in our schools, they will be dismissed forthwith. That will be irrespective of when that conviction occurs, so it is a retrospective provision in that sense. That is very important. People who have been convicted of a child sexual offence are not suitable to be teachers in our schools, and the bill ensures students are protected from such people. It is unfortunate that this is necessary, but it is the case. As I have said on a number of occasions, our children are our most valuable asset and resource and we must give them the best possible protection that we can from people who might harm them. I believe all honourable members, as well as the community at large, agree with this. The community must be able to have complete faith and confidence in the teachers and schools to whom they entrust the care and education of their

children. This bill is an important vehicle for achieving that. I commend the bill to the house.

Ms D'AMBROSIO (Mill Park) — I wish to congratulate the Minister for Education and Training because in the time she has been minister, along with the fine work of her predecessor, the Victorian public's confidence in the education system has been restored. It has been restored for a variety of reasons including the amendments included in this bill.

I wish to speak to some of those amendments, in particular ones that refer to the Children and Young Persons Act 1989, which now will recognise government and non-government-employed teachers who are recognised by the Victorian Institute of Teaching. This will ensure, as the government commitment is demonstrated throughout many of its policies in the education field, that teachers and their qualifications will be of the highest standard, and that high standard will be demonstrated in our classrooms. It is a good policy from a great minister and will give further impetus to the public confidence in our school system.

I move on to the delegation functions of the minister and departmental secretary which are conferred under the Education Act 1958. Yes, the amendments before us broaden the delegation powers, but they broaden them to remove inconsistencies which currently exist and to inject some commonsense into the types of delegations and the people in whom the delegations can be invested.

A number of safety mechanisms are available and I will go through those. The Scrutiny of Acts and Regulations Committee has sought some clarification from the minister regarding the need for the broadening of the delegation of certain powers, and from the minister's response I personally am satisfied with the conditions that apply to that broadening out of the delegation.

Mr Perton — On a point of order, Acting Speaker, the honourable member is the chair of the Scrutiny of Acts and Regulations Committee. On reading that committee's report one sees it contains a reference to a letter to the minister, but it does not contain a response. Obviously that document is privileged until released by the committee. So I am wondering whether the member is breaching privilege, or whether she is referring to a public document.

Ms D'AMBROSIO — On the point of order, Acting Speaker, I am prepared to seek your guidance and advice on this matter.

The ACTING SPEAKER (Mr Ingram) — Order! The member is not allowed to use documents that are private to that committee until they are public information — that is, until they are released within the committee reports or freely available from the committee. So I caution the member about raising any issues that are matters of privilege for that committee.

Ms D'AMBROSIO — Thank you, Acting Speaker, for that explanation.

I wish to reiterate that the delegation powers exclude regulation-making powers and guidelines issued by a minister and also go towards protecting powers over the compulsory acquisition of land and the acquisition of land for preschools. The power of delegation cannot itself be delegated.

These delegation provisions are similar to the delegated authority afforded to the Premier under the Victorian Public Sector Management Act 1998. I also understand that conditions would be applicable to delegations beyond that which are subject to, for example, section 42A of the Interpretation of Legislation Act 1984, where appropriate conditions or limitations can be applied to any delegation. I envisage that normal departmental standards regarding engaging people on contracts or otherwise would require that they comply with, for example, the Information Privacy Act 2001. Beyond that are issues which include the delegated authority being subject to the responsible data-collection and handling principles of the Information Privacy Act.

The bill preserves teachers' rights of access to and correction of the information when it is collected and handled by a delegated person. That is an interpretation that must be read within the context of the act that I have just referred to.

I move on to the issue of teachers convicted of sexual offences or people who are in the teaching profession and who may have been or are convicted of sexual offences. No doubt this is a matter of public policy which reflects community expectations that authorities protect children and young persons in their care. It is a duty of care that the state government takes very seriously, as does everyone, and this bill serves to further extend that recognition of the vulnerability of children in the care of adults.

The bill continues to set clear parameters for school councils to deal with teachers who are currently employed or who are candidates for employment vis-a-vis convictions for sexual offences, of course employment being conditional on registration with the

Victorian Institute of Teaching. The bill assists schools to promote healthy and professional behaviour by teachers towards their students. It is a further signal of how seriously the government takes the care of children.

I finish by saying that the bill includes a number of amendments which are tidying-up amendments in some respects but which further strengthen the qualifications and the professionalism that teachers must have in teaching children. It augurs well for the continued improvements that the education system seeks to provide for our children.

The Auditor-General's report that was released yesterday again shows a steady improvement in the literacy of our children. That is something for which the government and the Minister for Education and Training in particular should be commended, and I personally acknowledge the minister's fine work in this regard. I look forward to continuing to see improvements in the education of our children and in the professionalism of the teachers employed to ensure their education is promoted.

Mr LUPTON (Pahran) — This bill is further evidence of the commitment of the government to education. It has been clear since the Bracks Labor government was first elected in 1999, and it has been stated on many occasions since, that education is our no. 1 priority. Along with other legislation that has been debated in this house during this week, this bill continues to reinforce to the people of Victoria that we have education as our no. 1 priority now and into the future.

Of course we all have varying reasons for our interest in education. My interest is partly influenced by the fact that I have three school-age children myself. All of us who are parents of school-age children naturally take a great interest in the way our schools are performing, the way our education system operates, the types of teachers who are employed in the system and the educational outcomes that the system offers to our children and to all the students who go to school in Victoria.

Another element of the work of a member of Parliament is to have a significant involvement in all the schools in his or her electorate. One of the most enjoyable and interesting things I do as the member for Pahran is visit the schools in my electorate on a regular basis. The school councils, principals, teachers and students that I talk to all indicate to me that the improvements we have been able to make in education since coming to office in 1999 are having a significant

and positive effect on student outcomes and on the morale of the teaching service.

It is also important to bear in mind the significant impact that our improvements are having on the confidence of parents in Victoria. That confidence is being shown in the number of enrolments in our schools, and it is reflected in the improvements in literacy and numeracy rates and the very important retention rates in our state schools system.

This bill builds on a number of improvements that have been made in education since 1999. The ones I want to concentrate on are to do with modernising some of the methods that the education department is able to use and further protecting the interests of the children who attend our schools.

One aspect of this bill that will modernise the education department's advertising of positions will be the ability to use the Internet rather than having to rely on newspapers. This will provide a more speedy advertising process. It will also mean that more information will be available to people who are interested in applying for positions. It can be continually updated so that the information is always relevant. In this day and age it is becoming clear that more people use the Internet to find out information about employment opportunities than use newspapers in the traditional sense. This is a very sensible and timely modification to the process for applying for jobs, and I commend the government for taking this action.

The other element that I want to concentrate on is protecting children in our education system. Of course what we are doing in this bill is making it absolutely and abundantly clear that any person convicted of a child sexual offence now, in the future or at any time in the past will not be eligible to teach in a school.

That principle ought to be accepted by all members of this house. I am sure it is. I know it is extremely widely supported in the community. It means that not only people who commit any offences in the future, but people who have committed any offences in the past — it does not matter what period of time we are talking about — will be ineligible to teach in our schools. That is a very important thing for the confidence that people in Victoria are able to show in our education system.

We need to make sure that parents, and prospective parents, are able to say with confidence that when they send their children to our schools they can be sure that the school environment is safe for their children. This bill guarantees that. As far as those sorts of offences are

concerned, the government should be commended for its legislation.

I commend this bill to the house, and I wish it a speedy passage.

Mr CRUTCHFIELD (South Barwon) — I rise to comment on the Education Legislation (Miscellaneous Amendments) Bill. Other speakers have alluded to the size of the education budget in terms of dollars and also in terms of the number of employees and the number of schools. It is important to note that the content of much of this bill relates to all schools, not just state schools but also independent schools, particularly the provisions relating to mandatory reporting of sexual offences and the disqualification of teachers.

I am an ex-schoolteacher, and unfortunately I had the experience of teaching in a school — which I will not name in the house, unlike the member for Warrandyte, who named an individual in another Parliament; I will not stoop to that level — where there were examples of paedophilia. In addition to the obvious effects it has on the child, the parents and the school, it also has an effect on the reputation of the school and on the community the school serves. It has broader ramifications. It does not affect just the individuals involved — and I do not need to expand on the seriousness of that — it has a broader effect on the whole community that is involved.

I certainly welcome anything we can do as legislators to reduce the potential for this occurring in any of our schools, whether they be government schools or not. I note that all members of the house have spoken in support of this bill. It is one where the bipartisan approach should be noted.

The amendments it will make with respect to the Victorian Institute of Teaching concerning mandatory reporting are consequential. When I was a teacher there was no such thing as the Victorian Institute of Teaching. In fact no police checks were required, so I am encouraged by the fact that all teachers now need to undergo a police check and that there are significant penalties available to the secretary in terms of dismissing teachers who are found guilty and convicted of sexual offences.

However, I also want to bring to the attention of the house the fact that clause 12 of the bill deals with new section 65B, which provides for an exemption from disqualification. As with any jury or legal process, there should be a right of appeal, and I support the right of appeal. That does not mean that I condone the actions of a person who may be found guilty of a sexual

offence, but it is important to note that there is this exemption clause that the secretary can utilise. The secretary has to notify the Victorian Institute of Teaching if there is an application for an exemption by a teacher who has been dismissed because he or she has owned up, if you like, to a past sexual offence. Clause 5 goes on to talk about a number of instances in respect to the rights of appeal for those individuals.

Other members have spoken about trust and the duty of care of individual schools. Parents, and teachers as a profession, should expect that the standards that apply to teachers will be the same as the standards that apply to other professionals who need to be registered, such as doctors, lawyers, veterinarians et cetera. The institute registers teachers. It is a recent addition, as I have already mentioned.

I know a number of individuals connected with the education department who have taken leave without pay. They include one Ron Watt, who has taken three years off without pay to coach football and is coaching the reserves at the Geelong Football Club. If those individuals have approved pay it means they cannot be dismissed because they are not registered. That also applies with family leave under the education department.

I want to finish up quickly by using a broad brush in respect to the information technology component of the bill. It is a small area, and I notice the member for Prahran touched on it. Emergency services have in recent years used the Internet to provide information. This bill brings the principal act into the 21st century in respect of Internet access, and it is certainly a feature that I support because it makes it easier for people who want to transfer from one location to another or to find information on the teaching profession.

It is a terrific profession, and one that we are making more attractive. As a government we will continue to make it more attractive as we support teachers with infrastructure, and importantly as we support teaching as a profession. I commend the bill to the house.

Mr JENKINS (Morwell) — It gives me a great deal of pleasure to rise to speak in support of the Education Legislation (Miscellaneous Amendments) Bill and to congratulate the Minister for Education and Training and the minister's staff for the work they have obviously undertaken not only in formulating this legislation but also during the months of consultation they undertook across the school communities — with the teachers, the trade unions, the principals and others. They have continued the consultation undertaken throughout the first term of the Bracks government in

an area of great import to a Labor government — that is, education. Without the commitment to education that this Labor government has brought to Victoria, this state was going to continue the market-driven response of the previous Kennett government.

This legislation is broad in scope. It seeks to modernise the education framework; it streamlines decision making and the implementation of actions consequential to decisions taken by this Parliament, the minister and the department; and importantly, it protects young people and standardises the registration of teachers with the Victorian Institute of Teaching. To put it in one statement: it provides and assists in providing a better environment for schools in Victoria. For that reason alone it is probably not all that surprising that so many speakers from the opposition tried to can this legislation. It demonstrates that in so many ways the opposition has not learnt from history. It has not learnt that you have to support education and that the people of Victoria want you to support education and provide the framework, the tools and the capital infrastructure to make sure that our schools can thrive so our students can become the best they possibly can.

The bill improves and strengthens the existing legislation. It modernises it by repealing a list of subjects and adopting instead the curriculum and standards framework which has superseded that list. It is a nationally recognised framework and, contrary to some of the arguments put forward by the opposition, it has been arrived at over many years of consultation not just with the Victorian school community — the school principals, teachers and students — but with many educationalists right across the country. We are talking about a nationally approved and recognised framework of standards. Importantly, it updates the delegation powers and clears some of the confusion. There is no doubt that it widens the scope of some of the delegation powers of the minister and the secretary to improve the quality of our education and improve their capacity to make decisions and implement the policies of this government, this minister and the department.

Many people have spoken about how important it is to strengthen the provisions dealing with teachers who have been found guilty of sexual offences. It is extremely important. The bill will not only fix the legislation as it stands today, but it will go further in strengthening the legislation brought in by the previous conservative government of this state, which did not go far enough. We have gone that far; we have gone further to protect the children of this state with this legislation. How the opposition has the gall to get up and complain about this government strengthening the

provisions and making the improvements that it was not prepared to make goes beyond the pale.

The bill also amends the Children and Young Persons Act and applies a qualification which clarifies the issue of registration with the Victorian Institute of Teaching so that we and the teachers know what their responsibilities are. It takes away the confusion. It also provides for positions to be advertised on the Internet, which again modernises the legislation. I ask the opposition to take note: it modernises, it looks forward and it makes the changes that need to be made. This will not be the last time. This government will continue to make changes and amend the legislation to fix the mistakes of the opposition and its denigration of the Victorian education system.

With legislation like this the government will make sure that class sizes continue to become smaller, we continue to employ more teachers, we continue to see improvements in literacy and numeracy — as expounded by the Auditor-General yesterday — and we continue to build new schools and have new facilities for our students. We will also continue to consult with the community, as other Labor governments have done in the past. In the government's first term the opposition complained about the amount of consultation, but now it complains about how fast the government is making decisions. It cannot seem to get it right. Does it want the government to make decisions — —

Business interrupted pursuant to sessional orders.

The ACTING SPEAKER (Mr Ingram) — Order! The time has come for me to put the questions pursuant to the government business program.

Motion agreed to.

Read second time.

Circulated amendments

Circulated government amendments as follows agreed to:

1. Clause 5, lines 18 and 19, omit “, unless exempted by the Secretary under section 15BAA”.
2. Clause 5, lines 33 to 35, omit “, unless exempted by the Secretary under section 15BAA”.
3. Clause 6, omit this clause.
4. Clause 7, omit this clause.
5. Clause 11, lines 32 and 33, omit “, unless exempted by the Secretary under section 65B”.

6. Clause 11, page 9, lines 12 and 13, omit “, unless exempted by the Secretary under section 65B”.
7. Clause 11, page 9, lines 25, 26 and 27, omit “, unless exempted by the Secretary under section 65B”.
8. Clause 12, lines 12 and 13, omit “unless exempted by the Secretary under section 65B”.
9. Clause 12, lines 14 to 33, omit all words and expressions on these lines.
10. Clause 12, page 12, lines 1 to 30, omit all words and expressions on these lines.
11. Clause 12, page 13, line 1, omit “65C” and insert “65B”.
12. Clause 14, lines 19 to 30, omit all words and expressions on these lines.
13. Clause 14, page 15, line 1, omit “(2)”.
14. Clause 14, page 15, line 6, omit “14(2)” and insert “12”.
15. Clause 15, omit this clause.
16. Clause 16, omit this clause.

Remaining stages

Passed remaining stages.

EDUCATION (WORKPLACE LEARNING) BILL

Second reading

Debate resumed from 14 October; motion of Ms KOSKY (Minister for Education and Training); and Mr PERTON's amendment:

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’.

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

Ayes, 60

Allan, Ms	Jenkins, Mr
Andrews, Mr	Kosky, Ms
Barker, Ms	Langdon, Mr
Batchelor, Mr	Languiller, Mr
Beard, Ms	Leighton, Mr
Beattie, Ms	Lim, Mr
Brumby, Mr	Lindell, Ms
Buchanan, Ms	Lobato, Ms
Cameron, Mr	Lockwood, Mr
Campbell, Ms	Lupton, Mr
Carli, Mr	McTaggart, Ms
Crutchfield, Mr	Marshall, Ms
D'Ambrosio, Ms	Maxfield, Mr
Delahunty, Ms	Merlino, Mr

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

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

Noes, 24

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

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

Amendment negatived.

Motion agreed to.

Read second time; by leave, proceeded to third reading.

Third reading

Motion agreed to by absolute majority.

Read third time.

Remaining stages

Passed remaining stages.

WATER LEGISLATION (AMENDMENT) BILL

Second reading

**Debate resumed from 15 October; motion of
Mr THWAITES (Minister for Water).**

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages

ROYAL BOTANIC GARDENS (AMENDMENT) BILL

Second reading

**Debate resumed from 15 October; motion of
Mr THWAITES (Minister for Environment).**

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

ACCIDENT COMPENSATION AND TRANSPORT ACCIDENT ACTS (AMENDMENT) BILL

Second reading

Mr HULLS (Minister for Workcover) — I move:

That this bill be now read a second time.

The prime purposes of the bill are: to fulfil the government's commitment to address Workcover impairment benefits, to strengthen the viability of the Workcover and transport accident schemes by clarifying the application of certain benefits in response to a number of court decisions, and to strengthen the return-to-work obligations of employers. The bill improves and clarifies entitlements for workers in relation to the inclusion of overtime and shift allowances in the calculation of weekly benefits.

The bill also provides consistency in the compensation entitlements of workers working temporarily interstate and introduces measures to improve the administrative efficiency of the transport accident scheme.

Impairment benefits

In line with the recommendations of the common-law working party's 2000 report the government agreed to undertake a review of impairment benefits and the assessment system under the Workcover scheme. An advisory committee was established to oversee investigation of the recommendations of the common-law working party relating to impairment benefits.

Following consultations with relevant stakeholders on improvements to the impairment assessment system, the government has decided to legislate specifically to provide increased compensation for statutory non-economic loss to workers and to enable workers

with certain injuries, thought to be harshly excluded by changes in 1997, to be eligible again for statutory non-economic loss benefits.

The bill changes the method of calculation of impairment benefits, while maintaining the AMA 4th edition guides (AMA4) as the primary method of assessment. The effect of these measures will be to restore access to compensation for certain injuries and to increase benefits to those injured workers who are considered to be at a disadvantage following the transition from the AMA 2nd edition to the AMA4 version of the guides in 1998.

The changes will provide an entitlement to statutory non-economic loss benefits for some workers who are assessed below the 10 per cent whole-person impairment threshold and will also increase the benefits paid to those assessed at between 10 per cent and 30 per cent whole-person impairment.

These changes to benefits will be implemented through the application of a conversion table to the assessed whole-person impairment under chapter 3 of the AMA4 guides to provide a new 'impairment benefit rating'.

These measures, together with administrative and training improvements that the VWA will initiate to improve the quality of impairment assessments for industrial asthma, and a proposed update of the guidelines for assessing psychiatric impairments, are a comprehensive response by the government to the recommendations of the common-law working party.

The government has taken a prudent approach to delivering additional benefits to workers. We are committed to ensuring that the additional costs resulting from these changes are well managed and do not exceed estimations. To that end independent actuarial advice has been obtained on the estimated impact of the changes to benefit entitlements on the scheme's liabilities and annual costs.

To ensure the government's commitment to a prudent approach is met, we have imposed additional safeguards on the new benefits. The changes to impairment benefits will operate for a period of five years. During this time the effectiveness and cost of the benefits will be closely monitored. Before five years the structure, effectiveness and cost of the benefits will be fully examined and new legislation will be required if they are to continue, either in the form set out in this bill or with modifications.

An actuarial assessment of the Workcover scheme occurs every six months. Following the next

assessment, due after three years from the commencement of these changes, a costing report on the effect of the changes will be prepared by the VWA's independent actuaries and provided to the Minister for Workcover and the Treasurer. A further report is to be similarly provided four years after the commencement of the changes.

Recent court decisions

Recent court decisions have introduced new liabilities to the Workcover and transport accident schemes. The bill introduces an integrated package of legislation for both schemes in relation to these court decisions to protect the long-term viability of the schemes and to ensure that benefits are clear and targeted.

Connelly

The AMA guides are used to assess a claimant's entitlement to benefits under both the Workcover and transport accident schemes.

There has been prolonged debate regarding whether final whole-person impairment values can or should be rounded up or down to the nearest 5 per cent. The AMA guides currently allow a medical assessor discretion to round final whole-person impairment values. However, because of the impact that even a 1 per cent variation in that value can have in certain circumstances, the TAC and the VWA both consider that rounding to the nearest 5 per cent is not appropriate for the purposes of the Accident Compensation Act and the Transport Accident Act.

The Connelly decision overturned the earlier decision of *Barnett v. TAC*, which provided that rounding was not appropriate. The bill amends the Accident Compensation Act and the Transport Accident Act to provide that in assessing a claimant's degree of impairment rounding should not occur except as expressly provided for in the bill.

To ensure that claimants for Workcover impairment benefits who were injured before these changes are not disadvantaged, the bill contains transitional provisions that preserve a medical assessor's discretion to round a whole-person impairment assessment to 10 per cent for claimants who are originally assessed at 8 per cent or 9 per cent. This exception does not apply to the TAC scheme, as benefits under that scheme are not payable unless a claimant is assessed at 11 per cent or more. These transitional provisions will also be subject to the five-year sunset provision.

The TAC has had a rounding policy that has been applied to impairment assessments of 28 per cent or

29 per cent, subject to the claimant meeting certain conditions, to raise their assessment to the 30 per cent threshold level required to provide access to a common-law determination. The government has been given an assurance by the TAC that any claimant who would have benefited from this policy as applied in the past will be 'fast-tracked' to have their entitlement to a serious injury certificate considered, using the narrative test for access to common law.

For those TAC claimants assessed as having a 28 per cent or 29 per cent whole-person impairment who are unable to meet the narrative test, because of the diffuse nature of their injuries or for any other reasons, the TAC will take steps to review impairment scores and the method of calculation to ensure procedural fairness, with the specific intention of not making the common-law threshold harder to access. Over the next 12 months the TAC will monitor this closely and where necessary adjust its approach. The TAC often has to make complex and difficult decisions in relation to complex injuries and has assured the government that in future, as a matter of course, in making these decisions the fact that a person may have attained the threshold under the past policy of rounding will be given serious weight. Claimants assessed at 28 per cent or 29 per cent will be proactively assisted by the TAC to resolve the question of their common-law entitlements.

McRitchie

In *Transport Accident Commission v. McRitchie* the Court of Appeal found that it could not separate ordinary daily living costs from support and health-related services, such as rehabilitation and disability services, for a client living in supported accommodation.

Historically the TAC has not considered itself liable for ordinary daily living costs not specifically related to the client's injuries, on the basis that these are needs common to all adult members of the community, are not accident related and have not been considered separately compensable under the definitions in the Transport Accident Act.

It is proposed to amend the Transport Accident Act and the Accident Compensation Act to disaggregate ordinary daily living costs from other support expenses which are payable as compensation under both schemes and to create a new 18-month transitional benefit to assist claimants leaving a hospital or inpatient rehabilitation service. All costs that form part of the hospital or inpatient rehabilitation service will still be covered by the schemes. There are no changes in this

bill to the entitlements of minors, their families or carers.

A number of additional measures have been taken by the TAC and VWA to support their clients. Firstly, the TAC has contacted all current clients who may be affected by the McRitchie decision and has invited them to make an application for payment of past ordinary daily living costs. The commission will pay these costs for a period of two years preceding the claimant's application for this payment.

Secondly, the bill provides that existing residents of supported accommodation will be able to have their ordinary daily living costs paid for a further 18 months from the commencement of this legislation.

Thirdly, the bill provides that in circumstances where a Workcover or TAC claimant is first discharged from a hospital or inpatient rehabilitation service to supported accommodation, ordinary daily living costs will be payable for the first 18 months to assist with the transition from hospital to long-term supported accommodation. A claimant's entitlement to 18 months of daily living expenses will not be affected in circumstances where a claimant is required to return to hospital for further treatment of their injuries within the 18 month period.

Hegedis

In 1992 the Accident Compensation Act was amended to impose a new test of compensability for an injury under the Workcover scheme — namely, that employment must have been a 'significant contributing factor' to the injury. It was widely thought that this test was to apply to all injuries.

However, in *Hegedis v. Carlton & United Breweries & anor* the Supreme Court held (the decision being later upheld on appeal) that the amendments did not have the effect of requiring a 'causal link' to be established between the injury and the relevant employment, for traumatic injuries occurring in the course of employment, to be compensable. This reasoning applies to all internal traumatic injuries, whether or not they occur as part of a disease process. Under the Hegedis decision, a 'significant contributing' factor is still required to be established in the case of a disease.

The government does not propose to return to a position in which a 'causal link' is required to be shown for all injuries. Instead, the bill amends the Accident Compensation Act so as to require that in all claims for injuries relating to heart attacks and strokes and related conditions, for the injury to be compensable, employment must be a 'significant contributing' factor

to the injury, or where the injury arises in the course of, or was caused by, a disease, to the injury or the disease.

The bill inserts new definitions of 'heart attack injury' and 'stroke injury'. Those newly inserted definitions are intended to be exhaustive in their scope, and to bear upon and affect all claims for injuries relating to heart attacks and strokes and related conditions.

Overtime

Section 5A(1A) of the Accident Compensation Act provides for the inclusion of regular overtime and shift allowances in the calculation of injured workers' weekly compensation. Under the act, inclusion is conditional on the overtime or shiftwork being in accordance with a regular and established pattern that would have continued but for the injury. In addition, for overtime it is required that the pattern be substantially uniform.

Concerns have been expressed about the operation of the current overtime provision and the inadequacy of benefits it provides to workers. Employer groups are also concerned about the administrative complexity of the current provision.

To address these concerns, the bill changes the way overtime is included in the calculation of pre-injury average weekly earnings. The current criteria will be replaced by a simple requirement that some overtime must have been worked during the period of employment of up to 12 months before the injury, and by a new method of calculation that includes an amount based on the simple average of overtime across that period, as long as overtime would have been worked had it not been for the incapacity resulting from the injury. This new approach will also be applied to shift allowances.

The meaning of shift allowances has been clarified to ensure that it can be interpreted so as to incorporate allowances that are paid for weekend work.

The government believes that this new approach to including and calculating overtime and shift allowances will also be easier for employers to administer and manage.

Return-to-work provisions

Returning injured workers to work is a fundamental tenet of any best practice workers compensation scheme. There are a number of anomalies in the current Victorian regime that need to be corrected to enable better return-to-work outcomes. The measures in the bill commence a process of upgrading the operation of

return-to-work provisions under the Accident Compensation Act. Further improvements will be the subject of further priority discussions between the VWA and its stakeholders.

Currently section 122 of the Accident Compensation Act requires that, if a formerly incapacitated worker has full capacity for pre-injury employment, the worker's employer must provide employment for the worker in a position that is the same as, or equivalent to, the worker's pre-injury position. For a worker who has a current work capacity, the employer must provide suitable employment. These obligations apply within the first 12 months of incapacity of the worker.

Section 156(2) of the act requires an employer to prepare a return-to-work plan only for workers with no work capacity extending for a period totalling 20 or more calendar days.

In line with best practice and consistent with the obligations of the employer under section 122, it is considered that a return-to-work plan should be prepared by employers for an injured worker even if the worker has a current work capacity. Any degree of incapacity should be sufficient to activate the employers' obligation to prepare a return-to-work plan.

In addition, both sections 122 and 156 operate as contemplated in circumstances where a claim is lodged as soon as practicable after the injury and there is no dispute about liability for that claim. However, difficulties arise with the operation of both sections in cases involving delay. The consequence of delay, in the context of section 122, is to dilute the employer's return-to-work obligations and, in the context of section 156, to reduce the return-to-work opportunities for an injured worker.

In order to provide a more coherent and effective legislative framework for achieving the return-to-work objectives of the accident compensation scheme, the bill modifies the return-to-work provisions in the act to:

ensure that an employer's return-to-work obligations are not diminished in situations where there is a delay in a claim being accepted or determined;

require a return-to-work plan to be prepared by employers in circumstances where a worker has an incapacity for pre-injury duties and has not returned to full pre-injury employment;

relocate section 122 and remove from that provision an administrative procedure that must currently be carried out before a prosecution for a failure to comply with the section can be brought; and

provide that the employer's obligation to provide suitable or pre-injury equivalent employment to workers will not arise if the provision of the relevant employment would impose unjustifiable hardship on the employer.

Group incentive program

In April 2000 the government announced a formal review of the Workcover premium system. The review examined how to introduce fairer, outcome-focused premiums to all-size employers. The review concluded that there was a need to strengthen the premium-based incentives for small-to-medium employers to encourage and reward strong safety and return-to-work performance, and to introduce greater choice, efficiency and flexibility.

Based on the recommendations of the review, the bill makes amendments that will enable the VWA to establish programs to provide incentives for employers to implement measures designed to prevent injuries and diseases at workplaces, and to improve return-to-work outcomes.

These amendments will permit the introduction of a group incentive program, which will enable small and medium-sized employers to band together as a group, under the management of a group sponsor approved by the Victorian Workcover Authority, to gain incentive payments that will be based on improved performance as a group.

Whilst this is enabling legislation, the VWA is committed to broad consultation with stakeholders on appropriate models, prior to implementation of a group incentive program.

Cross-border arrangements

Consistent with the government's longstanding agreement in principle to develop a framework for coverage of workers operating temporarily in another jurisdiction, Victoria agreed to pursue complementary legislation with New South Wales and Queensland following the Workplace Relations Ministers Council meeting in May 2002. Subsequent to this the other states and territories have also agreed to work toward the introduction of similar legislation.

To this end, the bill will implement cross-border arrangements for workers compensation to:

- reduce the need for employers to obtain workers compensation coverage for a worker in more than one jurisdiction at the one time and to allow

- employers to readily determine in which jurisdiction to insure their workers;

- ensure that workers working temporarily in another jurisdiction have access to workers compensation entitlements available in their 'home' jurisdiction (including whatever arrangements apply in relation to common law); and

- provide certainty for workers as to their workers' compensation entitlements.

Other amendments

In addition, the bill makes a number of machinery amendments to the Transport Accident Act which include:

- extending the period available to a client to lodge an application for review under section 70 from 28 days to 12 months consistent with the rest of the legislation; and

- addressing anomalies in relation to the application of the two-year limit on liability that applies to compensation payable under section 60.

The bill also makes amendments to sections 42 and 47 of the Transport Accident Act to ensure that no-fault entitlements and common-law rights are protected in relation to clients who have an accident interstate.

The bill delivers on important government commitments and effects other changes that adjust benefits in a way that is both responsible and affordable and that takes action to maintain the ongoing viability of statutory compensation schemes.

I commend the bill to the house.

Debate adjourned on motion of Mr McINTOSH (Kew).

Debate adjourned until Thursday, 30 October.

Remaining business postponed on motion of Mr HULLS (Attorney-General).

ADJOURNMENT

Mr HULLS (Attorney-General) — I move:

That the house do now adjourn.

Seal Rocks Sea Life Centre: future

Mr SMITH (Bass) — I would like to call on the Premier to release the result of the review on action in regard to Seal Rocks on Phillip Island. We all know that

Seal Rocks was a major scandal for the government. It was a major scandal for the minister — —

Mr Nardella — The federal government!

Mr SMITH — Just hang on! I have not finished yet. I will get you involved if you like.

The DEPUTY SPEAKER — Order! Before we go too far down this path, I remind both the member for Melton and the member for Bass that interjections are disorderly and responding to them is also disorderly.

Mr SMITH — This particular building sitting out at Point Grant on Phillip Island is a disgrace to the government. It is a monument to the stupidity of the government in allowing itself to be manipulated by Susan Davies, the former member for Gippsland West, now the Labor Party candidate for Latrobe. If the people in Latrobe have any concerns I can assure them that she did nothing for the people in Gippsland West in five years, and I am sure she will not do anything for them if she ever gets to be the federal member, which I doubt because the people of Latrobe are smart.

The government set out in an undertaking it gave to Susan Davies to break this business, to drive it out of business in any way it possibly could. The government took every action it could to ensure that it did break this business. It reached the stage where it cost the people of Victoria — not the government, but the people of Victoria — anything up to about \$80 million in compensation and legal costs to pay out the developer, who had a wonderful project in mind when Seal Rocks was set up all those years ago.

I can only say that the government did not see the potential of that particular development. It went through the courts. We know it went to the Supreme Court at one stage. A decision was made to uphold the action against the government and \$80 million in compensation was paid out.

A number of reviews have since been undertaken. One must remember that this building is sitting out at Point Grant, and all it has is a canteen that is open. It has a souvenir shop selling off the souvenirs. There is nothing else there — nothing else for the people of Victoria for their \$80 million.

I call on the Premier to get his minister off his behind and come up with a result of the review saying what they are going to do with it. Are they going to pull it down? Are they going to rebuild it? Are they going to repair it? Are they going to leave it in the disgusting state it is now in, which is a disgrace to Victoria and a monument to the stupidity of the government?

Refugees: government assistance

Mr CARLI (Brunswick) — I wish to raise a matter for the Minister assisting the Premier on Multicultural Affairs. I ask the minister to ensure that resources are provided to organisations in my electorate and in the northern suburbs that do valuable work to help refugees on temporary protection visas.

Next week the Minister assisting the Premier on Multicultural Affairs will be in my electorate visiting two organisations that do terrific work with refugees on temporary protection visas. One is the Asylum Seeker Welcome Centre in Brunswick and the other is an association of Iraqi refugees. In that process he will be discussing the issues that concern these groups. They are issues that involve the lack of rights the refugees have in this country.

These people are deemed to be refugees under the United Nations convention on refugees. They have had to flee their countries. They are not able to return, yet they are not given rights in Australia to secure access to federal government programs. They are not able to bring their families out here. There is no facility for family reunions. Many are not even able to have jobs. They are a group that find themselves very much on the margins of society.

The state government has an important role to resource these organisations, to provide support for them and to ensure that work is being done to have the rights of the refugees recognised and to change federal government policy on temporary protection visa holders to ensure that they have residency in Australia, that they are able to bring their families here, that they are able to work and that over time they will be able to have the right to citizenship.

At the moment they do not know what is going to happen to them. Their visas will be reviewed in a few years. In fact some of them will be reviewed in the next few months and others next year, and they are very fearful about the consequences of that now that the government seems to be proclaiming that both Afghanistan and Iraq are safe locations for them to return to.

These are people who are clearly refugees. They have been recognised and accepted as refugees, yet they are put on visas that are very much a denial of fairly basic rights in our society. They are marginalised. There is an opportunity in the minister's meetings next week to ensure that we provide resources to their organisations, that they continue to have access to English classes, that they have access to resources and support and that they

are supported by their community and by the state government. I think it is an important social element that we are not only a multicultural society but also a caring society and that we accept the burden, if you like, of refugees, and that we welcome them, because when they are given the opportunity they invariably become great citizens of this nation.

Firearms: handgun buyback

Mrs POWELL (Shepparton) — I raise a matter for the Minister for Police and Emergency Services. The action I seek is for the minister to extend the time for handgun buyback programs or to make more opportunities available for gun owners to hand back their handguns.

Mr Colin Falla, a constituent of mine who lives in Kialla in the Shepparton district, called in at my office yesterday. He is a registered gun owner, and he received a letter from the licensing services branch of the Victoria Police dated 10 October 2003. I will read just a portion of it:

Dear licence-holder

A handgun buyback program is currently being held and a buyback centre will be operating at Shepparton youth club hall.

It goes on to give the dates and the address. The dates are Friday, 24 October, Saturday, 25 October, and Sunday, 26 October. It goes on to say:

To avoid delays, please visit the centre on Saturday, 25 October, between 1.00 p.m. and 4.00 p.m.

This is your nominated handgun buyback centre. If you turn up to any of the other centres you may experience lengthy delays in processing.

Mr Falla was unable to attend on any of those dates. He was only given two weeks notice. He is attending the Vietnam Veterans Battalion reunion in Queensland for that week, which was organised six months ago, so he is unable to change his plans. But as a responsible gun owner who reluctantly will hand back his handgun, he went to the Victoria Police licensing service branch in Melbourne yesterday and asked about any other buyback centres in the Shepparton region or whether there were any other dates when he could hand his gun in.

He said that the person who served him had a very arrogant attitude and refused to give him information about any other centres, saying no, he could only go to Shepparton. He was also told to look up on the Internet any other areas, which he did when he got home. The only other place nearby was Bendigo, and he had

missed the dates for the opening of that centre, which were 12, 13 and 14 October — remembering that it was then 15 October.

If Mr Falla does not surrender his handgun by 31 December, which is when the amnesty finishes, he will not be entitled to compensation, but worse than that, he will be in breach of the Victorian firearms laws, which have very severe penalties that could also include imprisonment. This is penalising responsible gun owners who have registered their handguns and are being told by the government to hand them in now. They should not have to travel all over Victoria to find a place to hand them in. They now only have two months to comply and to hand their guns in.

The member for Scoresby yesterday raised an issue concerning the long queues in other buyback centres. The minister conceded that there were teething problems and that maybe licensing branch members could go to gun clubs. The government has to make it more convenient for these people to hand in their guns, and maybe one of the issues he could revisit is again opening all the centres before the 31 December date. I ask the minister to urgently address this very important issue.

Aspendale Lifesaving Club: robbery

Ms LINDELL (Carrum) — I have an issue to raise tonight with the Minister for Sport and Recreation in the other place. I ask him to assist in any way possible the Aspendale Lifesaving Club. On Monday, 29 September, there was a robbery at the Aspendale Lifesaving Club. The outboard motor for its only rescue dinghy was stolen, along with some club equipment — social-type things such as the television set and the microwave oven. There was damage to the doors that the thieves broke in through. More disturbing, though, is that the club's rescue dinghy was slashed and now cannot be used even if another motor were put on it.

Unfortunately the guidelines for Lifesaving Victoria mean that a club must have a motorised boat. Aspendale Lifesaving Club patrols a 5-kilometre stretch of beach that is a no-boating area. It is very popular with swimmers, and it is very important that the club is able to get back and continue to perform the wonderful service it provides for my electorate.

The swimming and lifesaving season is only a few weeks away, and the club, being a purely voluntary organisation, does not have the funds to replace and repair everything at this point. The club patrols the beach right through December, January, February and March. Its inflatable dinghy was used every day, and it

is vital in ensuring that boats and jet skis stay out of the no-boating area.

I would really like the minister to assist this club. It is made up of a very proud bunch of volunteers who do an excellent job patrolling the beach for all Victorians who visit the wonderful beaches of the Carrum electorate.

I hope the minister can help out in some way. I am sure the president, Mr Olaf Zalmstra, will be quite happy to provide extra details to the minister or the department that will make sure that some assistance is given. I commend the local newspaper, the *Mordialloc Chelsea News*, which has started an appeal for this very worthwhile voluntary organisation.

Schools: Workcover premiums

Mr PERTON (Doncaster) — The matter I wish to raise regards the outrageous proposal by the Minister for Education Services to penalise schools that have a higher than average rate of Workcover claims. The example I want to use tonight is that of Wonthaggi North Primary School. I have a letter from the community that says that on the basis of the departmental announcement the school will have \$7964.07 taken from its global budget to fund the department's Workcover initiative.

Wonthaggi North is not exactly one of the most affluent parts of the state. There are many battlers in the area, and the school principal and school community work really hard to give the best possible education to their kids. As I said, the community says it will lose \$7964 from its global budget to fund the minister's program. I quote:

This is being done under the title 'employee health, safety and wellbeing'. In our particular case a parent assaulted a staff member. The matter has since gone to court and the parent was found guilty of assault. The teacher is back at work after having suffered post-traumatic stress syndrome following the incident. The incident could not have been anticipated, and a trespass order was placed upon her the same day it happened. The incident cost us money at the time, and it was very difficult for us as a staff and me personally at the time. I worked my backside off getting the teacher back to work, and this was successful. Well it seems we are to pay again, enough to cause me to withdraw a graduate vacancy before it was advertised. If you are able to influence a change in policy this would be excellent. It seems curriculum is to take a lower precedence in the department due to this new priority initiative.

It is signed by a representative of the school community. I ask the minister to guarantee to the Wonthaggi North Primary School community that it will not be penalised.

What an absurdity: a teacher is assaulted by a parent, the parent is convicted, the principal does everything she can to get the teacher back at school, and succeeds, and under this minister and this government's proposal the school is to be penalised an additional \$7000.

Mr Smith — A disgrace.

Mr PERTON — As the member for Bass says, it is a disgrace.

The kids are going to lose the money, but it is not the kids who have the responsibility of providing a safe workplace. How could the kids have anticipated what happened? How can the kids be held responsible for this? It is because this government has to fund a Workcover black hole of its own making — and it is not me saying that, it is the primary school principals, the secondary school principals and the teachers associations. This is a grossly irresponsible policy.

Environment: plastic bag levy

Ms MARSHALL (Forest Hill) — I rise to bring to the attention of the Minister for Environment issues surrounding the introduction of a 10-cent levy on plastic bags and how small to medium-sized businesses in my electorate can be encouraged to decrease the use of these bags.

The action I seek from the minister, through the Environment Protection Authority and Ecorecycle Victoria, is an undertaking to ensure that these smaller businesses are informed of the current, innovative ways to reduce the use of plastic bags. This is an important issue because of Australia's phenomenal use of plastic bags — over 6.9 billion per year.

Plastic bags not only cause damage to the environment but aesthetically degrade the look of Victoria's beaches and parks while simultaneously being responsible for the killing and injury of native wildlife.

It is interesting to note that in Ireland, where there is a levy on plastic bags, there has been a 90 per cent reduction in their usage. Large retailers are responsible for the majority of the use of plastic bags, and I believe they are taking steps to reduce their use. Many major retailers have recycling bins for plastic bags at the front of their shops, and they have retrained their staff so that when a customer comes through the register they are asked whether they want a bag or can go without. Simple steps such as these are genuinely reducing the use of plastic bags.

Small to medium-sized businesses in my electorate of Forest Hill want to contribute to the reduction in the use

of plastic bags. Many businesses are encouraging their customers to use cardboard boxes or calico shopping bags. I commend the good corporate citizenship shown by retailers including Bunnings, Aldi supermarkets, Ikea and Coles supermarkets in Tasmania, which have already taken action to reduce plastic bag usage by introducing the levy or having complete bans. In the case of Bunnings, the profits it receives from the sale of plastic bags are given to Keep Australia Beautiful for community-based projects.

I also commend the Bracks government, which, together with other state governments and the commonwealth, has set stringent targets aimed at getting retailers and the community working together to cut plastic bag usage and litter by 25 per cent by the end of next year, and a further 50 per cent by the end of 2005. I would like the minister to advise the house of the areas of government assistance that are available to help small to medium-sized businesses decrease their use of plastic bags.

National parks: pest animal control

Mr INGRAM (Gippsland East) — The matter I raise is also for the Minister for Environment. The action I seek is for the minister to establish a trial for pest management in Gippsland national parks. Cats, foxes, wild dogs, pigs, goats and sambar deer are rampant in large numbers of national parks in East Gippsland. I have been approached by a number of very reputable sporting shooters and Field and Game Australia, and they are very keen to assist with the management of pest animals in national parks.

It costs an enormous amount of money for state governments to manage pest animals in national parks. Unfortunately a lot of the programs do not go anywhere near far enough to manage the broad diversity of pests and feral animals that we have in our national parks.

Basically the proposal is to recognise those organisations which have a very high standard of ethical hunting on our public lands and set up a very controlled permit system where at particular times of the year we allow selected members of those organisations access to cull pest animals.

This could be done with a very controlled permit system with assistance from the flora and fauna people, the game organisations and Parks Victoria. For example, there are very limited numbers of some species like the brush-tailed rock wallaby in the Snowy River National Park; below a dozen of those animals are left in the wild in Victoria. They are being threatened by foxes, wild dogs and cats. We could

establish in that area a permit for, let us say, a couple of weeks a year so that shooters could go in and deliberately target foxes and wild dogs and cats in and around that area and reduce their numbers. Another example would be the large numbers of pigs, goats and sambar deer that are stripping large proportions of the vegetation in and around water courses and gullies, stopping the regeneration of plants and spreading weeds. We could set up a permit system to cull them.

I would like to see the minister take action to set up such a permit system and encourage licensed, recognised hunters to respond. I think we would get a really good outcome for the environment across East Gippsland.

Trucks: diesel smoke emissions

Mr LIM (Clayton) — The matter I raise is for the attention of the Minister for Environment. I ask him to liaise with the trucking and vehicle building industries with a view to reducing smoke emissions from large diesel engine vehicles.

The current legislation defines a smoky vehicle as one which 'continuously emits visible smoke for 10 seconds or more'. The problem with this is that it is very common for large diesel vehicles to emit smoke for up to 10 seconds when starting off from a stationary position. While the vehicle is changing gear the smoke ceases, but once the next gear is engaged the smoke continues for up to another 10 seconds. This pattern often continues until the vehicle reaches normal road speed.

In congested traffic such as frequently occurs on Clayton Road in my electorate, vehicles are constantly stopping and starting. This can mean that heavy-goods vehicles spend most of their time emitting thick, black smoke. But since they emit smoke for not more than 10 seconds at a time, they are not infringing any law.

Smoke from diesel engines contains very small carbon particles which penetrate deeply into the lungs, and these particles are of the most dangerous kind as they settle in areas where the body's natural clearance mechanisms cannot remove them.

The World Health Organisation has identified particulate pollution as one of the most important contributors to ill health within Europe. In those cities where data on particulates was available, WHO estimated that short-term pollution episodes accounted for 7 to 10 per cent of all lower respiratory illnesses in children, with the number rising to 21 per cent in the most polluted cities.

Smoke from heavy-duty vehicles is not only bad for people and the environment, it is also bad for the trucking industry. Smoke is incompletely burned fuel, and a smoking vehicle is therefore an inefficient vehicle and is costing its operator more to operate than it should. A well-maintained diesel truck engine should not emit excessive visible smoke. I am concerned that the presence of visible diesel smoke emissions from older or poorly maintained engines is creating an overall negative image for all diesel engines.

If we are to maintain the status of Melbourne as the most liveable city in the world and Victoria as the most liveable place in the world, this matter must be addressed seriously. I ask the minister to take action in that regard.

Youth: development program funding

Mr PLOWMAN (Benambra) — The issue I raise is for the Minister for Employment and Youth Affairs. I ask the minister to increase the funding for the Victorian youth development program in order that that program can be maintained and completed for this year. I particularly emphasise the program for three schools: Corryong College, Mount Beauty College and Tallangatta Secondary College. They have a youth development program as an adjunct to the Country Fire Authority (CFA) youth group which provides young people at those three schools with a fantastic opportunity for realistic learning experiences. The practical engagement in the program has been of great benefit to the students of these colleges in respect of the recent fires and the fire season 2002–03.

I wish to quote from a letter from the school council president of the Tallangatta Secondary College:

It is with great concern that school council was recently informed that this college's cluster-based CFA youth program is currently unable to complete this year's program due to funding cuts. Since its inception the program offered students 13 days of specific instruction and detailed demonstrations with senior departmental staff and very experienced senior CFA volunteer staff. On occasion Department of Sustainability and Environment fire management staff assisted these instructors.

...

Youth cluster coordination staff have advised this school council that an increase of \$150 per student would allow for the full reinstatement of this valuable program for future years. The whole cluster area was fire affected during the recent bushfire crisis and the value of this youth program is known and respected across the entire region.

This is obviously a statewide problem, and I would like the minister to look further than just these three schools

and look at the whole coordination program for the Victorian youth development program statewide.

I quote from a letter from Bruce Vine, the cluster youth coordinator, in which he said:

I have written to both the Country Fire Authority and the Office for Youth seeking firstly an extraordinary grant of \$5000 to allow the program to be completed in 2003 and secondly seeking an increase of funding of \$150 per student for 2004 and subsequent years.

I ask the minister to respond on behalf of the program for these three schools and also for the statewide youth development program, which has proved invaluable across all schools that have been involved with it.

Casey: early intervention services

Mr WILSON (Narre Warren South) — I rise to seek action from the Minister for Community Services. The action I seek is for the minister to visit my electorate in the midst of the south-eastern growth corridor to reinforce that one of the government's highest priorities is to provide excellent services for our children. I am committed to continue to push for excellent services for children. As many members will be aware, the south-east growth corridor is the fastest growing area in the state, with some 10 000 additional people each year. Of course, many of those residents are young children — some 22 000 children aged between 0 and 6, according to the 2001 census.

I commend the government for the additional funding provided since the election in 1999 and understand statewide funding for early intervention services increased by 40 per cent. However, even with this growth in funding, in the fastest growing growth corridor it is a challenge to keep up the level of service. I note the government's commitment of \$6 million over four years for additional early intervention services.

Prior to the election the City of Casey called a meeting to discuss the needs of our children. One of the needs most requested was for additional early intervention services. Both fathers and mothers of disadvantaged children sought additional resources to be made available to better meet the needs of their children.

The second issue that was raised and attracted great interest was that of children's centres. Two organisations that provide early intervention services in the City of Casey spoke at the meeting. They were Windermere Child and Family Services and Biala South East. I note that Biala made a call for additional funding in the press recently after a change of manager and president.

The City of Casey has the highest number of children of the youngest ages across the state, and this is likely to continue for many years as hospital birth numbers continue to increase. Further, given the number of young children in my electorate and the City of Casey, I note the great interest shown in the government's policy of providing grants for children's centres. The City of Casey has actually used this principle and co-located children's services to a single site in Berwick. They tell me this has added great efficiencies and could be used as the basis for further children's services centres in Cranbourne, Berwick and Narre Warren. The centre is called Rossmoyne children's services centre in Beldale Court, Berwick.

I call for action by the Minister for Community Services to visit my electorate to address the many issues related to having such a large number of young people in the electorate.

Responses

Mr PANDAZOPOULOS (Minister assisting the Premier on Multicultural Affairs) — The member for Brunswick raised the issue of refugees and temporary protection visa (TPV) holders and the effect on not only the City of Moreland but on many communities across Victoria, such as in the south-east and the western suburbs. In places like Shepparton, Cobram and Kyabram there has been a big impact. There are an estimated 1500 temporary protection visa holders in Victoria, and obviously they are getting very little support from the federal government, which is of great concern to us.

One of the great traditions of this country has been in welcoming people and supporting them while they are here. While decisions are made about whether people stay here, they should be made as welcome as possible while they are here. They are disadvantaged in that they are refugees, and they are disadvantaged because of the lack of care from the federal government. They are issued with visas, but do they get English language support? Do the local service providers get support to fund them? The reality is no. The states, in a humanitarian way, have to pick up the tab, as do non-government organisations.

Mr Kotsiras interjected.

Mr PANDAZOPOULOS — The member for Bulleen says, 'That's right'. So it is okay for states and non-government sectors to pick up the services, but the federal government will not!

The member for Shepparton is very much aware of how important it is to provide services and support to those people while they are here. Of course many of them may stay and become residents. They are not being made particularly welcome.

This government has supported TPV holders in refugee communities. As a result of broadening the Victorian Multicultural Commission grants program, a lot more programs have been made available to organisations. There is a migrant and refugee women's support program, a new program that was funded by the multicultural commission last year. There are the ongoing organisational support grants that have been around for many years, but there are also many community-building grants, which is a new initiative of the multicultural commission.

I am meeting with two groups as part of the community cabinet in Moreland on Monday — representatives of the Asylum Seekers Welcome Centre, which I opened 18 months ago, and also the Al-Amel TPV Holders Association — to talk with them about some of the impacts and local issues that the government needs to be aware of to be able to support them.

The government as recently as late last year made available a significant amount of money for other areas that are not being funded by the federal government. The refugee mental health clinic project and the psychiatrist network received \$100 000 to help refugees deal with trauma and mental illness. Obviously just by coming here and being given a visa does not mean that the whole trauma faced by refugees has disappeared. They need support, and that project helps fund it. Also \$92 000 was given to the refugee health project to increase immunisation rates among refugee communities and also to provide free translation services to TPV holders through the Victorian Institute of Teaching language links so they can translate documents from home to verify details to assist them with their claims to the immigration office.

Just near the member's electorate we have funded \$5 million for a purpose-built facility for the Victorian Foundation of the Survivors of Torture to assist communities. In June \$100 000 was made available to the Victorian Council of Social Service for medical and transport services for asylum seekers who have no other income support. The government is very pleased to have been able to support them. There are other groups in the electorate of the honourable member for Brunswick. The Victorian Immigrant and Refugee Women's Coalition received a \$15 000 grant; the Al-Amel TPV Holders Association received \$5000;

and the Asylum Seeker Project, Hotham Mission, received \$20 000.

This government is obviously putting its money where its mouth is. Certainly if the federal government is not picking up the tab, this government thinks it should keep up those Australian traditions and support communities, non-government organisations that are doing their own fundraising, local councils and all those volunteers who make TPV holders as welcome as possible while the federal government works out what it wants to do with them. This government is very pleased to be able to assist. The shame is that the federal government just continues to shirk its responsibility, passing on costs to the non-government sector and to the states in an area where it is clearly responsible. The federal government is responsible for visas and settlement services; it is providing visas, but it is not providing the settlement services.

Ms GARBUTT (Minister for Community Services) — The honourable member for Narre Warren South raised with me the issue of children's services in his electorate, which, as he points out, is a very strong growth area — and as there are increasing numbers of children, it is indeed a big issue. This government is committed to giving every child in Victoria the best possible start in life, and its Children First policy demonstrates that. Indeed, we have a very strong record, having delivered already a 40 per cent boost to child and family support services since we came to office. So 40 per cent right across the board over almost four years now is indeed a strong record.

Part of our commitment was for \$16 million to be allocated to children's centres. As the honourable member quite rightly points out, that will bring together preschools, child care, maternal and child health, specialist children's services and other children's services. So \$8 million has been allocated for that initiative and another \$8 million in capital funding for preschools in growth areas, and the honourable member's area is indeed a growth area. We allocated \$88 million in this last budget for these Children First initiatives, including those two I have just mentioned.

In particular the honourable member asked about early childhood intervention services and centres across the state, which provide important services for children that have developmental delay and disabilities. These are children that need some extra support, and this government is committed to providing that. We have put into the budget an extra \$6 million over the next four years to be divided among the areas that most need those particular services. We are going through a

process now of identifying exactly how that money will be allocated.

In addition the government has provided a new funding and service model for all early childhood intervention services. This will ensure that their practices are the very best that are available in this area. These two initiatives will mean that the funding will allow 300 extra children every year to get services across the state. This new approach, including this new funding and service model, has been endorsed by the Association for Children with a Disability, a peak advocacy group, and by the Early Childhood Intervention Association, which represents professionals in the early childhood intervention area. It is very well supported by most of the sector.

It was very disturbing, then, to read of complaints by Mr Gary Rowe, the president of the Biala Association, about funding cuts, having jumped on a certain issue there. The interesting thing is that Biala actually received an additional \$21 000 in this year's budget, so he is quite wrong. It represents total hypocrisy, because when he was in this house as a member of the previous government he willingly colluded in cutting or neglecting early childhood services. Preschools, for example, lost \$11 million while the former honourable member for Cranbourne made absolutely no complaint. He put his hand up and supported those sorts of cuts right across the board. There was a 10 per cent cut in community services across the board in just one budget. For him now to be complaining about and misrepresenting a \$21 000 addition to his budget, distorting the figures and misleading people, is an absolute disgrace.

However, for the honourable member for Narre Warren South, who is representing his constituency very well, I am pleased to advise that the southern region will receive an extra \$313 000 in funding over the next 12 months for early intervention services to assist families and children with developmental delay and disabilities. It will provide extra assistance for children with additional needs. That is a very big boost for the southern region, which will assist families enormously. I am happy to visit the member in his electorate so we can tell as many people as possible about that extra funding.

The DEPUTY SPEAKER — Order! I call on the Minister for Agriculture to respond to matters raised by the honourable member for Bass for the Premier; the honourable member for Shepparton for the Minister for Police and Emergency Services; the honourable member for Carrum for the Minister for Sport and Recreation in another place; the member for Doncaster

for the Minister for Education Services and the member for Benambra for the Minister for Employment and Youth Affairs; and the members for Forest Hill, Gippsland East and Clayton for the Minister for Environment.

Mr Smith — On a point of order, Acting Speaker, we have question time in this house and we also have the adjournment debate, during which members of the opposition, as well as members of the government, have an opportunity to put questions to ministers and expect to get some answers. We know that because of the way question time is staged we do not get answers, but one would expect that in the adjournment debate at the end of the day we would have an array of ministers coming in here to answer, I would have thought, some reasonably — —

The DEPUTY SPEAKER — Order! What is the member's point of order?

Mr Smith — My point of order is that we have had only three minor ministers come into this chamber. One of them cannot even answer a question because he never got one; and two others have wandered into the place and answered questions — —

The DEPUTY SPEAKER — Order! The honourable member is still making a speech. I ask him to come to the point of order.

Mr Smith — Members of this house expect to get answers. We expect ministers to be in here, and we expect them to take the matters on board and do something about them. Tonight we have one very minor minister in the house. There are about 10 questions that cannot be answered because the responsible ministers are not prepared to come out of their offices and come in here and actually talk. The Minister for Water and Minister for Environment has not — —

The DEPUTY SPEAKER — Order! I have heard sufficient to rule on the point of order. The member will be aware that there is no requirement in the standing orders that ministers must attend the adjournment debate. It is the practice of this house that where a minister is not in attendance on the adjournment debate a later response in writing is provided to the member who has raised the matter. There is no point of order.

Mr Perton — Deputy Speaker, without repeating the matters raised by the honourable member for Bass in his point of order, in the hope of attracting the Minister for Education Services or the environment minister out of their office, I draw your attention to the state of the house.

Quorum formed.

Mr CAMERON (Minister for Agriculture) — Deputy Speaker, you have mentioned the honourable members who have raised issues for other ministers and the Premier, and I will refer those matters to them.

Motion agreed to.

House adjourned 5.10 p.m. until Tuesday, 28 October.

QUESTIONS ON NOTICE

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Tuesday, 26 August 2003

Agriculture: Shannon's Way Pty Ltd

29(b). Ms ASHER to ask the Honourable the Minister for Agriculture — with reference to every contract entered into between the Minister's department or private office and the firm Shannon's Way Pty Ltd since 20 October 1999, what are the names and positions of the people who awarded any contract or who made the decision for any work to be given to the firm.

ANSWER:

I am informed that:

No contracts were entered into between the Department of Primary Industries or my Private Office and the firm Shannon's Way Pty Ltd since 5 December 2002 when the Department was established.

Arts: Shannon's Way Pty Ltd

29(c). Ms ASHER to ask the Honourable the Minister for the Arts — with reference to every contract entered into between the Minister's department or private office and the firm Shannon's Way Pty Ltd since 20 October 1999, what are the names and positions of the people who awarded any contract or who made the decision for any work to be given to the firm.

ANSWER:

I am informed that/as follows:

For information relating to contracts between the Department of Premier and Cabinet (Arts Victoria) and the firm Shannon's Way between October 1999 and April 2002, the Member should refer to the answers previously provided to Legislative Council questions on notice — numbers LC 1511, LC 1512, LC 2075, and LC 2862. Copies of these answers are attached.

[Hansard references: *Legislative Council, vol. 452, 16 August 2001, page 162; Legislative Council, vol. 452, 16 August 2001, page 163; Legislative Council, vol. 453, 30 October 2001, page 1053; Legislative Council, vol. 456, 10 October 2002, page 694.*]

No contracts were entered into between the Arts Victoria, and the firm Shannon's Way.

No contracts were entered into between my private office and the firm Shannon's Way since October 1999.

Education and training: TAFE funding

62. Mr PERTON to ask the Honourable the Minister for Education and Training —

- (1) What TAFE programs and itemised services will the additional \$60 million in funding over the next four years be spent on.

- (2) What will be the indicators used to ascertain value for money, return on investment and inefficiencies.
- (3) What criteria will be used to determine the manner in which funding will be allocated between TAFE colleges.

ANSWER:

I am informed as follows:

The Governments 2002 election commitment to provide an additional \$60 million will increase the annual funding to TAFE for the delivery of vocational education and training programs, particularly innovative products. This will improve access to training for all Victorians. Implementation details are in progress with funding to commence in the 2004/2005 budget cycle.

The Government will deliver on its election commitments during this term of office.

All of the Bracks Governments policy statements are available at <http://www.vic.alp.org.au/policy/>.

Funds will be allocated on the basis of the Government's policy priorities and performance indicators will be developed as part of the 2003/2004 budget process.

Agriculture: CPR Communications and Public Relations Pty Ltd

- 76(b).** Ms ASHER to ask the Honourable the Minister for Agriculture — with reference to every contract entered into between the Minister's department or private office and the firm CPR Communications and Public Relations Pty Ltd since 20 October 1999, what are the names and positions of the people who awarded any contract or who made the decision for any work to be given to the firm.

ANSWER:

I am informed that:

No contracts were entered into between the Department of Primary Industries or my Private Office and the firm CPR Communications and Public Relations Pty Ltd since 5 December 2002 when the Department was established.

Resources: CPR Communications and Public Relations Pty Ltd

- 76(c).** Ms ASHER to ask the Honourable the Minister for Agriculture, for the Honourable the Minister for Resources — with reference to every contract entered into between the Minister's department or private office and the firm CPR Communications and Public Relations Pty Ltd since 20 October 1999 — what are the names and positions of the people who awarded any contract or who made the decision for any work to be given to the firm.

ANSWER:

I am informed that:

No contracts were entered into between the Department of Primary Industries or my Private Office and the firm CPR Communications and Public Relations Pty Ltd since 5 December 2002 when the Department was established.

Arts: CPR Communications and Public Relations Pty Ltd

- 76(d).** Ms ASHER to ask the Honourable the Minister for the Arts — with reference to every contract entered into between the Minister's department or private office and the firm CPR Communications and Public

Relations Pty Ltd since 20 October 1999, what are the names and positions of the people who awarded any contract or who made the decision for any work to be given to the firm.

ANSWER:

I am informed that/as follows:

Since October 1999, no contract has been entered into between CPR Communications & Public Relations and Arts Victoria.

No contracts were entered into between my private office and the firm CPR Communications & Public Relations since October 1999.

Resources: Shannon's Way Pty Ltd

78(a). Ms ASHER to ask the Honourable the Minister for Agriculture, for the Honourable the Minister for Resources — with reference to every contract entered into between the Minister's department or private office and the firm Shannon's Way Pty Ltd since 20 October 1999, what are the names and positions of the people who awarded any contract or who made the decision for any work to be given to the firm.

ANSWER:

I am informed that:

No contracts were entered into between the Department of Primary Industries or my Private Office and the firm Shannon's Way Pty Ltd since 5 December 2002 when the Department was established.

Corrections: community work program

123. Mr THOMPSON to ask the Honourable the Minister for Corrections —

With reference to the community work program under Community Correctional Services —

- (1) What funding has been made available for the provision of supervisors in 2000–01, 2001–02 and 2002–03.
- (2) In which months in each financial year respectively have the funds been expended.
- (3) What plans does the Government have to increase funding to facilitate the expansion of work programs under supervision.

ANSWER:

I am advised that:

- (1) Funding for the community work program under Community Correctional Services is an integral part of the total budget allocation for management of offenders in the community. Because of seasonal, regional and other variability in demand, scope for flexible allocation of resources between community work, other offender supervision activities and treatment programs is essential.
- (2) Funds are expended on community work supervisors continuously throughout each year.
- (3) As part of the Government's Corrections Long Term Management Strategy, an increase of approximately 60% in the budget for Community Correctional Services was announced in 2001. This envisaged further expansion in the number of offenders under community work and other forms of community based supervision. The creation of a metropolitan Fine Default Unit in 2002 has enabled a significant increase in capacity to process offenders required to undertake community work imposed in consequence of inability to pay their fines.

Environment: Victorian National Parks Association — financial assistance

- 181. Mr MAUGHAN** to ask the Honourable the Minister for Environment — What project grants or other financial assistance has been provided by the Government to the Victorian National Parks Association in the years 2000–2001 and 2001–2002 and what was the purpose of these grants.

ANSWER:

I am informed that:

Neither the Department of Sustainability and Environment, nor the former Department of Natural Resources and Environment provided project grants or other financial assistance to the Victorian National Parks Association (VNPA) during the financial years in question.

The Department has made a number of payments to the VNPA from July 2000 to June 2002 for the provision of services, including payments for advertisements and inserts in the Park Watch magazine, copies of publications, conference papers and proceedings and as host organisation for the Marine and Coastal Community Network (MCCN), for MCCN's involvement in the production of a series of full colour educational liftouts showcasing Victoria's marine environment.

QUESTIONS ON NOTICE

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Tuesday, 14 October 2003

Transport: ticket machine theft and tram depot security

40. Mr MULDER to ask the Honourable the Minister for Transport —

- (1) Was the ticket machine vault of Z1 class tram number 45 broken into at Glenhuntly Depot on 12 December 2002 and has anyone been questioned or apprehended in relation to this theft.
- (2) How many thefts from tram ticket machines have occurred at Glenhuntly Depot for each month between December 2002 and March 2003 inclusive.
- (3) Have similar incidents of ticket machine thefts occurred at Malvern Depot in the second half of 2002; if so, how many and in what months.
- (4) Have similar incidents of ticket machine thefts have occurred at Malvern Depot between January and March 2003; if so, how many and in what months.
- (5) Have similar incidents of ticket machine thefts occurred at other Melbourne tram depots between December 2002 and March 2003; if so, at what depot, how many incidents and in what month did each occur.
- (6) What steps have been taken to improve security at each Melbourne tram depot.
- (7) What will be the anticipated cost of upgrading security in 2002–2003 to —
 - (a) M Tram;
 - (b) Yarra Trams;
 - (c) Director of Public Transport; and
 - (d) Onelink.

ANSWER:

Questions (1) to (6) and 7 (a), (b) & (d) are matters for M>Tram, Yarra Trams and Onelink.

The Director of Public Transport is not planning any upgrade of security for 2002–2003.

Police and emergency services: student action teams

136(b). Mr PERTON to ask the Honourable the Minister for Police and Emergency Services, with reference to the Student Action Teams Program —

- (1) Is the Program still being funded; if so, by which Department and how much funding did the Program receive in 1999–2000, 2000–2001, 2001–2002 and 2002–2003 to date.
- (2) What reviews, reports or studies of the success or otherwise of the program have been carried out.

- (3) What were the outcomes of such reviews, reports or studies.
- (4) Are there any documents which report on the program; if yes, who prepared the documents and are they publicly available; if no, will they be made available to interested Members of Parliament or the public.
- (5) What were the outcomes from the 12 of the original 20 participating schools that received support in 2000.
- (6) Have any new schools been added to the program.
- (7) What were the outcomes of the —
 - (a) Altona truancy project;
 - (b) Banksia absenteeism and handbook on teenagers and safety in the City of Banyule projects;
 - (c) Euroa community service project and relationship between young people and police projects;
 - (d) Heatherhill improving health and wellbeing project;
 - (e) Karingal risk behaviour project;
 - (f) Kyneton skate park and skating awareness issues project;
 - (g) Melton youth safety and safety audits of areas that are unfriendly to young people project;
 - (h) Mitchell civic leadership and Ovens leadership and citizenship projects;
 - (i) Princes Hill links between students and police and between students projects;
 - (j) Wanganui Park BMX track and BMX riding project; and
 - (k) Weerona community-based road safety campaign — Operation Driver Education for Youth project.
- (8) What steps have been undertaken to integrate the teams into the *Middle Years Strategy* for Government schools by the Department of Education and Training.

ANSWER:

I am informed that:

Student Action Teams are integrated into the Department of Education and Training's Innovation and Excellence in the Middle Years program. This includes two key initiatives, both of which have a strong focus on school's development of community partnerships. The Schools for Innovation and Excellence initiative provides funding to clusters of primary and secondary schools to develop innovations in their curriculum delivery. One element of this initiative is improving community involvement in these clusters. Student Action Teams is a successful project for achieving this.

Funding is also directed to selected secondary schools through the Access and Excellence initiative. This provides extra teachers to these schools to address the needs of students who are at risk of leaving school early and is seeking to promote authentic learning opportunities to engage students. Student Action Teams provide an excellent avenue to achieve this engagement.

I am further advised that the Department of Education and Training is currently revising the Student Action Team manual and will distribute it to all schools and provide statewide briefing sessions on implementation of Student Action Teams. The manual will also be made available on the Middle Years web site. In addition, regional personnel will promote this approach to schools. In collaboration with Crime Prevention Victoria and Vichealth, a

promotional flyer will be distributed to schools and another flyer distributed to organisations and community groups to promote their participation in Student Action Teams.

Within the Department of Education and Training's regional infrastructure, ongoing professional development and support exists for the implementation of Student Action Teams.

Various reviews and reports are publicly available from the Australian Youth Research Centre, Faculty of Education, University of Melbourne.

Education services: designated salary grade

141. Mr PERTON to ask the Honourable the Minister Education Services, with reference to a letter from a Mr Shane Jamieson on 7 March 2003 in which he alleges failure to pay him at his designated salary grade of 1.5; further alleges he is being remunerated as a first year teacher; that there may be eight weeks before he is paid at his designated salary grade; and voices concern that other conditions of his employment and the employment of other teachers may not be being met —

- (1) If the allegations are true, what has caused this delay.
- (2) What is the extent of this problem.
- (3) How many teachers has it affected and for what length of time.
- (4) What steps have been taken to remedy this alleged problem.
- (5) Will it happen again.
- (6) What has been done to compensate or assist teachers affected by this problem.
- (7) Will there be any efforts made to restore Mr Jamieson's goodwill toward the Department.
- (8) Is this lag in paying correct salaries an ordinary, regular or annual occurrence.
- (9) How long has it been since the current payroll system was assessed on its ability to meet the current and future needs of the teaching system.
- (10) What findings, if any, were made with respect to the need to upgrade the system.

ANSWER:

I am informed as follows:

The delay in assessing Mr Jamieson's qualifications and approved teaching experience for salary purposes was due to an unprecedented number of applications for assessment of qualifications and approved teaching experience being received at the commencement of the 2003 school year.

Schools normally determine the commencement salary of new teachers. A school only seeks confirmation of qualifications and approved teaching experience from the Department when employing a teacher who has not previously been employed by the Department and who has interstate or overseas qualifications and/or experience.

The time taken to process inquiries concerning qualifications and approved teaching experience varies depending on the comprehensiveness of the supporting documentation provided.

Once the assessment of qualifications and approved teaching experience is confirmed, teachers are placed on their correct classification subdivision and paid the appropriate salary including payment for any period where an underpayment has occurred.

Mr Jamieson has been provided with information regarding the delays in assessment of his qualifications and approved teaching experience.

Any lags in paying correct salary to teachers is not an ordinary, regular or annual occurrence.

The current payroll system is monitored to ensure that it is meeting the current and future needs of the teaching system.

Manufacturing and exports: Vic Export web site

203. Ms ASHER to ask the Honourable the Minister for Manufacturing and Exports — how many companies have been assisted by using the web site to develop an export strategy.

ANSWER:

I am informed as follows:

Vic Export is a comprehensive web site that acts as a repository of information on all aspects of export. It is an educative tool and its main purpose is to assist Victorian firms not already exporting to develop strategies to enter international markets.

The site includes an export strategy template and two examples of completed export strategies. Export strategies can be developed online or the information module can be downloaded and completed offline. Users are not required to “register” to use the export strategy module so it is not possible to state with certainty how many strategies have been commenced or completed. However, as an indicative figure, over the past 12 months in excess of 1400 visitors downloaded the export strategy module from the site.

I also note that this question is identical to Question 630 in the Legislative Council.

Community services: Kew Residential Services site

223(a). Mr McINTOSH to ask the Honourable the Minister for Community Services —

- (1) What is the current status of, and will the Minister make available, the master plan, urban design framework and land release strategy for the KRS site undertaken by the Urban and Regional Land Corporation (URLC) for the Department of Human Services, and to which specific reference is made in the URLC annual report for the year 2001–02.
- (2) How does the master plan provide for —
 - (a) the retention of special medical and dental facilities and the future of the sports and recreation centre for the use of intellectually disabled residents; and
 - (b) the location of accommodation for the intellectually disabled residents and their support facilities.
- (3) How do the design principles in the master plan ensure community inclusion.
- (4) What is the treatment of all heritage matters in the master plan, including buildings, vegetation, aboriginal sites, cultural and historical sites.
- (5) What is the lot yield in the master plan and the range of lot sizes.
- (6) How does the master plan accommodate non-residential facilities.
- (7) What is the staging plan for the site.

- (8) What is the marketing plan for selling the site.
- (9) What is the capacity of existing external infrastructure to support any proposed site development including schools, roads, water and gas.

ANSWER:

I am informed that:

- (1) As part of the overall masterplanning process for the redevelopment of the KRS site being undertaken for DHS by VicUrban, previously the Urban and Regional Land Corporation (URLC), a draft Urban Design Framework was prepared. This work was undertaken in a working group convened by the City of Boroondara and the framework was on public exhibition during the process. The Urban Design Framework sets out the key parameters for the redevelopment, including landscape elements to be preserved, circulation patterns, relationship with the adjacent area and broad building envelopes. The Urban Design Framework was considered by the Council on 4 August 2003 and endorsed with significant changes to the framework recommended by the Working Group. The Urban Design Framework is publicly available from the City of Boroondara. Issues related to the staging of development are covered under 7 below.
- (2,a & b)

The Urban Design Framework sets out broad areas for residential buildings and accommodation and support facilities for KRS residents that will be located within these areas in accordance with DHS policy, standards and requirements. An Urban Design Framework does not specify the location of individual buildings. Accommodation for people with disabilities will be located throughout the site; final details will be developed as part of the planning process, and in consultation with relevant stakeholders.
- (3) The design principles and objectives underpinning the Urban Design Framework in general support the development of an inclusive community. For example there are, inter alia, specific principles and objectives
 - to create an integrated urban character which promotes a strong future community identity,
 - to encourage an integrated residential community and complementary uses, (including community uses),
 - to invite people into the site,
 - to facilitate access for people of all abilities,
 - to ensure roads are designed to encourage pedestrian use,
 - to facilitate and enhance pedestrian and cycle access to and through the site for people of all abilities, and
 - to minimise pedestrian, cycle and vehicular conflict.
- (4) Heritage matters have been an important consideration in the preparation of the Urban Design Framework and studies have been undertaken to identify site issues relating to heritage, Aboriginal sites and significant vegetation. The Urban Design Framework identifies significant features to be retained.
- (5) The Urban Design Framework does not indicate individual building lots or yield and only sets out broad building envelopes. Specific development proposals will ultimately be prepared by developers of the site, within the parameters of the Planning Scheme Amendment.
- (6) The Urban Design Framework primarily provides for a residential redevelopment, but there is scope for provision of local community, recreational and some limited retail facilities.
- (7) In drawing up the Urban Design Framework, consideration has also been given to a strategy for staging the development and the release of land. This work is at a preliminary stage and will take into account the progressive movement of those residents to their new accommodation off the site.
- (8) No marketing plans for selling the site have been prepared, as the planning process is at an early stage.

- (9) Studies concerning existing infrastructure indicate that there is capacity for additional development on the site. Ultimate developers of the site will be required to ensure that their proposals can be accommodated within infrastructure capacities or will be required to meet cost of additional infrastructure requirements.

Major projects: Kew Residential Services site

223(b). Mr McINTOSH to ask the Honourable the Minister for Major Projects —

- (1) What is the current status of, and will the Minister make available, the master plan, urban design framework and land release strategy for the KRS site undertaken by the Urban and Regional Land Corporation (URLC) for the Department of Human Services, and to which specific reference is made in the URLC annual report for the year 2001–02.
- (2) How does the master plan provide for —
 - (a) the retention of special medical and dental facilities and the future of the sports and recreation centre for the use of intellectually disabled residents; and
 - (b) the location of accommodation for the intellectually disabled residents and their support facilities.
- (3) How do the design principles in the master plan ensure community inclusion.
- (4) What is the treatment of all heritage matters in the master plan, including buildings, vegetation, aboriginal sites, cultural and historical sites.
- (5) What is the lot yield in the master plan and the range of lot sizes.
- (6) How does the master plan accommodate non-residential facilities.
- (7) What is the staging plan for the site.
- (8) What is the marketing plan for selling the site.
- (9) What is the capacity of existing external infrastructure to support any proposed site development including schools, roads, water and gas.

ANSWER:

Please refer to the response by the Minister for Community Services.

Transport: train passenger loads

228. Mr MULDER to ask the Honourable the Minister for Transport —

- (1) Was the 16:32 Sandringham train about 10 minutes late departing Flinders Street station on Sunday, 3 August 2003.
- (2) Why was this train a three car Comeng set instead of six cars.
- (3) Did this train convey a crush load of football followers upon departure from Richmond station.
- (4) Why does M>Train run three car suburban trains after the football.
- (5) Will the Minister inform both M>Train and Connex that six car trains are to be used on all services prior to and after major events such as Australian Football League matches.

ANSWER:

- (1) No.
- (2) The 16.32 Sandringham train from Flinders Street Station on Sunday, 3 August 2003, was a six car Comeng set.
- (3) No.
- (4) M>Train only runs three car suburban trains after the football if there is an incident such as a train fault. On these occasions, M>Train may run a three car set in preference to cancelling a service.
- (5) M>Train and Connex are both aware that six car trains are to be used for all services taking passengers to and from special events.

Transport: tertiary student concession card

- 229. Mr DIXON** to ask the Honourable the Minister for Transport — what payment is made by the Government to all transport operators (metropolitan and country) to subsidise the card.

ANSWER:

Information concerning the payment made to transport operators is contained in the Department of Infrastructure's 2000–2001 Annual Report.

Transport: Frankston line train services

- 250. Mr THOMPSON** to ask the Honourable the Minister for Transport, with reference to the late arrival of train services along the Frankston line which have affected the travel arrangements of commuters from Mentone, Cheltenham and Highett railway stations —
- (1) What has been the cause of significant delays of between eight and 12 minutes in July.
 - (2) What plans does the Government have to improve the reliability of peak hour services, noting that in August many services were between four and eight minutes late, resulting in significant inconvenience to many rail commuters.

ANSWER:

- (1) Train services on the Frankston line were disrupted due to a fire that was deliberately lit in the relay room at Frankston Station on Sunday 20 July at approximately 3:40am.
- (2) The reliability of services on the Frankston line has improved since repairs to essential equipment damaged in the fire were completed.

Police and emergency services: criminal activity on independent school grounds

- 278. Mr PERTON** to ask the Honourable the Minister for Police and Emergency Services, with reference to the response from the Minister for Education Services to question 172b received on 26 August 2003 — are there any arrangements for police patrols on independent school grounds during —
- (1) School terms.
 - (2) School holidays.

ANSWER:

I am advised that:

The allocation of resources to patrol school grounds is an operational matter undertaken by the Chief Commissioner and her area Commanders.

Under the Local Priority Policing (LPP) model, resource utilisation is under the allocation of the relevant Assistant Commissioner.

Your request would necessitate a statewide survey of schools and police districts to elicit the level of information you seek.

I am not willing to request the Police Commissioner to allocate the valuable resources of Victoria Police to this exhaustive research task.

Agriculture: netting fish

325. Mr THOMPSON to ask the Honourable the Minister for Agriculture, with reference to reports from recreational anglers that commercial fishermen have been netting what is believed to be the full length of the boundary of the Ricketts Point Marine Sanctuary —

- (1) Has the Minister made an assessment of this practice on fish stocks and the bi-catch.
- (2) What plans has the Government to further evaluate this issue and respond to the concerns of recreational anglers.

ANSWER:

I am informed that:

The Department of Primary Industries has for many years routinely monitored commercial fishing catch and effort in Port Phillip Bay, and will continue to do so.

Any observed changes in the distribution of commercial or recreational fishing activities, whether because of the establishment of marine protected areas or for other reasons, are examined during periodic formal fishery assessments to determine the implications, if any, for sustainable utilisation of the Bay's aquatic living resources. Representatives of recreational fishing, commercial fishing and conservation interests participate in these fishery assessments, and the outcomes of the assessment are agreed by all participants.

If the outcomes of such assessment processes indicate a need to review existing fishery management arrangements, then such a review is undertaken in consultation with all key stakeholder groups.

The Government has recently allocated \$1.05 million over four years to establish and operate a 24 hour illegal fishing reporting service. If members of the public observe suspected illegal fishing activities — whether near a marine protected area or elsewhere — they are encouraged to call 13FISH (133 474) and provide details of the suspect activity.