

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

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

Thursday, 6 April 2006

(Extract from book 4)

Internet: www.parliament.vic.gov.au/downloadhansard

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FIFTY-FIFTH PARLIAMENT — FIRST SESSION

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Davis, Hon. Philip Rivers	Gippsland	LP	Scheffer, Mr Johan Emiel	Monash	ALP
Drum, Hon. Damian Kevin	North Western	Nats	Smith, Mr Robert Frederick	Chelsea	ALP
Eren, Hon. John Hamdi	Geelong	ALP	Somyurek, Mr Adem	Eumemmerring	ALP
Forwood, Hon. Bill	Templestowe	LP	Stoney, Hon. Eadley Graeme	Central Highlands	LP
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Hall, Hon. Peter Ronald	Gippsland	Nats	Thomson, Hon. Marsha Rose	Melbourne North	ALP
Hilton, Hon. John Geoffrey	Western Port	ALP	Viney, Mr Matthew Shaw	Chelsea	ALP
Hirsh, Hon. Carolyn Dorothy ¹	Silvan	ALP	Vogels, Hon. John Adrian	Western	LP

¹ Ind from 17 September 2004
ALP from 10 November 2005

² Ind from 7 April 2005

³ Ind Lib from 30 November 2005

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Thursday, 6 April 2006

The **PRESIDENT** (Hon. M. M. Gould) took the chair at 9.34 a.m. and read the prayer.

PETITION

Schools: public education

Ms **ROMANES** (Melbourne) presented a petition from certain citizens of Victoria requesting that any new legislation dealing with the state public education and training system — (1) be separate and distinct from any legislation dealing with private schools; (2) defines public education as free, secular and universal; public in purpose, outcome, ownership and accountability; and accessible to all children; (3) gives primacy to public education in all areas; and (4) includes proper, transparent, publicly accessible accountability measures for expenditure of all taxpayers money (63 signatures).

Laid on table.

COMMONWEALTH GAMES

Volunteers

Hon. **D. McL. DAVIS** (East Yarra), by leave, presented list of 2006 Melbourne Commonwealth Games volunteers.

Laid on table.

PAPER

Laid on table by Clerk:

Subordinate Legislation Act 1994 — Minister's exception certificate under section 8(4) in respect of Statutory Rule No. 33.

BUSINESS OF THE HOUSE

Adjournment

Mr **LENDERS** (Minister for Finance) — I move:

That the Council, at its rising, adjourn until Tuesday, 2 May.

Motion agreed to.

MEMBERS STATEMENTS

Wind energy: Bald Hills

Hon. **PHILIP DAVIS** (Gippsland) — I welcome the decision of the federal government to stop the proposed wind farm development at Bald Hills. Yesterday's announcement by the federal minister, Ian Campbell, that the wind farm proposal was an unacceptable risk to migratory birds species, in particular the orange-bellied parrot is a win for South Gippslanders.

Two Bracks government ministers in the other place, the Minister for the Arts, who was formerly the Minister for Planning, Mary Delahunty, and the current Minister for Planning, Rob Hulls, and the Minister for Energy Industries, the Honourable Theo Theophanous, were responsible for approving this wind farm at a state level. Between the three of them they failed to get the process right and they failed to protect the orange-bellied parrot. The Bracks government chose to exclude local councils and local communities from the wind farm planning process, giving them no say on whether these developments are built in their backyards and whether or not indigenous species of birds should be protected.

The Bracks government supported the Bald Hills wind farm against the interests of the local community and on the basis that there was no threat to the environment and the community. However, locals were passionately arguing the case that there were concerns for the environment, and that has now been demonstrated with evidence in the *Wind Farm Collision Risk for Birds — Cumulative Risk for Threatened and Migratory Species* report, which indicates there is a serious risk to wildlife.

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

Planning: Burwood development

Hon. **H. E. BUCKINGHAM** (Koonung) — I was pleased to see in the April *Whitehorse News* that Whitehorse City Council and Whitehorse ward councillors John Koutras and mayor Sharon Ellis welcomed the rezoning by the Minister for Planning in the other place, Rob Hulls, of the former brickwork sites on Middleborough Road, Burwood.

This rezoning will allow the Readings development to proceed to the next level of a more detailed planning and community consultation. Along with other members I have been briefed by both the council and Readings on this proposed development and would like

to place on record my congratulations to both the Whitehorse council and Readings on the way the community has been informed and consulted with on this project. This is a significant development for Whitehorse and the state. It will provide \$1 billion to the local economy and see up to 5000 new residents and employees move into the municipality.

The rezoning will also see Readings submit more detailed plans for consultation. This site is one of the largest infill sites remaining in Victoria, and it is a site of regional and state significance. I congratulate all those involved and look forward to further consultation.

Governor John Landy

Hon. H. E. BUCKINGHAM — In my remaining time I would like to thank the Governor, John Landy, who is leaving this week — he has been a most inclusive Governor, and I wish him and his wife, Lynne Landy, a most successful retirement.

Easter trading: Melbourne

Hon. B. N. ATKINSON (Koonung) — I also note the retirement of the Governor after his very successful term. Sadly, if the Governor wants to use some of his retirement on Easter Sunday to shop in the city of Melbourne he will be unable to do so because of the absurdity of this government continuing to ban major retailers from opening on Easter Sunday. I note that the Lord Mayor of Melbourne, Cr John So, has called for shops in the central business district area to be allowed to open on Sunday. I support that and the opposition supports that, and I believe The Nationals support that. We are also concerned about the impact of this ridiculous ban on Sunday trading throughout country Victoria.

I noticed recently that the Minister for Small Business in the other place, André Haermeyer, was trying to defend the indefensible when he said on ABC radio that tourists do not shop. The minister said that in north-east Victoria where the Honourable Bill Baxter and my colleague are both situated. What a ridiculous statement to make. The minister would only need to consult any of the businesses in north-east Victoria, or indeed anywhere across Victoria, to find out the importance of Easter as a trading period for retailers in country Victoria. It is a major tourism period and all of those retailers ought to be open. This sop to the Shop Distributive and Allied Employees union ought to be — —

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

Lake Modewarre: fish health

Ms CARBINES (Geelong) — Recently I chaired a very valuable public meeting of stakeholders concerned about the health of Lake Modewarre. Over the last two years as water levels have dropped significantly there have been several very large fish kills — specifically, thousands of eels and carp. There have also been similar eel kills at Lake Bolac and Lake Colac in the Western District. Attending the Lake Modewarre meeting were local residents, members of the Geelong Rod and Gun Club and members of the Lake Modewarre committee of management. We heard presentations from the Environment Protection Authority which has been monitoring the health of the lake and working hard to identify the cause of the fish kills, and also from Corangamite Catchment Management Authority (CMA) and Barwon Water.

I was very pleased to announce at the meeting that the EPA is establishing an eel investigation reference group, chaired by Christine Forster, to review the EPA investigation to date, to support the EPA in determining the most probable cause and provide recommendations on further needs in relation to future investigations, research and catchment planning. Joining Ms Forster will be representatives from Corangamite CMA, the Glenelg-Hopkins CMA, the Department of Sustainability and Environment, the Department of Primary Industries, Primary Industries Research Victoria, Fisheries Victoria, the EPA and Deakin University. The eel investigation group will work closely with members of the Western District community to collect current and historical information about the three lakes. This is an excellent initiative, and I encourage everyone interested in the health of lakes Modewarre, Bolac and Colac to get involved.

Legislative Council: reform

Hon. RICHARD DALLA-RIVA (East Yarra) — It is important to put on the record after the state Labor Party preselections the success rate that some of these members have achieved. To understand, we need to go back to the Constitution (Parliamentary Reform) Bill that was debated in 2003 and look at the contributions made by those members opposite who supported the bill and ascertain whether their loyalty payment has been returned for gladly signing their death warrants.

Those who supported the reforms essentially kicked themselves out of a job. I would like to say goodbye to Mr Nguyen, Mr Mitchell, Ms Romanes, Mr Hilton, Mrs Buckingham, Mr McQuilten, Ms Argondizzo and Mr Pullen. I also say goodbye to the Minister for Sport and Recreation, Mr Madden, and to the Minister for

Consumer Affairs, Ms Thomson. Some members are on the third spot on the ticket. Mr Smith is on the third spot, as well as Ms Carbines and Mrs Buckingham. It is important to reflect on some of their contributions at the time. For example, Mr McQuilten said:

I think this is the most important speech I will make in this place.

He was right. He in fact signed his own death warrant. We say goodbye to those people. They were stupid to vote for that bill. They voted themselves —

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

Schools: technical education centres

Ms ARGONDIZZO (Templestowe) — I welcome the Premier's recent announcement of a \$32 million allocation for the establishment of four new technical education centres (TECs) in Victoria. This is part of the \$241 million Maintaining the Advantage — Skilled Victorians package that the Bracks government has also recently announced. The TEC secondary campuses will offer courses for students interested in a trade. They will have links with local TAFE institutions and provide years 10, 11 and 12 students with a range of vocational training programs. The TECs will offer programs in the Victorian certificate of applied learning, pre-apprenticeships, apprenticeships and traineeships. They will help to provide local industries with the trades they need. They will be located in Wangaratta, Ballarat, Berwick and Heidelberg.

Within the Maintaining the Advantage package the government has allocated \$23 million to set 13 advice booths in shopping centres and mobile units called Skills Stores. These will offer information on education, training and employment opportunities in places which can be easily accessed by Victorians. Other initiatives include \$11 million to assist older workers who did not complete year 12 to go back to study and \$42 million to help existing workers upgrade their skills to keep pace with technology. This investment by the Bracks government will make it easier for Victorians to get the right skills for the future and provide a major boost to the local economy.

Neighbourhood houses: funding

Hon. D. McL. DAVIS (East Yarra) — The matter I raise today concerns the issue of neighbourhood houses and learning centres and their appropriate funding and support by this government. I have talked to many of the neighbourhood houses and learning centres across the new Southern Metropolitan Region electorate, and

last Friday I hosted a function in my office with my colleague Mrs Coote and the Liberal Party spokesperson, Mr Vogels, who has a great knowledge of community activity, including neighbourhood houses. The function was also attended by Andrew McIntosh, the member for Kew in the other place, a number of Liberal candidates — Graham Bailey, David Southwick and Clem Newton-Brown — and more than two dozen people from neighbourhood houses and learning centres, who put the case for greater support.

We are very concerned that the Bracks government has not provided appropriate support across the Southern Metropolitan Region for a number of the neighbourhood houses and learning centres. I say this as somebody who has some experience with the sector, having been a regional adult community further education chair and having moved through many of the centres over the years in discussions on the issues and problems that face neighbourhood houses and learning centres. I believe they have a very good case for additional support. I do not believe that case has been dealt with properly and fairly by this government, and I believe it should be looked at closely before the state budget.

Mental health: funding

Mr SOMYUREK (Eumemmerring) — I rise to congratulate the federal government on finally taking a positive step towards addressing the emergency crisis in mental health with the announcement yesterday of \$1.8 billion in funding aimed at improving mental health services in communities across the nation. I am pleased in particular with the increased access to psychiatrists and psychologists under Medicare to improve the detection, treatment and management of mental illness. This announcement is a sign that finally the Howard government has recognised that it must do more on mental health. However, the funding package does show signs of being cobbled together quickly. It is short on detail and seems to ignore important work on mental health that is under way through the Council for Australian Governments. Our mental health system needs to be overhauled from top to bottom, and that can only be achieved if the Howard government works cooperatively with the states and territories.

Finally it is prudent to note that the \$1.8 billion provided is only 50 per cent of the minimum spending increase by the commonwealth that was recommended by the bipartisan report of the Senate inquiry into mental health.

Commonwealth Games: benefits

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — Now that the Commonwealth Games are over Victorians are entitled to know what the benefits and legacies of the event have been. More than \$1.2 billion has been spent, much of it collected from Victorian taxpayers. The games cost more than \$100 million a day, and each paid ticket was subsidised by Victorian taxpayers by between \$500 and \$1000.

While Melbourne has enjoyed a great party, the expenditure of hundreds of millions of dollars of public money dictates that the benefit be more than merely a party. The government has quoted a wide range of figures showing the economic impact of the games, ranging from \$270 million to more than \$3 billion. However, as we have witnessed with some central business district restaurants and retailers, there has also been a downside. The government has commissioned a report from KPMG on the expected economic impact of the games. The government has selectively quoted from the report and released a departmental précis of certain sections but has refused to release the entire report. Victorian taxpayers own the report, and its contents will be of interest to them as well as to the host nations of other major events. I call on the Minister for Commonwealth Games to immediately release the KPMG report.

Wind energy: Bald Hills

Hon. J. G. HILTON (Western Port) — This morning I would like to make a statement on the decision by the federal Minister for the Environment and Heritage, Mr Campbell, to block the proposed \$220 million wind farm at Bald Hills. The reason given was to protect a rare bird that has rarely flown over the site. There was a small probability that up to one bird a year could be killed. The growth of global warming with atmospheric consequences that will be catastrophic for the environment obviously has little resonance with the Minister for the Environment and Heritage. We should be doing everything we can to promote renewable clean energy. Everyone seems to realise this except Mr Campbell. He is totally unfit to be the environment minister and is obviously in the back pocket of the fossil fuel industry. He reminds me of a character in the television program, *Yes, Minister*, who was a grossly overweight health minister who chain smoked.

I call on the federal government to reverse this ludicrous decision, which is anti-environment, and to work with the state government to promote renewable energies. I also call on the federal member for Flinders,

who is also the Parliamentary Secretary to the Minister for the Environment and Heritage, to give his opinion on this decision.

Cycling: helmets

Hon. C. A. STRONG (Higinbotham) — The issue I would like to raise this morning for the attention of the government relates to a recent public health survey and report that was published in the newspaper. It highlighted the fact that the regulations requiring people to wear helmets when riding bicycles, which is a very important way of keeping fit and dealing with the problems of obesity and so on, are a major disincentive. The survey concluded that the requirement to have a bicycle helmet discourages so many people from riding that the benefits to the odd person who might have fallen off their bike and escaped head damage because they were protected by a helmet are minor compared to the loss to general health because more people are discouraged from riding a bicycle. There is overzealous policing of helmet regulation. The issue I want to raise with the government is that it should perhaps investigate some arrangement under which bicycle helmets may not be needed for everybody. That would achieve an improvement in public health and attack obesity in our population.

Youth: football spectators

Mr PULLEN (Higinbotham) — I had last Saturday night off and journeyed to Telstra Dome to see the Essendon versus Sydney Swans football match. I found my seat, V5, right up in level 3 in bay 40. It was a great game, with the mighty Bombers winning by 27 points, led by new skipper Matthew Lloyd, who scored eight goals. The Swans' big Barry Hall also played brilliantly and kicked seven goals.

Back in Yarrowonga in the mid-60s I was a great friend of Matthew Lloyd's dad, John, before he left to play with the Carlton Football Club. I also worked with his uncle, Brendan, in the Commonwealth Bank, before he moved to live in Fiji. Matty's grandmother missed her two boys, and I used to go around there every Friday night and, being a good Catholic boy, had homemade fish and chips with Mrs Lloyd to keep her company.

However, the most enjoyable part of last Saturday night was the very impressive group of young supporters around me. Behind me sat two young girls who were Swans supporters barracking hard for their boys, while in front of me there were four young teenage girls split evenly between supporting the Dons and supporting the Swans. Three teenage boys asked if the seats next to me were taken, and although they came and went a number

of times, they continually apologised for the inconvenience. A young boy aged about 10 also left his seat with his dad on a number of occasions and always said sorry when he went past.

All these young people really made my night. The state of Victoria has a wonderful future to look forward to with such outstanding citizens.

Industrial relations: WorkChoices

Ms MIKAKOS (Jika Jika) — As the dog's breakfast of the H. R. Nicholls Society-inspired dogma that is the federal WorkChoices regime shudders on, it is important that we reflect on the state of industrial relations in this country. We have seen daily sackings condoned by the federal industrial relations minister on the basis of personality differences. We have seen abattoir workers sacked and then reinstated after intervention by the clearly panicked Howard government.

Michelle Grattan spilt the beans when she reported in last Saturday's *Age* on the federal finance minister's speech to the H. R. Nicholls Society, an organisation of which I know many of those opposite are members. She quoted the minister as having said:

This is evolution, not revolution, and there is still a long way to go ... in terms of the whole edifice that remains there in terms of awards, the IR commission, all the rest of it.

This seems to indicate that any remaining protections for working people in this country are now up for grabs.

The Bracks government will not sit idly by whilst this outrageous piece of legislation introduces further uncertainty into the lives of people suffering under record levels of household debt. That is why it moved yesterday to protect Victorian public sector workers. It has set up the Office of the Workplace Rights Advocate and is set to challenge the federal government's legislation in the High Court.

The only remaining doubt is whether WorkChoices or Howard himself will go first.

STATEMENTS ON REPORTS AND PAPERS

Library Board of Victoria: report 2004-05

Hon. ANDREA COOTE (Monash) — I will speak today on the Library Board of Victoria's annual report for 2004–05. I will comment more on what is not included in the report than on what is included. Looking at the direction of the library and where it intends to go, I have some major concerns.

I commend the library, as I have many times, on some excellent work, on the depth of its collection and on its digitising program — although, as I will say later in my contribution, I believe it could go further. The issue I am mostly concerned about is its lack of business foresight. As I have said in this chamber many times before, I have worked in the State Library of Victoria. In fact I set up the State Library of Victoria Foundation, which I am pleased to say goes from strength to strength under its current chairman, Stephen Kerr. I thank all Victorians who have contributed to the state library and recognise it as the treasure it is for the community.

However, I think the library could be going further. When I was there it had a very strong business centre, which at that stage was working towards developing business partnerships into the future and looking at what could happen in a quite far-sighted way. I do not believe the library is doing that at this stage. In fact I am concerned that in this report the library has not even mentioned what its business partnership programs could be. The closest I can come to seeing what it does in this area is to look at the report's information and access section at pages 22 and 23. It talks about information services such as catalogue access, digitisation projects, collection access, linking customers to information resources and the library's web site, but I can see nothing about the development of business programs and business projects into the future. The state library has a very good opportunity to not only develop and enhance partnerships with significant businesses in this city and state but to take it further and have a revenue-raising system.

I will comment on what the British Library has done. It has been very aggressive and far-sighted in its approach towards digitising, legal deposit legislation and building strategic partnerships to go into the future. Digitised material can now be used around the world, so the British Museum's strategic partnerships for information and research encroaches on what could be an area for the State Library of Victoria. It is imperative that the state library has a close look at what it can do to make certain we are at the forefront in these matters. When I looked at the British Library's web site one of the things I found interesting was that in 2003 it lobbied its Parliament for legal deposit to be extended to electronic materials, including web sites. The library now collects e-materials to ensure that global research is rapidly available to UK researchers. I do not recall whether extending legal deposit to web sites is something the state library has even considered. Things are moving quickly in these times everywhere except in this Parliament — I do not include in that our library; it is information technology and our computers. I have to

say that the library here is sensational given the tools it has been given to work with.

On the issue of extending legal deposit to web sites, web sites come and go very quickly. It is very important that the state library keep them, because they will become important research tools in the future. Political information being what it is, it is there one minute and gone the next. If the library had the opportunity to collect this material it could become a very valuable resource for politicians in particular, and for the community generally.

I hope the library will take a much closer look to see what sort of strategic relationships and partnerships it can develop, because we need to be at the leading edge. Our library has been at the leading edge in our country and indeed in the world. It needs to be given additional resources to make certain it can make the best of the opportunities and partnerships it can develop, particularly in this electronic age. I think it is vitally important that we are at the forefront. Digitisation is a part of that, but we could be doing so much more. It needs additional funding and a very clear strategic approach.

Port Phillip and Westernport Catchment Management Authority: report 2004–05

Hon. J. G. HILTON (Western Port) — This morning I would like to make a brief statement on the Port Phillip and Westernport Catchment Management Authority's annual report 2004–05. The authority includes all the electorate of Western Port Province, hence my interest in its activities. The authority is responsible for a range of activities, and these are included in the report. They include: preparing a regional catchment strategy for the region and coordinating and monitoring its implementation; promoting cooperation of people and organisations involved in land and water resource management in the region; promoting community awareness and understanding of the importance of land and water resources, their sustainable use, conservation and rehabilitation; and reporting on the condition of the land and water resources in the region. This is a most comprehensive and interesting report, and there is a tremendous amount of really useful information contained in it. Obviously in the 5 minutes I have available to me this morning I cannot really do justice to all the hard work that has gone into the production of the report.

I would like to highlight one area of the catchment management authority's activities: strategic Landcare support. Within the Port Phillip and Western Port

region there are 22 Landcare groups and 400 friends and other community environment groups, which I believe is a very good indication of how important the community sees the environment to be and of the commitment it wishes to make to maintain its quality. The authority has a strategic Landcare support program which aims to develop the expertise of Landcare support groups and other environmental groups to effectively contribute to land care management.

Specific aspects of the program are mentioned in the annual report and I would like to mention a few. They include the preparation and hosting of the inaugural Port Phillip and Westernport regional Landcare awards; the production and distribution of a 'Stories of community Landcare success' booklet — a compilation of 53 stories of success from across the region contributed by the groups; and provision of strategic planning facilitation services to nine Landcare groups to develop their own strategic action plans, bringing the total number of groups in the region with a strategic action plan to 27. Assistance is also provided to groups with applications for a wide array of funding opportunities, both government and corporate, resulting in an increased level of such funding reaching groups in the region.

One of the principal responsibilities of the catchment management authority is to report annually to the state government on the condition of the catchments in the region, and a separate report indicates a number of studies which the authority has undertaken to make that report to government. It includes areas such as recycled water use, diversions from waterways, ground water extractions, beach water quality, spread of weeds and long-term rabbit control and also threatened flora and fauna species. It is very difficult — in fact impossible — to do even remote justice to all the information that is in the report.

However, I believe anybody interested in the issues of our catchments would find the report useful. I commend the chairman of the catchment authority, Dr Mick Lumb, whom I have met on a number of occasions, and all the executives and staff involved in the catchment authority. I compliment them most sincerely on the excellent work they are doing for the environment.

Sustainability and Environment: report 2004–05

Hon. D. McL. DAVIS (East Yarra) — Today my contribution to debate on reports and papers relates to the Department of Sustainability and Environment annual report 2004–05. This government has, of course, both in its energy policy and environmental areas,

spoken loudly publicly about greenhouse issues, quite rightly, because there are significant issues to be dealt with. But the government's performance on greenhouse issues has not been as strong as it should be.

The government has left much undone in Victoria. I know the government has laid out its belief that the Kyoto protocols should have been signed, and that is something with which the Liberal Party differs from the current policy position of the Bracks government. The government here has also called for the mandatory renewable energy target and related steps.

Today and this week I am pleased that there has been a new intervention into the debate on greenhouse and the Department of Sustainability and Environment's responsibilities to ensure that proper processes are in place and important steps taken. A joint report by the Australian Conservation Foundation and a number of business groups, such as British Petroleum, Insurance Australia Group, Origin Energy, Swiss Re, VISY, Westpac and the Australian Conservation Foundation jointly have produced this week the business case for early action by the Australian Business Roundtable on Climate Change in a document entitled *The Business Case for Early Action*.

This is a welcome development, because it breaks down the dichotomy between business and environmental targets and objectives. In truth, we are all citizens in the first instance, and over time there is a great deal of clarity, at least in my mind, about the fact that we need to act on greenhouse issues.

The Australian Business Roundtable on Climate Change paper says:

Climate change is a major business risk, and we need to act now.

It is a business risk Australia wide, and this document relates to the whole Australian economy and fleshes out the impacts of climate change over the next many decades. The round table suggests that government and business work together to frame policies on three fronts, which are to design a 'long, loud and legal' framework to establish a carbon price signal, to encourage innovation and investment in emerging and breakthrough technologies and to build national resilience to the impacts of climate change.

It is worth, in the context of the broader debate about climate change, putting on the record some of the examples of impacts of climate change referred to in the round table document this week. Examples of these impacts include:

The \$32 billion tourism industry is highly climate-dependent. For example, the Great Barrier Reef supports a \$1.5 billion industry but with a 2–3 degree Centigrade increase in temperature, 97 per cent of the reef could be bleached;

The \$17 billion of exports from of the livestock industry face risks from more heat stress, more pests and disease, national livestock carrying capacity is expected to fall by 40 per cent if temperatures increase by 2 degrees Centigrade.

A third example quoted of a business sector that will be impacted states:

A 2 per cent Centigrade increase in temperature would reduce water flows in the Murray-Darling Basin and to Melbourne by about 15 per cent. Based on a 20 per cent reduction in Australian irrigation allocations, GDP is projected to fall by around \$750 million in 2009–10.

These are significant impacts that need to be dealt with, and there are long-term tasks to deal with them. Victoria is more exposed than most other states because of our long-term reliance on brown coal, a cheap and very efficient source of energy production but also a very dirty source of energy production with a high carbon dioxide output. It cannot be long before international requirements are put on the Australian and Victorian economy by produces to meet targets.

I note that a series of key findings has been put out by the round table. I strongly support the direction this thoughtful group has taken. No longer can we see a distinction between the economy and the environment — we need to bring these things together and to recognise that our long-term interests are in having both a sustainable and healthy economy and a sustainable and healthy environment. This important document makes this case eloquently. I urge members of the house to read it. I believe it will be important in setting policy into the future.

Victorian Institute of Sport: report 2004–05

Hon. H. E. BUCKINGHAM (Koonung) — I rise to make a contribution on the annual review of the Victorian Institute of Sport, tabled in the Parliament on 15 November last year. The recent Commonwealth Games placed Melbourne under a spotlight, and was a fantastic event for Victoria. The success of these games is owed in no small part to the commitment and dedication of all of the athletes who took part in the games and their support teams. The Victorian Institute of Sport played a significant role in supporting athletes in many areas to achieve their best.

The mission of the Victorian Institute of Sport is:

To provide an environment in which talented Victorian athletes have the opportunity to achieve at the highest level in sport and life.

It is fitting that the motto of the VIS is 'Success in sport and life'. The Victorian Institute of Sport was created by a Labor government some 18 years ago and it has gone from strength to strength in supporting Victorian athletes, as this annual review tells us. My father, Frank Wilkes, was a founding director of the Victorian Institute of Sport. In fact, he was the founding deputy chair for over 16 years. He has long been a champion of this institution.

In 2004–05 the influence of the VIS could also be seen in regional Victoria. The South West Academy of Sport in Warrnambool joined the Gippsland, Bendigo and WestVic academies as members of the regional network which is funded by the VIS. The Sunraysia academy in Mildura was also being established at that time. This will provide young Victorians wherever they live, be it in the metropolitan Melbourne or regional Victoria, with a pathway to ensure they can reach their full potential in their sporting endeavours.

In 2004–05 the VIS completed its first year at the newly redeveloped Olympic Park, which I was lucky enough to be shown through as part of the Commonwealth Games tour undertaken by a number of members of this house. The refurbished Melbourne Sports and Entertainment Centre is fantastic. It is now the home of the VIS's administration and training facilities. These facilities include a 25-metre pool, running lanes, a gymnasium, an open-floor training area and a theatre. These world-class facilities contributed to the success of many of the athletes at the recent Commonwealth Games.

The activities of the VIS are broad and not narrowly focused on the sporting ability of the athlete, something I find really interesting and exciting. The VIS conducts a program called athlete career and education (ACE) in support of its motto 'Success in sport and life'. The role of the ACE program is to help athletes effectively achieve their educational and vocational aspirations without compromising their sporting objectives. The ACE program provides personal development training courses; career counselling and planning; educational guidance and information; employment preparation; access to career referral networks; and ongoing transitional support.

At the 2004 VIS awards of excellence acknowledgment was made of the athletes who achieved success in their studies, career ambitions or work settings while balancing their sporting pursuits. William Angliss TAFE sponsored the main award which was won by women's hockey scholarship holder Rachel Imison, OAM, who completed an honours degree in prosthetics and orthotics at La Trobe University. I know Rachel as

she attended Presbyterian Ladies College where I was the careers counsellor. I would like to place on the record that I helped her find out about that course at La Trobe and decide that it was what she was suited to do. Rachel was part of the women's hockey team and won a gold medal at the Commonwealth Games. Her sister, Beth, also plays hockey at an elite level. This is an excellent, innovative program. I congratulate its coordinator, Bernadette Sierakowski, for all her hard work.

Many successful Commonwealth Games athletes have benefited from the programs conducted by the Victorian Institute of Sport. Victoria consistently manages to punch above its weight in all Australian sporting teams. There are too many to name, but there are a few that I wish to bring to the attention of the house. The success of the diving squad can largely be attributed to its Victorian members. Chantelle Newbery and Loudy Tourky are both stars of the Australian diving team, having achieved success at the Athens Olympics and the Commonwealth Games. Both are recipients of individual scholarships from the VIS which allow them to pursue their talents and receive the highest level of support available.

Another recipient of an individual scholarship from the VIS is runner Craig Mottram. Craig won a silver medal in the men's 5000 metres.

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

Budget sector: mid-year financial report 2005–06

Hon. C. A. STRONG (Higinbotham) — I rise to comment on the 2005-06 mid-year financial review. It is worth noting that the review shows that for the six months to December 2005 this state made a profit of some \$1.9 billion — a surplus of almost \$2 billion so far this year. That is a remarkable amount of money that has flowed into the government coffers as a result of its propensity to tax, tax, tax and not give anything back.

It needs to be remembered that that figure comes on top of the surpluses in the last two years. Last year the full-year surplus or profit that this government took out of Victoria was \$3.96 billion, close to \$4 billion, which was on top of the surplus for the year before of \$3.7 billion. Do not let anybody tell you that this government is not wallowing in money it is taking out of this state. Why is it not using that money to give some tax deductions? Why is it not using it to reduce land tax? Why is it not using it to build infrastructure in this state? Why does it have to put tolls on Scoresby

when so far this year the profit is enough to have paid for the Scoresby tollway?

Let us turn to some of the details at page 40 of the report. I will read the comparison of the first six months of this year with the first six months of last year. Taxation is up 4.5 per cent; fines and regulatory fees are up 8 per cent; income from investment is up 11.4 per cent; grants are up 9 per cent; total income from transactions is up 8 per cent. An 8 per cent increase in one year! This is obscene when you think that none of this is given back to us. Page 45 of the report deals with fines and regulatory fees in some detail, and it shows that fines in the first six months of this financial year compared with the first six months of last year are up 13.5 per cent. That is a staggering increase in the amount of money this government is pulling out of our economy and just simply wasting.

In that respect it was interesting to read in the *Age* of 4 April a submission from Mr Coulson of the Victorian Employers Chamber of Commerce and Industry warning that Victoria is in a crucial phase in its history and needs to use the May budget to position itself for future growth:

‘Victoria is very much at the crossroads in how it deals with its international future’, he said.

There is so much money available to give reductions in stamp duty, land tax and payroll tax. There is a significant amount of money there.

Let nobody say, ‘Perhaps this is all going to end’. Today the International Monetary Fund produced its world economic outlook for this year, and its gross domestic product forecast for the world has increased from 4.3 per cent growth to 4.9 per cent growth. It has also looked ahead to 2007 and predicted a 4.7 per cent world growth, noting that the major area of that growth, the real growth engine, is the Asian region, which we are in and to which we are a major supplier. These are benign economic conditions which have been in place for the full period of this Bracks government, and it has absolutely luxuriated in them. They are the most benign economic conditions we have seen for many years, and they are predicted to continue.

This government squanders the wealth that it has taken, the wealth it should use to rebuild Victoria. It has squandered that wealth and refuses to give back any. It simply goes its mean-fisted way and takes money out of everybody’s pockets. There is so much money there, and I call upon the government, when it gets these reports, to give some of that money back to the people. This is the people’s money; this is not the Bracks government’s money. Give some of it back —

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

Ombudsman: investigation into parking infringement notices issued by Melbourne City Council

Ms ROMANES (Melbourne) — I am pleased to have the opportunity to speak on the Ombudsman’s report on the investigation into parking infringement notices (PINs) issued by Melbourne City Council, which was tabled in the house this week. I take great interest in the Ombudsman’s report, due to my own experience of working for five years in the Commonwealth Ombudsman’s office before being elected to this Parliament.

This report of the Victorian Ombudsman takes up issues relating to parking infringement notices in the City of Melbourne. Parking and traffic fines are a very emotional issue in our community and spark a lot of interest, so I suspect this forensic examination of particular whistleblower allegations about the improper management of traffic and parking services and of public funds in the provision of parking services, including the issuing of PINs by the Melbourne City Council parking and traffic branch as part of the services the council provided to the VicUrban Development Authority in Docklands, will be widely studied.

The Ombudsman’s findings focused particularly on the allegations regarding the service the council provided to the VicUrban Development Authority in the Docklands area and included:

... the lack of appropriately authorised parking officers and prosecutors; issuing of PINs with incorrect penalties; improper administration of PINs and the council’s inability to enforce PINs before the court.

The Ombudsman concluded that the processes were inadequate in many cases, that proper authorisations were often not in place and that a range of procedural improvements needed to be addressed.

However, in terms of whether or not there were improper motives involved, on page 4 the Ombudsman concluded:

Generally I am satisfied that the PINs issued by the council’s parking officers have been issued bona fide for genuine parking offences; and

Where, due to the various administrative errors identified in my report PINs have been issued incorrectly, the issuing officers did so in good faith.

The Ombudsman can make particular detailed investigations and addresses issues — as has happened in this case — but also may use the opportunity to examine more systemic issues that are embedded in the problems that may have arisen. In this case the Ombudsman has drawn attention to the need for an overall review of the parking and traffic branch's structures and processes.

In response to the Ombudsman's report, the council has undertaken not only to progress the recommendations made on particular aspects the report looked at but to do a comprehensive review of all of the branch's business processes and systems. That is a very important outcome of this investigation. As I mentioned before, I am sure this will be a very useful report which will resonate throughout local government and be a bit of a wake-up call for councils to get their houses and processes in order in all the units and branches of their organisations.

Of course the report has raised the thorny issue of whether or not parking fines are revenue driven. I am sure there will be some people in the community who focus particularly on this part of the report. Investigators from the Ombudsman's office were informed by officers of the branch that they were to meet a monthly team target of 30 parking infringement notices per day, or to work within 5 per cent of the group's output. I suggest this is an area where the key performance indicators have gone wrong. These are easy measurement tools, and a higher better quality examination of work in traffic and parking has been ignored.

Sustainability and Environment: code of practice for fire management on public land

Hon. W. R. BAXTER (North Eastern) — I wish to make a statement today on the code of practice for fire management on public land, which was tabled in the house last week and which Mr Hall commented on last Thursday. I welcome the update of the 1995 code of practice. I find this to be quite a valuable document, although I do share Mr Hall's concern that many of the recommendations and comments in the code are somewhat anaemic and perhaps not as specific as one would hope they would be.

I am to a degree concerned by the frequent references in the report to fire being a natural part of the Australian environment. Of course it is, but I am concerned with the terminology used in this report that perhaps a case is being built to enable the department to excuse its future inaction in some instances or its failure to control major fires on the basis that fires are a natural part of the

Australian environment. If that is what is being proposed in this report; if it is setting the groundwork in that respect, it is a cop-out. Yes, fire is a part of our environment, but it can be managed, and we have a duty and obligation to manage it, because when we do not, horrendous damage is caused and, as we have seen on occasions, lives are lost. To that end I want to make a plea today for us as a community to get much more serious in terms of bushfires in this state.

It is true that many fires are started by natural elements — lightning usually. There is not a lot we can do about that, other than striking very hard when such occurrences eventuate — more than we did in 2003 when the fires were not got on top of as quickly as they might have been, and we know the devastation in the alpine areas that ensued. I am concerned about the number of fires which are caused by either human carelessness or stupidity, and in some cases deliberately by fire bugs. We have to give a lot more attention to tracking down fire bugs, according them the sort of justice they deserve and making sure that the penalties are widely publicised.

I am especially concerned by the carelessness of some of our citizens, particularly with cigarette smoking on bad fire days. It is time we gave consideration to banning smoking on total fire ban days in outdoor public areas. I will give a particular example. This year 23 January was a very bad fire day in northern Victoria. It was a total fire ban day. It was 41 degrees Celsius, and there was a hot north wind blowing. I was stopped at a roadworks sign on the Murray Valley Highway and was incensed when I noted a road worker — not the man holding up the stop sign — absent-mindedly and idly flicking ash off his cigarette while standing within a couple of feet of very long, dry grass. What was this man thinking? Clearly he was totally oblivious to all the messages about the dangers on total fire ban days we have tried to get across.

I think it is time we said, 'Righto, on such days no-one will smoke outdoors in public areas. Smoke in your backyard if you want to, but not in a public area'. All of us have seen cigarette butts cast out of the windows of cars driving along the road. People do it in winter when it is of no concern, and they forget about the conditions in summer and absent-mindedly flick cigarette butts out of windows. I am quite sure the statistics demonstrate that quite a lot of fires start from cigarette butts being disposed of. In fact it has been proven that the Junee fire in the Riverina this year, which burnt some 29 000 hectares, killed 60 000 sheep and caused untold damage, was caused by a discarded cigarette.

So it seems to me that, bearing in mind that we have only five or six total fire ban days each year, it is not too much to ask for a ban on smoking outdoors in public areas on total fire ban days in this the most fire prone part of the globe. I am calling on this government to give consideration to that.

I note the President has expressed some surprise and concern. I say to the President that when I made this statement in January and got on the front page of the *Border Mail* I received an overwhelmingly positive response from the public. The people are ready for us to take this action and get really serious about bushfires, particularly those caused by carelessness in this country.

Victorian Institute of Sport: report 2004–05

Mr SOMYUREK (Eumemmerring) — The subject of my contribution today is the annual report of the Victorian Institute of Sport (VIS). Focus on sport, particularly athletics, has recently been dominated by the Commonwealth Games.

Hon. G. K. Rich-Phillips interjected.

Mr SOMYUREK — We all understand Mr Rich-Phillips has been following the games very closely. I know that. The hoo-ha has been in town, and it has gone, but the good people at the VIS have been continuing their good work irrespective of how much attention the Commonwealth Games has received. We all agree that the Commonwealth Games was a fantastic opportunity for the state to showcase — —

Hon. G. K. Rich-Phillips interjected.

Mr SOMYUREK — It was a fantastic opportunity to showcase our state — need I say any more? Our state is one of the most livable states, and Melbourne is one of the most livable cities in the world. All we needed was a bit of coverage, and we got that from the Commonwealth Games.

Hon. B. W. Bishop — For \$1 billion!

Mr SOMYUREK — I know there has been much debate about the economic benefits, but I think we will find that the economic benefits in the short-to-medium term will flow through. We had 100 000 visitors to Melbourne during these games, and the multiplier effect of that has to be substantial. Notwithstanding some of the costs — I understand some of the apprehension the opposition has in terms of costs — the fact is that we had 100 000 people coming into this city, and the multiplier effect of that has to be substantial. Notwithstanding the debate on the economic effects of

the Commonwealth Games, even the critics of the games would agree that athletics and sports in general have got a huge shot in the arm in this state. The legacy for present and future Victorian athletes will be great in terms of facilities. We did not really need this because we have a great sporting culture, but that sporting culture has been accentuated and compounded by the games being held here.

I turn to the annual report. The VIS has been established to help Victoria's talented athletes achieve their highest levels of performance in their chosen sports and enhance their personal, educational and vocational development. The objectives of the Victorian Institute of Sport are to provide access to quality coaching, national and international standard competition and training opportunities, sports science services, physiology, psychology, biomechanics and fitness testing, sports medicine services, screening of consultations, physiotherapy, massage and nutrition, athlete career and education and all vocational sports. All these things have been integrated into the VIS program.

Some people might think there are other more important priorities in life, but I tend not to agree with that statement. I believe, as indeed the government believes, sport is a very important component of people's lives and — —

Hon. W. R. Baxter — It is grossly overemphasised in this society.

Mr SOMYUREK — It is, but sport is — —

The DEPUTY PRESIDENT — Order! The member's time has expired.

Innovation, Industry and Regional Development: report 2004–05

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — I am disappointed that Mr Somyurek did not get to conclude his contribution on a very interesting aspect of whether sport in our society is overemphasised because I tend to agree with Mr Baxter that it is.

Referring to the Department of Innovation, Industry and Regional Development annual report, I pick up on one of the department's key functions: investment facilitation through the business output group. The report compares at page 48 performance against targets in the areas of investment projects under development, jobs derived from investments facilitated and new investments facilitated and announced. For each of the three measures the annual report notes that for the previous financial year there were 263 investment

projects under development as at 30 June 2005, jobs derived from investments facilitated were 5866 and new investments facilitated and announced were valued at \$2.117 billion.

It was interesting to drill down deeper into the background of some of those figures. One of the ways in which a government facilitates investment is through the offer of incentives and all governments do that to varying degrees and in varying ways. It was interesting to note information provided by the Minister for State and Regional Development in the other place in relation to the criteria by which incentives are offered for investment projects. The minister noted that while the criteria are documented they are regarded as both cabinet and commercial in confidence. I have some difficulty with why the criteria by which incentives are offered are regarded as cabinet and commercial in confidence given the amount of money that is spent on incentives — it runs into the tens of millions of dollars. It would be appropriate for the criteria by which those funds are allocated to be at least known, if not the allocations to individual projects. We accept that in certain circumstances they need to be commercial in confidence. However, I feel strongly that the criteria against which those allocations are judged should be in the public domain.

It is also interesting to drill down into some of the figures under the headline figures announced by the government. Of the \$2.117 billion of new investment that is being facilitated, roughly \$824 million is foreign investment. Despite the government's emphasis on securing foreign investment through Invest Victoria through Victorian government business offices, roughly two-thirds of investment facilitated in this state is from domestic sources. We are still relying on a population base of 20 million people out of a global population of more than 5 billion for two-thirds of our new investment facilitated in the state. It is interesting to reflect that despite the emphasis on foreign investment we are still heavily dependent on domestic and interstate sources for investment.

It is also interesting to look at the numbers underneath the 263 projects which are currently under development. Information again provided by the Minister for State and Regional Development indicates that 111 of those 263 projects under development as at the end of the year were foreign-sourced investments. The minister has provided a breakdown of the source nations for those investments and, again, the majority of those are sourced from the United States of America. Of that 111 there were 39 from the United States, 18 from the European Union, excluding the United Kingdom, 30 from the United Kingdom and 12 from

China, those being the four largest sources of investment projects. Again, despite the emphasis on investment from Asia — both north Asia and south-east Asia — and the government strategy of locating investment offices in those regions, we are not yet seeing that decision reflected in the sources of investment projects to the state.

Some interesting information was also provided to the minister with respect to the source of projects — that is, whether they were generated by Invest Victoria or whether they were generated by source companies, and it would suggest that —

The DEPUTY PRESIDENT — Order! The member's time has expired.

Ombudsman: investigation into parking infringement notices issued by Melbourne City Council

Hon. J. A. VOGELS (Western) — I would like to comment on the Ombudsman's investigation into parking infringement notices (PINs) issued by the Melbourne City Council. It is a damning report on how this council goes about collecting parking fees and fines. Not only do poor old motorists who want to come into Melbourne get ripped off by fees, fines and charges by the Bracks government, but once they get into the central business district the Melbourne City Council wants a slice of it as well.

An article with the subheading 'City ducks for cover over \$50 million bonanza' in the *Herald Sun* today says this about parking:

Melbourne City Council reaped almost \$50 million in ... parking fees and fines ... last year ...

But they were not happy with that. They then jacked up the hourly rates again this year:

Meter fees jumped from \$3 to \$3.50 an hour in January, hot on the heels of an increase from \$2.40 last July — a 46 per cent rise in six months.

How could anyone justify that? It is outrageous. The Bracks government wants to get in on the act, so it has been charging \$400 tax a year for long-term spaces since 1 January, and this will double to \$800 per annum in the near future. No matter how much motorists want to do the right thing, they find it very difficult. As soon as they get out of their cars they know somebody is trying to slap a ticket on them or do something to them. When I leave here in the evenings I do not go down Collins Street any more because of the tram stops, which have taken over the street. In certain parts Collins Street narrows to one lane, and the traffic

congestion is absolutely outrageous. I am glad I do not have to drive in the city very much because finding a parking spot in the first place is just about impossible. If you finally do grab one, you are probably going to find a \$50 ticket under your windscreen when you get back.

The Ombudsman's report is very damning. Parking officers in Melbourne were told they would have to book about 30 people a day or they would be counselled and may face dismissal. They have basically got to go out there in the morning knowing their job is to make sure they get those parking infringements to cover their wages — the city council is going to make a heap of money as well. As these parking inspectors find faulty meters or signs that are not working, I would say that rather than report them to the council to be fixed so that motorists are not being booked illegally because the parking meters or signs are not right, the parking officers would probably think, 'We will leave them there because at least we can get 10 of our quota there a day. If we fix them, it makes it harder for us because we have to go out and give PINs to other motorists'. I believe the Ombudsman should have a look at what happens at a lot of councils around Victoria. I think he would probably find the same things happening in most council areas that have parking meters.

The Ombudsman has recommended refunds in 146 cases of penalties and associated court costs being paid by motorists who were issued in Docklands with PINs that were incorrectly registered with the PERIN court. He says 146 were actually registered, and you have to wonder how many are not registered, because when they get a parking fine most people cuss a couple of times and just pay it.

The other outstanding thing is they were booking people illegally. In the absence of council resolution for a different amount, the maximum penalty was \$20. They were actually in breach of the act, because they were fining people \$50 when they were only legally supposed to fine them \$20 for parking offences. The Ombudsman recommended that 287 PIN fines collected as a result of the notices being incorrectly issued should be refunded. As I said, most people who get parking fines or infringement notices et cetera do not bother — they are not very happy about it, but they just pay. I commend the Ombudsman's report to the house.

LAND (ST KILDA TRIANGLE) BILL

Second reading

Ordered that second-reading speech be incorporated for Hon. J. M. MADDEN (Minister for Sport and Recreation) on motion of Mr Gavin Jennings.

Mr GAVIN JENNINGS (Minister for Aged Care) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

The St Kilda triangle site referred to in this bill is a key component of the St Kilda's Edge strategy prepared by the City of Port Phillip to rejuvenate the St Kilda foreshore. The project will better integrate the St Kilda triangle site with its surrounding area, enhance the Palais Theatre and attract cultural, entertainment and appropriate commercial activities.

The St Kilda triangle site is bounded by Jacka Boulevard, Cavell Street and the Upper Esplanade and is in urgent need of redevelopment. The land consists of permanent and temporary reserves established under the Crown Land (Reserves) Act 1978. The City of Port Phillip manages the reserved Crown land as committee of management. The unreserved Crown land is occupied by the Palais Theatre and the Palace Entertainment Complex under separate 50-year leases. The Department of Sustainability and Environment directly manages these leases, which both expire on 31 March 2006.

This bill enables the entire St Kilda triangle site to be temporarily reserved for public purposes and the appointment of the City of Port Phillip as committee of management. The bill also provides for an initial lease term of up to 50 years, with one or more extensions. Long-term leasing is required for the project to be financially viable and to attract suitable private investment. The eventual term of the lease will be subject to independent evaluation of the successful proposal.

It is necessary to proceed with this legislation to provide for long-term leasing and assurance to commercial investors of the government's commitment to the project. It should be noted that without privately funded redevelopment of the site, liabilities associated with restoration of the Palais Theatre would be the responsibility of government.

I now turn to the particulars of the bill.

Clause 2 provides for the act to come into operation in a timely way to allow for continued access to parts of the St Kilda triangle site prior to the commencement of proposed works.

Clauses 4 and 5 allow for the revocation of both permanent and temporary reservations on the site and revocation of a Crown grant on a piece of land abutting the triangle site. This will have the effect of deeming the lands to be unalienated land of the Crown, which will facilitate the subsequent temporary reservation of the whole of the St Kilda triangle site as one piece of land.

Clause 6 provides for the closure of a road known as Lower Esplanade. The road is managed by the City of Port Phillip, and it is necessary that this road be closed and reserved for public purposes to enable its inclusion in the St Kilda triangle site development project.

Clause 7 of the bill provides for the reservation of the whole of the St Kilda triangle site for public purposes under the Crown Land (Reserves) Act 1978. The clause also deems the City of Port Phillip to be appointed as committee of management. Deeming the appointment of the committee under this bill provides surety for investors regarding future management of the lease.

Clause 8 allows for a stratum of land in the form of a pedestrian overpass over Jacka Boulevard to improve public access to the foreshore reserve from the triangle site.

The clause provides for selection of one of two designated areas for the overpass. This arrangement provides flexibility to determine the best siting of the proposed pedestrian overpass.

Once the successful tender proposal is approved a plan of survey will be prepared describing the overpass area. The minister, on receipt of the signed plan of survey, will recommend to the Governor in Council that the footprint on the foreshore area of land be deemed to be unalienated land of the Crown. The clause also provides for any section of road shown on the plan of survey to cease to be a road and revokes all rights associated with that section of road. This is to allow for the footprint of the overpass on the road area.

When the order made by the Governor in Council is published in the Government Gazette the land shown on the plan of survey will then be deemed to be temporarily reserved under the Crown Land (Reserves) Act 1978 for public purposes. The City of Port Phillip will be deemed to be the committee of management.

Clause 9 provides for the reservation of the remaining portion of the former Crown grant not required for potential development to be reserved for public purposes. The clause also deems that the City of Port Phillip be appointed committee of management under the Crown Land (Reserves) Act 1978 for this section of land.

Clause 10 provides that a reservation of land under this bill may be dealt with in accordance with the Crown Land (Reserves) Act 1978.

Clause 11 provides for the application of this bill to apply despite anything to the contrary in section 10 of the Road Management Act 2004, or any other act.

Clause 12 sets out the powers to lease St Kilda triangle land. The committee of management may, with the prior consent of the minister, grant a lease of the land. If the lease is granted before facilities and other works are constructed, the lease must include a covenant to ensure that the works justify the term of the lease. If the lease includes a stratum of land, such as the proposed overpass, each lessee under the lease, as well as lessees of other lands, must be able to obtain reasonable access to the use of the land to be leased.

The clause allows that the lease can provide for an initial term of not more than 50 years, with one or more extensions each not exceeding 21 years. The aggregate of the initial term and any extensions is not to exceed 99 years. There is provision to

allow for a lessee to remain for three months from expiry of the lease under the same terms and conditions at the discretion of the lessor. A lease granted under this clause is subject to any covenants and other conditions determined by the committee of management and approved by the minister.

The clause also provides for the leasing arrangements made under this bill to prevail over the Land Act 1958, the Crown Land (Reserves) Act 1978 and regulations made under the Crown Land (Reserves) Act.

Clause 13 requires the Registrar of Titles to make any changes to the register under the Transfer of Land Act 1958 because of the operation of this bill.

I commend this bill to the house.

Debate adjourned for Hon. D. McL. DAVIS (East Yarra) on motion of Hon. Andrea Coote.

Debate adjourned until next day.

SUSTAINABLE FORESTS (TIMBER) (AMENDMENT) BILL

Second reading

Ordered that second-reading speech be incorporated for Ms BROAD (Minister for Local Government) on motion of Mr Gavin Jennings.

Mr GAVIN JENNINGS (Minister for Aged Care) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

The purpose of this bill is to provide for the continued management of the remaining sawlog and pulpwood licences in the west of Victoria by the Secretary of the Department of Sustainability and Environment.

Currently, the Sustainable Forests (Timber) Act 2004 provides that sawlog and pulpwood licences in the west of Victoria are to be transferred to VicForests for management by 1 July 2006 until their expiry.

There are currently 11 licences to which these provisions of the Sustainable Forests (Timber) Act 2004 apply.

Of these 11 licences, the government has already determined that 5 will not be transferred to VicForests.

This decision was made as part of the government's commitment to cease logging and wood chipping in native forests in the Otways by 2008, and to establish a greatly expanded national park in the Otway Ranges — the Great Otway National Park.

These five licences will remain under the control of the Secretary of the Department of Sustainability and Environment until their expiry.

Of the remaining six licences due to transfer to VicForests, one licence has already expired. The remaining five will progressively expire over the next four years, with the last to expire on 30 June 2009. These five licences are located in the Midlands and Mid-Murray Forest management areas.

The government has committed to examining the current management practices in parts of the Midlands and Mid-Murray Forest management areas. As part of this commitment, the government:

has requested the Victorian Environmental Assessment Council to undertake an investigation into river red gum forests along the Murray River Valley, to be completed by 1 February 2008; and

is considering different scenarios for the management of the Wombat State Forest in consultation with the community.

In these circumstances, it is appropriate that the management of the five remaining licences in the Midlands and Mid-Murray Forest management areas remains with the Secretary of the Department of Sustainability and Environment.

This will allow sufficient time to clarify the implications of the Victorian Environmental Assessment Council investigation and the community forest initiatives in the Wombat State Forest before consideration is given to the management of timber harvesting in the west of Victoria being transferred to VicForests.

It remains the government's position that VicForests be the responsible agency for managing timber harvesting in Victoria. However, it is appropriate for the management of existing commitments to remain with the Secretary of the Department of Sustainability and Environment pending the outcome of investigations into timber harvesting in the west of the state.

Accordingly, the bill provides for the repeal of those provisions of the Sustainable Forests (Timber) Act 2004 that provide for the transfer of the remaining licences in the west of Victoria to VicForests. The repeal of these provisions will make redundant the provision of the National Parks (Otways and Other Amendments) Act 2005 effecting this decision in relation to the five remaining licences in the Otway Ranges. Accordingly, this provision will also be repealed.

The bill also includes a statute law revision clause repealing the Forests (Dunstan Agreement) Act 1987. The Dunstan agreement was signed in 1987 by the government and A. Dunstan Timber Sales Proprietary Limited for the supply of softwood. The successor parties to the agreement agreed to its termination in November 2004, effective 1 July 2004. The termination of the agreement was notified to Parliament on 14 June 2005 in accordance with the requirements of the act. There are no outstanding obligations to be performed under the act, and accordingly it may now be repealed.

I commend the bill to the house.

**Debate adjourned on motion of
Hon. E. G. STONEY (Central Highlands).**

Debate adjourned until next day.

DRUGS, POISONS AND CONTROLLED SUBSTANCES (PROHIBITION OF DISPLAY AND SALE OF COCAINE KITS) BILL

Second reading

**Ordered that second-reading speech be
incorporated on motion of Mr GAVIN JENNINGS
(Minister for Aged Care).**

Mr GAVIN JENNINGS (Minister for Aged
Care) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

The Bracks government is committed to protecting the health and welfare of Victorian families. As part of this commitment, this government has initiated a range of drug prevention and treatment initiatives to reduce the impact of licit and illicit drugs on the community.

In 2003, the government committed a further \$176 million for the next four years to continue its drug strategy.

Significant government investment to date has enhanced the drugs service system to better meet contemporary need. In particular, the following achievements are of note:

Access to alcohol and drug treatments in Victoria continues to improve. Between 1998 and 2004 there has been a nearly 30 per cent increase in the number of clients accessing drug treatment services.

A youth alcohol campaign and an alcohol awareness campaign targeting tertiary students has been conducted.

A code of practice for running safer dance parties has been developed to assist organisers of festivals and dance parties to plan, run and manage events safely.

Innovative responses to volatile substance abuse have included the introduction of legislation and the development of protocols to facilitate its implementation, research into the feasibility of adding bittering agents to volatile substance products subject to abuse, the production of a Koori information kit on inhalant abuse and the production of a retailers kit on the responsible sale of solvents.

The Premier's Drug Prevention Council has been appointed for a second term. Major initiatives during this term include ongoing support for the DrugInfo Clearinghouse; the promotion of Directline, a 24-hour telephone counselling service, and an employment, training and mentoring program for young people at risk of developing alcohol and drug problems.

An important further initiative addresses the use of cocaine. Cocaine use is dangerous, and can cause a range of serious medical conditions. Deaths have been known to occur. The selling of cocaine kits is seen to promote the use of a drug of dependence, being cocaine.

In August 2005 the Premier announced that the state government is taking further action in continuing its tough stance against drugs by banning the sale of 'cocaine kits' in Victoria. The Premier indicated that amendments to the Drugs, Poisons and Controlled Substances Act 1981 will prevent cocaine kits from being displayed and sold in Victoria.

Cocaine kits vary in their contents and packaging. Typically, they contain some of the following items: a small metal tube, a razor blade, a small scoop, a small glass bottle, and a mirror. These items are usually packaged in a wallet or a metal compact.

It is not desirable to legislate against the sale of each individual item in a cocaine kit, as these items have legitimate uses. However, this legislation will prevent items being displayed and sold as a package to promote the use of cocaine.

I now turn to the detailed provisions of the bill.

Clause 2 is the commencement clause. It provides that the amendments to the act will commence on the day after the day on which the bill receives royal assent.

Clause 3 inserts a new part VA into the act to deal with cocaine kits. Most importantly, a definition of a cocaine kit is included in the bill in a new section 80A. The items included in cocaine kits identified are normally items with other everyday uses when not included in such a kit. It is not intended to make it an offence to sell the items individually. Accordingly, the definition provides that a cocaine kit is constituted only when two or more of the relevant items are packaged for use as a unit for the purposes of preparing for introduction, or for introducing, cocaine into the body of a person.

New section 80B makes it an offence to display a cocaine kit in a retail outlet. A retail outlet for this purpose includes market outlets as well as shops. The offence is limited to display in retail outlets because it is not intended to make it an offence to display such a kit in a museum or an organisation that has an educational function in relation to drugs.

New clause 80C creates a new offence of selling a cocaine kit. The decision to create an offence to sell cocaine kits is made out of concern about the sale of a set of items that is obviously intended to promote the use of cocaine. As the kits consist of everyday items, it is not intended to make it an offence to possess a cocaine kit.

This new offence created is to sell a cocaine kit to another person if the seller knows or is reckless as to whether the kit is sold for the purpose of introducing cocaine into the body of any person.

The word 'sell' is already defined widely in section 4 of the act to include wholesale or retail sales, agreements to sell and offering or exposing for sale.

The maximum penalty for the new offence will be 60 penalty units. The maximum penalty for a body corporate will be 300 penalty units. This is in line with other similar offences.

Division 2 of the new part VA sets out the powers the police force will have in enforcing the new offences. The new division provides the police with appropriate seizure powers in relation to kits that the police suspect are displayed or for

sale. In addition, provisions allowing the police to retain the kits and to destroy the kits in certain circumstances are also included. A cocaine kit will generally only be destroyed upon a finding of guilt under the new sections 80B or 80C, or if it is not possible to find the lawful owner of the kit.

Clause 4 makes a procedural amendment to the act by substituting a new section 103. This section of the act provides for the prosecution of officers of companies that are convicted of offences. The new section 103 updates the provisions providing for prosecution of corporations and officers of corporations where the corporation is guilty of an offence. The new section 103 is consistent with other modern Victorian legislation.

As part of the communication strategy to support the new offences relating to cocaine kits, all retail outlets likely to be selling cocaine kits will be advised of the new legislation.

This bill is another prevention measure for substance abuse, and as such, it is a positive initiative in promoting the health and wellbeing of people in the state of Victoria.

This initiative is part of the government's approach to prevent drug abuse in Victoria. Together with prevention and education initiatives and drug treatment services, it forms part of a coordinated response to reducing the harms associated with drug abuse in this state.

I commend the bill to the house.

Debate adjourned for Hon. D. McL. DAVIS (East Yarra) on motion of Hon. Andrea Coote.

Debate adjourned until next day.

DRUGS, POISONS AND CONTROLLED SUBSTANCES (AGED CARE SERVICES) BILL

Second reading

Ordered that second-reading speech be incorporated on motion of Mr GAVIN JENNINGS (Minister for Aged Care).

Mr GAVIN JENNINGS (Minister for Aged Care) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

The Drugs, Poisons and Controlled Substances (Aged Care Services) Bill 2006 amends the Drugs, Poisons and Controlled Substances Act 1981.

This bill extends the coverage of the state government's regulation of medication in commonwealth-funded and regulated residential aged care facilities to provide protection to all high-care aged care residents, rather than just high-care residents in nursing homes as is currently the case. This will ensure that the drugs, poisons and controlled substances laws remain relevant to the new and emerging environment in

residential aged care, where the barriers between 'nursing homes' and 'hostels' are breaking down. It is proposed for the first time that all high-care residents will have their medication administration professionally supervised regardless of the type of aged care facility they reside in.

The bill also amends the Nurses Act 1993 to create an offence of directing or inciting unprofessional conduct, so that nurses will not be impeded in their role under the new arrangements.

Regulation 45 of the Drugs, Poisons and Controlled Substances Regulations 1995 currently requires that only a nurse may administer medication to a resident of a nursing home. Nursing homes are the only environment in which the administration of medication prescribed for and dispensed to an individual patient is regulated. This is because it has been determined that residents of these facilities, who are often very frail, deserve a higher level of care and protection than other people. Administration of medication to residents of hostels (generally less frail or dependent people) has previously not been regulated.

The Drugs, Poisons and Controlled Substances Regulations 1995 sunset on 29 May 2006. The Drugs, Poisons and Controlled Substances Regulations 2006, which replace them as of 30 May 2006, will no longer regulate the administration of medication to residents of nursing homes. Rather it is proposed that these provisions will be transferred to the act under this bill. It is proposed to place the provisions in the act rather than the regulations, because the regulations do not have an appropriate head of power to address these detailed requirements regarding the administration of medication to high-care residents.

The commonwealth funds and regulates residential aged care under the Aged Care Act 1997. There are some 41 000 residential aged care places (or beds) in Victoria in 819 services. Of those places only 14 400 are designated high-care places in nursing homes. With the introduction of commonwealth 'ageing in place' policies in 1997 many high-care residents now reside in hostels or mixed facilities and therefore are not afforded state government regulatory protection under the current provisions. The emergence of mixed services has seen some 9500 high-care residents live in mixed or hostel services that are not covered by the existing regulation 45 of the Drugs, Poisons and Controlled Substances Regulations (as at 30 June 2005). It is imperative that our regulatory arrangements are upgraded to extend regulatory protection to these people. This bill effectively means that 23 900 rather than 14 400 aged care residents will be afforded state government regulatory protection in regards to drug administration.

This amendment will shift the focus of regulation from the setting to the resident, ensuring that all Victorian high-care residents receive the same level of protection under the legislation regardless of where they live. Under this provision, regulation of the administration of medication to residents of aged care services will be extended to all 23 900 high-care residents.

The current provision applying to nursing homes requires that a nurse administer every dose of medication in every instance. The bill will provide that the administration of medication to high-care residents is managed by a nurse rather than necessarily administered by a nurse at all times. The nurse will still determine who is appropriately qualified to administer medication and will remain in charge of the drug

administration process. This approach makes better use of skilled professional resources, is consistent with nursing and other health work force trends and will improve quality of care for residents not presently covered by regulation, without requiring that a nurse administer every dose of medication in every instance.

For the purposes of this bill a nurse is a division 1, division 3 or division 4 nurse only, and only these nurses will be able to manage the administration of medication to high-care residents. Division 2 nurses will not be able to manage the administration of medication to high-care residents in residential aged care services.

The legislation will be supported by guidelines drafted by the Nurses Board of Victoria (a 'code') for the delegation and supervision by nurses to non-nurses of the administration of medication in residential aged care services. This will provide the necessary framework of professional practice standards for nurses to exercise their management of administration role proposed in this bill. The bill requires nurses to have regard to the code in making management decisions.

To ensure that it is absolutely clear that a nurse is free to make professional judgments about the administration of medication in accordance with established professional guidelines, the bill introduces a new provision into the Nurses Act 1993 to create an offence of directing or inciting unprofessional conduct. The new provision is consistent with and will have the effect of bringing forward a provision already included in the Health Professions Registration Act 2005, which will become operative from 1 July 2007.

The nature of the amendments

Clauses 1 to 3 of the bill contain purpose, commencement and definition provisions.

Clause 4 of the bill adds a new division 10A to part 2 of the Drugs, Poisons and Controlled Substances Act 1981. Section 36E of the new division provides that a person who is an approved provider of an aged care service must ensure that a nurse manages the administration of any drug of dependence, schedule 9 poison, schedule 8 poison or schedule 4 poison to a high-care resident of a residential aged care service.

Section 36F of the new division requires that a nurse who manages the administration of such a drug in accordance with the division must do so in accordance with the relevant code for guidance issues by the Nurses Board of Victoria under the Nurses Act 1993.

Clause 5 of the bill adds a new regulation-making power to the Drugs, Poisons and Controlled Substances Act 1981 to allow for the making of regulations in relation to the new division.

Clauses 6 and 7 of the bill amend the Nurses Act 1993 to make it an offence for any person to direct or incite a nurse to do anything in the course of professional practice that would constitute unprofessional conduct or professional misconduct.

The government has consulted widely over a long period with representatives of the aged care industry and with nursing organisations. Industry stakeholders strongly support the proposition to extend the coverage of regulation to all high-care residents. The new provision will allow nurses to delegate routine tasks, in appropriate circumstances, to other

workers who have suitable training and experience. The provision will contribute to making better use of the professional skills of registered nurses and will provide career development opportunities for other categories of worker.

In all cases delegation of the task can only be made by a nurse, and the judgments will rest with the nurse, acting in accordance with the relevant code for guidance determined by the Nurses Board of Victoria.

This set of amendments will extend the regulation of the administration of medication to all high-care residents of residential aged care. That will occur with the support of a framework of professional guidelines to ensure that nurses delegate tasks only when it is safe and appropriate to do so. The nurse will have full control over the decision-making process, and new legislation will protect nurses from any direction to act in an unprofessional way.

This bill significantly extends the coverage of the regulation of medication in residential aged care to provide more regulatory protection to more people.

I commend the bill to the house.

**Debate adjourned on motion of
Hon. ANDREA COOTE (Monash).**

Debate adjourned until next day.

DISABILITY BILL

Second reading

**Debate resumed from 5 April; motion of
Mr GAVIN JENNINGS (Minister for Aged Care).**

Mr VINEY (Chelsea) — I am very pleased to rise in support of the Disability Bill 2006 before the house today. I want to congratulate all the people who have been involved in this lengthy and exhaustive process of redrafting disability legislation for the state of Victoria. The bill has some history, and as a former parliamentary secretary in this area I want to make a few comments in relation to that.

So far the contributions to the debate have been very interesting, and in some cases passionate. I do not in any way disrespect the passion and genuine concern that many members in this house feel and express about the issue, but I make the point that the fact that someone has a strong, passionate interest in disability does not mean that others in this chamber do not also have that concern and interest. Last night I was particularly disappointed with the attempt by Mr Drum to suggest that members of this government were unconcerned about disability services. I completely respect Mr Drum's strong interest in and concern for this area, but it is not reasonable or fair to suggest that

the government does not have a strong commitment to those services.

Looking back at the development of the statewide plan for disability services, which was released in September 2002, we can see there was an extensive consultation process in the lead-up to that plan. As parliamentary secretary I attended and conducted many of the forums and research activities that took place at that time. Over 1700 people participated in the forums, including people with disabilities, their parents, families and carers, service providers and community groups. The forums were conducted across the whole of the state and included 24 community forums, 13 service provider forums and 33 focus groups for people with a disability. It was an extremely comprehensive process, and I was very proud to play a part in, from memory, about 70 per cent of the community and service provider forums that were conducted.

Among the outcomes of the statewide consultations and the development of the state disability plan were the recommendations which have led to this legislation and which are also covered by this legislation. They include matters such as individualised planning, support and choice. The bill now provides for increased protections of the rights of people with a disability. It improves public service accessibility through action plans and provides for greater accountability of service providers for people with a disability.

On top of the commitment made through the statewide plan and on top of the commitments now incorporated in this comprehensive legislation is the government's substantial financial commitment to this area. Again I pick up on some of the comments of, I think, Mr Dalla-Riva and Mr Drum in their contributions to the debate. Mr Drum last night suggested that the government had not funded the disability services by anything like the growth in the overall state budget. That is not correct. My understanding is that the state budget has grown from some \$19 billion — that is the total revenue — to \$30 billion. I do not have the precise figures in front of me, but that is a growth of around 55 per cent, whereas disability funding in that period has grown from \$580 million to \$980 million, a growth of some 73 per cent. So the growth of funding to the disability sector has far exceeded the growth in the overall state budget.

To give further detail, the disability service system is obviously moving towards more supports in the home and providing flexible support packages rather than using the one-size-fits-all approach to funding. Since 1990–2000 the individual support packages have increased by 134.5 per cent, and shared support

accommodation has increased by 15 per cent. Those increases are in line with the vision of the state disability plan. We have also increased respite support to 34.3 per cent more carers. Our expenditure on disability services is notable. Based on the 2003–04 data, Victoria spent \$5114 per capita of commonwealth-state-territory disability agreement funds on disability services — the highest of all states and territories and 1.3 times the national per capita average of \$3854.

After wide consultation on developing a state disability plan the government has put its money where its mouth is in the state plan by substantially increasing the funds going into this sector. I know Mr Baxter is present and he might expect me to say this, but that stands in contrast to the previous government, which made a 10 per cent cut of some \$50 million across the board in disability services and then in the years subsequent to that funded the services on consumer price index growth only. On coming into government one of the first things we had to do in the 1999–2000 budget was to put a significant injections of funds back into the disability sector just to catch it up, and since then we have significantly increased our funding into that sector.

I might also say that as parliamentary secretary it was clear at that time that whilst the previous government, it had undertaken one state plan for disability services in its early period of government, it had not, in accordance with the legislation, undertaken and completed the statewide plan that was due in about 1998. Not only had it not done that, but there had been no planning towards its completion. So the statewide plan that this government then immediately undertook with its consultations in 2000 and its consequent release in September 2002 was again a catch-up on what the previous government had not done.

It is my understanding that there has been considerable comment on this legislation, as one would expect, from the disability sector. I also understand that a few groups have indicated that they would like a little bit more time to consider this legislation. I might say that there has been a three-year process to get to this point, but a number of members have raised these issues extensively. Of course that is not particularly balanced because I can inform the house that there is extensive support for this legislation. Julian Gardner, the public advocate, has written to the Minister for Aged Care saying:

I am satisfied that this bill will benefit people with disability. I urge you to ensure its passage.

Dot Leigh, president of the Victorian Advocacy League on Intellectual Disability, the peak advocacy group for people with intellectual disability and their families, has also written to the minister and indicated support for this legislation.

The government has a letter from David Craig, executive officer of Action for Community Living located in High Street, Northcote, who has also indicated that his organisation supports this legislation.

Rhonda Galbally, chair of the Disability Advisory Council of Victoria, wrote to the minister saying in part:

I would like to thank the Victorian government for the leadership it has shown in developing the disability legislation and look forward to the implementation of the new initiatives.

Steve Gianni, director of Leadership Plus, a non-profit organisation promoting leadership roles for people with disabilities, has also written to the minister. His letter, in part, reads:

I am writing to you to commend you on the disability legislation currently before Parliament. The last reforms of this magnitude in Victoria for people with disabilities were in the mid-1980s and the societal context for people with disabilities has changed considerably. Your proposed legislative changes bring people with disabilities and the service system in Victoria into the new millennium.

Lloyd Williams, secretary of the Health and Community Services Union has also written to the minister indicating support for the legislation.

The final letter I want to mention to the house is from Tom Worsnop, chair of the Victorian Coalition of ABI Service Providers, the peak body for service providers for people with acquired brain injury. His letter to the minister commences:

Congratulations for the effort and care that has been taken in drafting a new legislative framework for disability in Victoria.

I acknowledge that there may be a number of groups that would like a little more time to consider the legislation, but I have not read a communication from any group anywhere indicating that it is opposed to the approach, the structure or the direction that this disability legislation is taking Victoria into the future. In fact a significant number of peak bodies and representative organisations are strongly in support of this legislation. I commend the bill to the house and I look forward to chairing the committee that will be considering this legislation in detail — the first time that has been done by this Legislative Council.

Hon. W. A. LOVELL (North Eastern) — I rise to speak on the Disability Bill, and in doing so I register

the Liberal Party's opposition to the legislation. It disappoints me to say that the Liberal Party is opposing this bill because, like many of the groups that Mr Viney mentioned, everyone believes the Disability Bill does need to be rewritten. In fact the Liberal Party took that to the last election as a policy.

Members of the Liberal Party have serious concerns about the bill in its current form, as does the disability sector. As I said, we are not the only people to have concerns, the entire disability sector share our concern and is furious at the speed with which this legislation is being rushed through Parliament. That sector has actually called for the bill to be held over for three months to allow further consultation and allow for some of the flaws in the bill to be corrected — but the minister has denied the sector that time. Unfortunately the Bracks government has shown that it is not willing to listen to the experts, to the people who deal day after day with issues affecting the disabled. The disability sector believes under this legislation, which should enhance provisions to protect the disabled and the availability of services to the disabled, there is a real danger that people with intellectual disabilities could be left worse off.

Many of my colleagues who spoke before me have quoted from a number of letters received from the disability sector outlining the problems they see with this bill. I will not quote from them again because they have already been recorded many times in *Hansard*, but it disappoints me that the government has not been willing to listen to this sector. It is extremely important that when we bring legislation into this place we have fully consulted and we have got it right. It is particularly important to do that in this case because this legislation will affect the lives of some of our most vulnerable Victorians for many years to come. The government should feel a responsibility to get this legislation right before it rushes it through Parliament.

I would particularly like to talk about one aspect of disability services that is having an impact in my electorate — that is, supported accommodation. We have a severe shortage of accommodation for the disabled in northern Victoria, and we have a lot of ageing parents who are looking after their disabled offspring and are distraught at the prospect of what will happen to their offspring when they can no longer provide that care. One parent in her 70s is looking after four adult sons. It is quite distressing to meet with these people, see the love and affection they have for their children and that they are distraught at what will happen to their disabled children when they are no longer able to care for them.

I was recently visited by a number of parents who delivered a petition to my office. They had collected 1878 signatures on that petition. They had previously handed me several pages that included 309 signatures, so in total we have tabled 2187 signatures to that petition pleading with the Bracks government to supply more funding for supported accommodation, in particular in the Shire of Moira. Unfortunately that petition seems to have fallen on deaf ears, because we have not even had a response from the minister to the tabling of that petition.

Two services in my electorate, Cobram Gateway Services and NOVAS Numurkah, conducted a survey of the need for supported accommodation places within the Moira shire. The survey identified that there was an immediate need for 38 places. It also found that in the next five years there would be a need for an additional 12 places, that there would be a further need for 19 places within 10 years, and that beyond 10 years there would be a need for another 13 places. In addition to that 20 places were needed to accommodate 16 special-school students and 4 victims of acquired brain injury who are inadequately housed at the moment. It is time the Bracks government made a firm commitment to supported accommodation in the north-east of Victoria. The situation is becoming a crisis that desperately needs to be addressed.

On being read a second time the bill will be referred to the Legislative Council Legislation Committee for examination in depth. I hope during that process the government will acknowledge the flaws of the bill and will come back to Parliament with amendments to ensure that the legislation provides greater protection and access to services for disabled Victorians.

House divided on motion:

Ayes, 21

Argondizzo, Ms	Nguyen, Mr
Broad, Ms	Olexander, Mr
Buckingham, Mrs	Pullen, Mr
Carbines, Ms	Romanes, Ms
Eren, Mr	Scheffer, Mr
Hilton, Mr (<i>Teller</i>)	Smith, Mr
Hirsh, Ms	Somyurek, Mr (<i>Teller</i>)
Jennings, Mr	Theophanous, Mr
McQuilten, Mr	Thomson, Ms
Mikakos, Ms	Viney, Mr
Mitchell, Mr	

Noes, 17

Atkinson, Mr	Forwood, Mr
Baxter, Mr	Hadden, Ms
Bishop, Mr	Hall, Mr
Brideson, Mr	Lovell, Ms (<i>Teller</i>)
Coote, Mrs	Rich-Phillips, Mr
Dalla-Riva, Mr (<i>Teller</i>)	Stoney, Mr

Davis, Mr D. McL.
Davis, Mr P. R.
Drum, Mr

Strong, Mr
Vogels, Mr

Motion agreed to.

Read second time.

Referred to Legislation Committee.

EDUCATION AND TRAINING REFORM BILL

Second reading

**Debate resumed from 4 April; motion of
Hon. T. C. THEOPHANOUS (Minister for Energy
Industries).**

Hon. ANDREW BRIDESON (Waverley) — It certainly gives me great pleasure to speak on such an important bill as the Education Training and Reform Bill, which is some 430 pages in length. It is one of the largest bills that this house has debated this year and it is quite an historic bill. The reason why it is such an historic bill is that it is essentially a rewrite of all education acts of this Parliament from 1872 until the present day. It is indeed an honour to speak on this bill as an educator — a former teacher — from the government school system.

Hon. C. D. Hirsh — What did you teach?

Hon. ANDREW BRIDESON — I was a primary school teacher — one of the best. I do not mean one of the best teachers but one of the best age groups of children to teach. As I said, this is a real privilege. I am going to run through the historical perspectives of the 1870s because the principles that were enunciated in that first act have been repeated in the current act, and I think it is very important for the Parliament of Victoria to be reminded of our history and our heritage of education issues.

In fact in the second-reading speech in the other place the Minister for Education and Training said this bill is a new milestone for education and training in the state, and that on behalf of the government she is pleased to present the most significant education reform legislation since the original act of 1872. I probably beg to differ a little; I do not think it is the most significant reform because there are not the burning issues in this bill that there were in the original act. As I said earlier, I will outline some of the most interesting history.

I support most of the bill which replaces 12 acts with one consolidated one. I really only have four issues, and

I will outline them throughout my speech. They will be addressed in detail at the Legislation Committee meeting. I have submitted amendments to the chamber, and I request that they be circulated.

**Opposition amendments circulated by
Hon. ANDREW BRIDESON (Waverley) pursuant
to sessional orders.**

Hon. ANDREW BRIDESON — I have really enjoyed reading and researching this bill. I have a most interesting volume and I recommend people read it. It is the *Hansard* debate on the 1872 act. I will not quote it in great detail but it certainly outlines the very important history of the state back in the 19th century. I have enjoyed meeting people and discussing their concerns, and I have enjoyed studying the history behind the bill. My interest in the bill probably stems from when I was a student teacher. I was fortunate enough to study the history of education. To be a teacher when I studied you had to have knowledge of the act, and we certainly studied the 1872 act because of the three principles that education be free, compulsory and secular.

It is relevant to put the perspective of today's education bill in some historical context. If I was to conduct a survey of all members of this chamber about what sort of education they would want for their children, or in some of our cases our grandchildren, I believe I would probably come up with a very sound consensual model which would not be too dissimilar to what is in the bill before us today. I have listed some of the things I think all members would come up with. We would want choice of school. We would want to be able to choose whether it was a non-government, independent or a government school.

Some of us might like to choose home-schooling. We would want to instil in our children a love of learning, but more importantly a love for learning. We would want the best quality teacher available. We would want a caring and nurturing environment. We would want outcomes that would equip our loved ones for a successful future. We would want facilities and equipment to help achieve the aforesaid. We would also want to impart a meaningful and contemporary curriculum. Perhaps last, but not least, we would want a modern, efficient system, if we choose a system in which to educate our child. I do not believe there would be any disagreement with any of those — what I might call — Brideson principles. I believe those principles are all espoused in the bill and that is why I support its broad thrust.

I think it is important that we have a look at a snapshot of the education system today. I have gone to the 2004–05 annual report of the Department of Education and Training. Its total operating revenue was \$6701 million. Its total assets are over \$10 000 million. We have four metropolitan regions and five non-metropolitan regions. In government schools there is an enrolment of 310 000 primary students, 222 000 secondary students, 7200 special school students and a language school with just over 1140 — well over half a million students in the government system. We have a total of 1617 schools to educate the children from those groupings I have given.

In the non-government sector, in 2004 over \$300 million in financial assistance was given to non-government schools by the state through untied recurrent funding and specific purpose grants. The non-government sector educates 290 000 students per year, which is almost 35 per cent of all Victorian students. Of those, 62.5 per cent attend Catholic schools and 37.5 per cent attend independent schools. As at February 2005 there were 483 registered Catholic schools and 216 registered independent schools. I also note that at page 120 the annual report gives figures for numbers of teachers employed. It shows that there are some 20 266 primary teachers, 39 500 secondary teachers, over 10 000 non-teaching staff and roughly 1700 full-time staff in non-school locations. The education system in Victoria, both government and non-government, is of substantial size and takes up an enormous part of the state budget.

I also note, and this is relevant to one of the amendments foreshadowed by the Liberal Party, that we currently have a Registered Schools Board and a Victorian Qualifications Authority. The acts which cover the board and the authority will be dispensed with and their provisions consolidated in this bill. There are two representatives of the Catholic Education Commission and two representatives of the Association of Independent Schools of Victoria on the current Registered Schools Board. There is currently a member from the Catholic sector and a member from the independent schools sector on the Victorian Qualifications Authority.

In practice the minister recognises those systems as represented on those two authorities, and the foreshadowed amendment goes to our view that those systems should be directly represented as of right on the new Victorian Registration and Qualifications Authority. I know the minister has done it in practice. I hope that she will continue to do it in practice, and I see no reason why she would not accept the Liberal Party's foreshadowed amendment in regard to that.

I shall compare today with yesteryear. In 1872 the colony of Victoria had a population of only 760 000, and the school enrolment in that year was 144 000. After the Education Act of 1872 was implemented there were truant officers, as they were known in those days, and the school population obviously grew dramatically, because after four years it had grown to 219 000.

It is also interesting to note a statistic — I do not how it was obtained — that is published in a book on the history of Victorian education entitled *Vision and Realisation* and written by L. J. Blake, a former school inspector I encountered when I was a young teacher. The book states that the percentage of the Australian population that could read or write grew from 58 per cent in 1861 to 80 per cent in 1901, so there was obviously a substantial improvement as a result of the Education Act of 1872.

This bill builds on the strengths of that act. I would say that the 1872 act was the foundation of the current education system we have in Victoria today. Australian schooling originated at the time of the original foundation of the British colonies when responsibility for the provision of education was divided between the church and the state. This period, which lasted up to the 1870s in most colonies, was largely characterised by a debilitating sectarian conflict and the failure to create an effective universal system of schooling.

In response to this most unsatisfactory situation, colonial legislators began enacting legislation embodying the principles of free, compulsory and secular education for what was known at the time as the 'common people'. Even if you have a look at the structure of this Parliament, back in the 1870s you had to be a wealthy landowner to be a member of this place, and there was obviously a great distinction between 'them' and 'us'. When you look through *Hansard* debates of that time you see that the terminology used refers to the 'common people' or the 'gutter children'. It is language that is anathema to all of us today.

During the last quarter of the 19th century a lot of progress was made. It is enlightening to look at that favourite book of all members of Parliament *A People's Counsel*, which was written by our beloved Ray Wright, a former Usher of the Black Rod. In Ray's history of this Parliament he pays great attention to what went on in education debates in the chamber. The book says:

...in the 10 years to 1875 when Catholics and Protestants fought each other, themselves, and successive governments over the issues of secular education in government schools, and state aid to denominational schools.

This is something we do not have today, and that is why I say that this bill is perhaps not unique and not as historic as the 1872 act. The book also says:

The battle honours may be summarised as follows. In 1862 the Common Schools Act laid down the administrative foundations —

for education in the state. It continues:

Unlike denominational institutions, government (or common) schools —

as they were known then —

were to provide at least four continuous hours of secular lessons each day.

They had to teach 2 hours in the morning and 2 hours in the afternoon, which was the bare minimum. Teachers had to be accredited. There were no universities or teacher colleges to train teachers in those days. Most of the teachers were students who had gone through the school system. It is also interesting to note that the schools only went up to grade 8. Presumably if you were a bright student and were looking for advancement at a higher level of education, you paid to go to one of the church schools. Teachers were paid by results, but that was abolished in 1901.

I have read some interesting stories about teachers and how they achieved their payments, and if I get time I shall refer to some of those. I can remember one story about an inspector visiting a school in rural Victoria to assess the students on a day when the temperature was 106 degrees. While the inspector was there some of the children fainted and therefore their results were not as good as they could have been. The teacher's payment was reduced because the students were not performing. That sort of thing happened in those days.

Hon. P. R. Hall — I think ministers should be paid according to their results!

Hon. ANDREW BRIDESON — I will let you take that up, Mr Hall. An inspectorate was established, but the attempt floundered under the weight of sectarian opposition and the intrusion of the Crown into private affairs. I will revisit that later when I talk more about home-schooling and the fear that there will be intrusion into home affairs. Because of the dire situation, the then Attorney-General, George Higinbotham, chaired a royal commission into education, recommending that education be compulsory.

Although Higinbotham personally favoured unsectarian religious instruction in state schools, Ray Wright says:

... so extreme was the Catholic and Anglican condemnation that he was ultimately driven to 'an extreme secular position'. Higinbotham's bill on the subject fell prey to a coalition of diverse Catholics and Protestants. By 1872 the issue of secular education had polarised the community. The Francis government thus adopted the view that since various religious spokesmen in general, and Catholics and Anglicans in particular, 'will not be reasonable, we shall not regard their wishes at all'.

The Attorney-General, James Wilberforce Stephen, who drew heavily on the outcomes of the royal commission, introduced a bill in 1872 which became the Education Act and implemented compulsory, free and secular education.

I want to point out to the chamber that the bill was introduced into the Assembly on 12 September 1872. It was debated on eight consecutive days and there were five days in committee. The bill was then sent to the Council. It must be remembered that there were only gentlemen in here — —

Mr Lenders — What about Wendy?

Hon. ANDREW BRIDESON — No, there were only gentlemen in this chamber in 1872. They sat for three days, and the days commenced at 4.30 in the afternoon and finished at about 10 in the evenings. There were three days in committee and there were amendments made. A message went from this place to the other place and the amendments were adopted and then the bill came back. The 1872 bill was debated against a vastly different set of circumstances than exists today. I say that today's bill is perhaps not as historic in the sense of the political and religious background of the times.

I took the liberty of reading the 1872 act. I have all these tabs in it but unfortunately I cannot really quote from it because this debate is being truncated today. However, I urge members to read this very important tome. It disappoints me, as I am sure it does The Nationals and even members of the government, that we will not have the full amount of time this important bill deserves.

I want to quote from a public speech made by the chief secretary back in 1872. It shows how religion played a very active part in the debates at the time. For the sake of time I will leave out a lot of what I was going to read but in relation to secular education I will quote from page 1980 of the 1872 *Hansard*. It states:

The government have also determined to recognise this principle, that schoolmasters have no right to be priests without pulpits. On the other hand, it is better, perhaps, to each — both to schoolmasters and clergymen — that they should be left the proper arena for the exercise of their

respective duties. If we knew that clergymen would and had really attended to the duties of education, we might consider this matter from a different point of view; but our own knowledge tells us that, practically, a clergyman meddles and muddles and dictates, whilst seeing that a little sectarian religion is inculcated.

That was the backdrop then, thankfully times are now much different.

It is probably time I moved on to the current day. However, before doing so I would like to acknowledge the very good briefing members of the Liberal Party received from the Department of Education and Training. I would particularly like to acknowledge John Livi, the legal officer. I have known John for some time — I had dealings with him in a former life as a teachers union official and I always found John to be a most professional and loyal public servant. John Livi was a legal officer under former education ministers Gude and Hayward. I have had dealings with him as a government member and as an opposition member. John is one of the most highly respected and prized public servants and I want to acknowledge his work in putting this bill together. It has been an absolutely mighty effort. This state will be worse off because I believe John is retiring. I would like to take this opportunity to wish John all the best not only from myself but on behalf of the Liberal Party. John really does need recognition for the job he has done; he has been outstanding.

Why do I say this is such a great bill? It has been very well put together. I happen to also be a member of the Scrutiny of Acts and Regulations Committee and we had a good look at the bill before it even came into the Parliament. The committee was so impressed by the way this bill is set out that it wrote a letter to the Minister for Education and Training letting her know of the high standard the education department has set. We trust that all other government departments will take note of what education has done.

The bill has a very good explanatory memorandum. Not only that, it has a section which sets out all of the changes brought about by the consolidation of all of the acts into this bill. I think that is the first time that has been done. The bill itself is set out in chapter form, which makes for very easy reading. It uses contemporary language and it will be a very good bill for students, lawyers, members of Parliament and the public to read and understand. Compliments to the department for that.

I now want to turn to some of the contents of the bill. I will not go through it chapter and verse — there is too much in it for the time that has been allocated to me.

However, I want to draw attention to some of the concerns and issues we have. Before proceeding with that I will make mention of the amendments the Liberal Party will be proposing and which will be discussed in the new forum of the Legislation Committee. I will make further comments on this as I proceed. We intend to delete all references to home-schooling, and I will have a lot more to say about that later. As I said earlier, we want membership of the Victorian Registration and Qualifications Authority to include, as of right, members from the Catholic Education Commission and from the interests of the other non-government schools. We want education for those who are completing the Victorian certificate of education — for students who are aged 20 or more — to be free. We want the power of self-regulation to be given directly to non-government schools and systems rather than it being provided by a delegation from the minister. We propose four relatively minor amendments and, as I said, we will be discussing them in another forum. Perhaps that is the most historic aspect of this bill — that it will be only the second bill to be put to that committee.

I will provide a very brief overview. Chapter 1 of the bill contains preliminary content and a set of principles. This is the first time a set of principles has been enunciated in an education bill. I have read the principles and while they are very good principles, this is a bit of spin in the bill. The bill could stand on its own without these principles but I think they are probably worth putting in the bill. They include things such as Parliament will have regard to the following principles — I will not go through all of them — all providers of education and training in all sectors will give a commitment to elected government, rule of law, equal rights for all before the law, freedom of religion, freedom of speech and association, and values of openness and tolerance. They are worthy principles to have but I think the bill would still have been a good bill without those principles.

Chapter 2 concerns school education and outlines the parental obligations for sending children to school. The compulsory age is there and the compulsory attendance age has been increased to 16 years. I think that is a good thing for today's society. An abundance of research evidence shows that the longer a child is educated — and I will say educated in any setting, including home-education at this stage — the more likely they are to have a successful future.

One thing I will comment on in passing is the school leaving age. Not all students achieve the highest standards by the time they reach 16, and there should be some alternative pathways for students who have a

more technical bent for learning. I am a bit old fashioned and would like to see the reintroduction of technical school education, but I believe the government is embarking upon that. I do not have the details, but I can remember reading in the education journal we all get in our electorate offices that the government is going down the path of providing new technical schools and tying them in with the TAFE institutes. Certainly the federal government is implementing a system of technical education. I would like to see more lenience for students who are not truly academically minded but require a more practical type of education.

The nature of religious education in government schools is also canvassed in this area of the bill. Education will remain secular, but there is now more scope for teachers to discuss religion as part of other lessons and other subject areas. It is the first time that has been included in legislation, and I think that makes it clearer for all concerned.

Chapter 2 also contains provisions about neighbourhood schools. There are always issues about boundaries and the capacity of schools to take a number of students. Again this is the first time it has been recognised in an act of Parliament, and I ask that commonsense come into play in cases such as siblings attending the same school and people living close to boundaries of school neighbourhood zones who want to attend the nearest school, if that is a suitable school for them.

Chapter 3 has regard to post-school education and training. It talks about the Victorian Learning and Employment Skills Commission being renamed. Again it is nothing substantial. The chapter is in three parts and contains provisions related to vocational education and training, higher education and adult, community and further education.

Chapter 4 is a fairly significant chapter. It establishes the Victorian Registration and Qualifications Authority, and I have already mentioned the membership of the board and said I would like to see this made more specific. The provisions set out the functions of the authority and all its working arrangements. It is all there in the bill, and there is no reason for me to explain it in any further detail. Chapter 5 contains provisions relating to the minister's powers and the department's and secretary's functions and powers. This again is a very important chapter, and John Livi really explained that in detail to us at the briefing. Chapter 6 actually lists the 12 acts that are being repealed, and there is no need for me to go through the names of all those acts.

As I said, there are issues raised by the bill. I have made a brief statement on the principles and the leaving age. Regarding compulsory attendance, there is really no significant change from the 1872 act: parents can still notify schools about reasons for absences. Perhaps the biggest change is the use of more contemporary language.

Fees and voluntary contributions are mentioned in the bill. This is also a carry-over from the 1872 act. Clause 2.2.4. is quite specifically headed:

2.2.4. Instruction in specified learning areas to be free to students under 20

As I said, we will try to change that aspect by an amendment. It is very important that when we try to educate a person to be a better citizen and have a job et cetera, if they choose to complete their Victorian certificate of education they do so as a cost to the state. We certainly do not believe students returning to learning should have to pay.

One very important aspect of the bill is in clause 2.2.7, which is headed 'Voluntary financial contributions'. This is a very vexed question. I know from having been a practising teacher that it is impossible to run a school and school programs without the voluntary fees that parents pay. I stress the word 'voluntary'. They are voluntary. I know there are many instances of schools trying to force parents' hands and extract a compulsory fee, and I know the reasons why schools have to do that, but the Liberal opposition certainly agrees with this provision, which spells out very clearly that no student ought to suffer in any way if their parents cannot afford to pay such fees.

I know that in my teaching days we had some families who genuinely could not afford to pay fees. We were always able to make arrangements for them by finding an Apex Club or a Lions Club that was prepared to donate or we would use the State Schools Relief Committee. There is always a way to help underprivileged families. If we knew the parents we would say, 'It is only a packet of cigarettes a week that you need to give up' and the parents would quite often see reason in that. Or we would say, 'It is a couple of beers at the pub. Don't have those and your child will receive a much better education'. When we talked that language we were able to convince quite a few parents that they would be doing their kids a favour.

I do not need to touch on secularism; I think I have covered that aspect in relative detail. I should mention that there is to be a common regulatory regime for schools. There is a procedure by which schools will be registered by the Victorian Registration and

Qualifications Authority. I also need to mention that this bill is the first that effectively bans corporal punishment. I think that is a very good thing for the schools. That ban is not specifically mentioned under a heading such as 'Corporal punishment banned'; it comes under a requirement for registration. Clause 4.3.1(6) says:

The Authority must not register a school unless the Authority is satisfied that—

- (a) the school policies relating to the discipline of students are based on principles of procedural fairness and do not permit corporal punishment ...

I do not think that there would be anybody in this chamber who would disagree with that.

The most contentious issue in this bill is that of home-schooling, and I want to spend the rest of my time talking about the home-schooling issue. Like all members, I have had an enormous number of visits, emails and calls from people concerned about home-schooling.

I think I am relatively well qualified to speak on this subject. I spent 15 years as a rural school teacher, teaching in one and two-teacher schools in country Victoria. In those schools I educated families. We had brothers and sisters and cousins in small numbers. I liked to think I was an educator of families back in those times — they were all educated in the one class. We had less rigid timetables than would operate in a larger school setting: we would go on nature walks which might have taken a half day and other such things you could not do in a larger school. We would do maths for a morning if that was the way the children's interests were inclined. We could do a whole day on social studies or English if we wanted to. But over the 12 months of the year the curriculum would have been covered and balanced. That is the way a lot of parents educate their children in the family situation.

Back in the late 1960s and early 1970s I was also an advocate of what was then termed 'open education'. Mr Scheffer from the other side is probably the only other member in this chamber who would know what that was — or maybe Mr Hall, who was also a teacher, might know what open education was. The Acting President is indicating she knows what open education was. I was a great advocate of John Holt and A. S. Neill, and in a couple of my rural schools I was encouraged by an inspector — —

Hon. J. M. Madden — I read that book. I read A. S. Neill.

Hon. ANDREW BRIDESON — Even the Minister for Sport and Recreation is an advocate of A. S. Neill!

Hon. J. M. Madden — I didn't say I was an advocate; I read him. It's very different.

Hon. ANDREW BRIDESON — It was very different! I was encouraged to develop this open education style of teaching by Tom Carse, who was an inspector of schools for Warragul. I like to think that I was successful in this. We were inspected, and I received an outstanding teaching assessment for my work in open education. We had lots of interstate and international visitors come and visit my classroom down at Nilma. When I was promoted I took this style of teaching back to Pembroke Primary School in Melbourne; we had an open education unit there. People from all around the state and from interstate came and looked at the work we were doing. So I really understand where the home-educators are coming from. In fact my own two daughters, whilst they were educated in the formal government and non-government systems, were taught to read by my wife from the age of three, so they were already reading before they went to school.

I think it is important to understand why people home-school — why people educate their children at home. Firstly it is a personal choice that they make. They have philosophical reasons, and the home-educators I have spoken to all understand educational philosophy or ideology. Many of the people I have spoken with know of John Holt and of A. S. Neill and the Summerhill experience. In fact John Holt has written many textbooks on how to educate your children at home.

There are religious reasons. Many parents believe they can educate their children better in an environment that is more religious than the environment a system gives their students. A lot of parents educate their kids at home because they believe they can impart better morals — better values — that are more in keeping with their families' values. Perhaps one of the most important aspects here is that people educate their children at home because they choose to. What I do not like about this bill is the fact that that right is being diminished. It is not being totally taken away — they still have the right — but I think it is being diminished.

There are some very good research papers and articles about home-schooling. I attended a seminar put on by the Home Education Network in the Parliament last week. One of the messages that came out of that was 'If it ain't broke, don't fix it'. Whilst that is very simplistic, I think it is an apt phrase to use. A lot of the

home-educators just do not see that there is really any need for the registration processes they will have to go through.

At that meeting I asked one of the parents, 'What is your specific reason for opposition to this piece of legislation?'. That parent said, 'It is a libertarian issue. We are very fearful of the attendance officers knocking on our doors to see what we are doing. They have the right to enter our homes'. That is the basic fear. It is the basic fear that the bureaucracy is going to intrude upon their families and the way they choose to educate their children.

I have no doubt that probably 99.9 per cent of home-educators are doing the right thing by their children. I am very impressed by the home-educators and their knowledge of education, the fact that they communicate with each other via the Internet and the fact they have social networks. My greatest concern about children who are home-educated is that they miss out on socialisation into the community, but the parents are so concerned about this aspect of their children's education that they all make specific allowances by developing networks. They take their children to meet other home-educated children. They take their children to local libraries, sporting clubs and community events so they are socialised into their communities.

A lot of research is now coming out, and I make mention of Dr John Barratt-Peacock, who addressed us at the forum last week. His research shows that home-educated children are well socialised and can perform very well academically later in life if they choose to do that.

As I have said, I have had a lot of discussion with the home-educators. I will read an excerpt from a letter from a student, one of my constituents, who actually took to the time to write to me. It states:

I am a 14-year-old home-educated boy. My two younger brothers and I have been home-educated for most of our lives.

I am currently working towards a career as an author and have been for some considerable time. I wrote my first book when I was four years old and have since finished a total of 56 books. Reading these books now I can see that my writing is constantly improving.

As well he runs three family newspapers and magazines. He also makes movies with his brothers using the digital camera at home. He has conducted a comprehensive study of the metric system. He has invented his own system of timekeeping, replacing hours and minutes using powers of 10. He is probably better educated than a lot of us in here in many aspects. He has spent years studying world and Victorian

geography. He has a full collection of the *Melway* street directories spanning 40 years of Melbourne's geography. He has very good computer skills. His favourite subjects, in order, are: English, drama and science — in particular he enjoys studying physics, cosmology, astronomy and planetary sciences, geology, biology, chemistry and technology. He like maths. He classes maths as arithmetic, measurement, algebra, geometry, trigonometry and probability. He loves history and geography. He said:

... home-education with a natural learning approach has several advantages compared with classroom education. The main benefit of having my immediate family in charge of my education is that they know what I have and haven't learnt, rather than my teachers not knowing me and assuming every member of the class has learnt, for instance, everything covered by the year 8 curriculum but nothing as yet that is covered by the year 9 curriculum.

That is just one example of the many items I have received and discussed. His six-year-old sibling has also written to me. She said:

I do not go to school. I have never been and I never want to go. I learn at home and do things I am interested in. Mum also gets me to do some things I am not really interested in. I started reading when I was three years old. I love reading and learning all sorts of things. Sometimes Mum says I am her question pest.

We can all relate to that with our own children. It is a delightful letter. The child finishes by saying:

Mum has told me that the government wants to change the law so that I might have to learn certain things and we might have people come to my home. I do not want people who I don't know coming to my home. I also don't want people that I don't know and that don't know me telling me if I can keep doing what I am doing.

That sums up from the eyes of a child exactly what the home-educators are feeling at the moment.

Because my time is truncated I will talk a little bit about one of the most famous home-educators I was able to find — I found this by chance when I was doing some reading — John Stuart Mill. Many members in here are probably familiar with the works of John Stuart Mill. Mill was an English philosopher of the 19th century. He was a logician and economist. He was the eldest son of a British historian. He was a political economist. His father, who was a philosopher also, was James Mill. John Stuart was educated exclusively by his father. He said his father was a strict disciplinarian.

By the age of eight Mill had read most of the Greek classics, had made his own translation of many, read a great deal of history and started Latin, the geometry of Euclid and algebra. By the age of 10 he could read Plato and other philosophers of the time with ease. At

about the age of 12 he began a thorough study of scholastic logic, reading the works of Aristotle from the original. The following year Mill was introduced to political economics and studied the great Adam Smith.

John Stuart Mill went on to become a member of the Parliament of Westminster. He was elected in 1865. That is not bad for someone who was home-educated in the 19th century. It shows that home-education has been with us for a long time. It is certainly with us today, and it is going to be with us for a long time into the future. What I do not want to see is the bureaucratic regime which this government wants to impose on home-educators forcing home-education underground, as has happened in Queensland.

We do not know how many students are home-educated, but one of the papers of Dr Barratt-Peacock which I read suggests that there is between 1 per cent and 3 per cent. There may well be up to 10 000, 11 000 or 13 000 students who are being home-schooled — I might say, saving the taxpayer an enormous amount of money. I do not want to see and nor do the home-educators want to see an overly bureaucratic system.

Coming back to J. S. Mill: I tried to look for some comfort in relation to education from Mill. I find Mill very difficult to read and understand.

Honourable members interjecting.

Hon. ANDREW BRIDSON — It is not because he was home-educated. He was far brighter than any of us, I suspect, but in relation to education — and I do not disagree with him and I hope I have the correct comprehension or meaning — Mill says in particular that society has every right to compel parents by law to provide a suitable education. He said:

It still remains unrecognised that to bring a child into existence without a fair prospect of being able, not only to provide food for its body, but instruction and training for its mind, is a moral crime, both against the unfortunate offspring and against society; and that if the parent does not fulfil this obligation, the state ought to see it fulfilled, at the charge, as far as possible, of the parent.

Mill goes on to say this does not imply that the government must monopolise the provision of education or even provide any schools. He further said:

It might leave to parents to obtain the education where and how they pleased, and content itself with helping to pay the school fees of the poorer classes of children, and defraying the entire school expenses of those who have no-one else to pay for them.

My views probably sit fairly comfortably with J. S. Mill. In relation to home-education I do believe the state has the ultimate responsibility to see that all children are educated, but it must remain the very strong right of parents to be able to choose whether they want their children to be educated in the home or in a school system. I finish my contribution by imploring the government to listen very carefully to the wants of the home-educators. With that final request, I wish this bill a speedy passage and I look forward to participating in the debate when we move our amendments before the Legislation Committee.

Hon. P. R. HALL (Gippsland) — I am pleased to present to the house the views of The Nationals on the Education and Training Reform Bill. When one reads this bill being described as — I use words from the second-reading speech — ‘the most significant education reform legislation since the original act of 1872’, or if you consider the Minister for Education and Training’s press release when this bill was first circulated on 15 December 2005 which states that ‘the bill will set the standards for future generations’, one believes something exciting and innovative is about to happen, and one would think there is going to be a major overhaul, a major restructure, something very innovative in terms of the structure of education in this state.

Alas, there is very little change in this bill before us. There is little innovation or imagination and in fact there is very little public interest apart from those who are involved in home-education. There has been very little public interest in this bill. Even now I ask educators of different sectors — at a school level, a vocational level and an adult level — about their views on the bill before the chamber for discussion this week. The vast majority of them would not even know that this so-called major piece of legislation is coming before the Parliament. I say in relation to the government describing this as of a major or significant education reform, or as setting the standards for future generations, I do not think it lives up to that description in any way at all.

One asks oneself what will be different following the enactment of this bill and I suggest that there will not be much difference of any great significance. There will be some name changes, some changes to reporting and accountability mechanisms, some changes to matters like the school leaving age, but nothing really that brings about fundamental changes to the structure of education in Victoria.

The dominant thing that is actually achieved by this bill is the consolidation of 11 separate acts of Parliament

relating to education, all being brought under a single act called the Education and Training Reform Bill. That is significant in itself and I am not denying that this is an important and efficient step to bring 11 different acts of Parliament all under one act. I acknowledge that the task of doing that was a mammoth one. I know people like John Livi have spent the best part of two years working to bring those 11 acts of Parliament together and I commend him for all the work he has done and I concur with the Honourable Andrew Brideson when he extended thanks to John and others who have been working on this for a long period of time. They have done it largely successfully — without innovation, as I have said before, but that is not the department's fault; the government set those policy directions of education. The task of bringing 11 acts together under one act is a very significant one and John and others have done that very well. I have said that personally to John Livi and I say it again publicly that he and his team have done a magnificent job with this new bill.

The way this piece of legislation is set out is also very helpful. This print of the bill begins with an explanatory memorandum that is in three parts. The first part lists the main changes to the previous acts that are incorporated in this bill. The second part elaborates on particular provisions needing further explanation. Then there is the clause by clause explanation of the bill. It has been helpful for us and for others who have picked up this bill to have those main changes spelt out in dot-point form at the start of the bill.

I want to clarify one point about the title of copies of the bill. A constituent asked about the difference between the title of the bill when first introduced into the Parliament, the 'introduction bill', and the bill we have sitting on the table before us, the 'circulation print'. I am advised by the architects of all this that there is no difference; it was simply a matter of timing. The first print of the bill was called the introduction bill, and thereafter it was called the circulation print, so the title appearing on the front page of the two forms of the bill makes no difference.

As I said before, it is helpful that the architects listed the main changes at the beginning of this print of the legislation. It is a useful list to go through and make some comments about the provisions within this bill. I intend to do that, but before doing so I want to make some general comments about the way this bill has been developed, what it might encompass and what it does not encompass. The first thing I want to comment about is the consultation process that was embarked upon to bring the bill to where it is today. The government will claim it has gone through an extensive consultation process, that draft principles have been

circulated throughout communities, and indeed they have, and people have commented on those, and indeed they did. But people wish to see the changes in terms of legislation. They want to see how the government is going to translate their comments into law.

We had an exposure draft of the bill released on 15 December 2005, with comments closing on 23 January 2006. I say to anybody if you wanted to pick a time that discouraged people from having input into a process, then you would pick the time from 15 December to 23 January, particularly when it is about education. Schools knocked off on 17 December last year. That was the date they all went on holidays, and they did not come back until after 23 January. I am not sure of the date, but it was close to the end of January before they came back. Schools were on holidays during this time, and people were involved with Christmas celebrations and the holiday period.

If you wanted to pick a time that would give the least opportunity for input into a consultation process, you would pick the time from 15 December to 23 January — and that is what this government did. That detracts from what probably represents a large volume of work. The government should not have anything to hide and should have put the legislation out there over a longer period of time to enable people adequate time to make comment about the legislation. That is the first thing I wanted to make comment about. The important thing is that people were denied adequate time to comment on what the government proposes to do before the final print, the final translation of their comments into law. I think even now very few people out there in the community know that we are now debating in this chamber a major new education bill.

The second general point I want to comment on is what this bill does not encompass. We know it includes school education — both government and non-government — special schools, vocational education, adult education and tertiary education. It includes the teaching service and matters relating to registration and curriculum — different courses. What it does not include — and I can think of two significant omissions from the bill — is any legislation relating to preschools and neighbourhood houses. Education is a lifelong experience, and to my mind it starts as soon as a child is born but formally in the system of preschools, moving on to schools and then higher education. It would have been entirely appropriate, if we are talking about bringing all aspects of education under one act of Parliament, to have included preschools as well, and at the other end of the spectrum to have included neighbourhood houses. Neighbourhood houses allow

many adults to go back into an education process when they would otherwise not have the opportunity.

I claim — and it is the view of The Nationals — that both preschools and neighbourhood houses are important planks in the education system in this state, and we believe they, too, should have been encompassed as part of this bill. Indeed it is the view of The Nationals that preschools should be formally part of the education system we have in this state. Preschools in small communities struggle, and they struggle on two counts: they have to undertake all the administrative work regarding employment and running the kindergartens as well as maintaining the facilities. We believe there still can be local autonomy left with preschool committees, but they could be relieved of some of their burdensome tasks in relation to employment and fundraising if preschools came under the administration of the Department of Education and Training.

We make the same claim about neighbourhood houses. They are an important component, particularly in small communities, and yet they receive little support or funding from government. In terms of the whole education spectrum we believe this bill is deficient in that it does not include provision for both the very young — the preschool sector — and part of the adult sector, being neighbourhood houses. There are some other deficiencies in the bill, but I will get to those when I talk about some of the provisions.

The list of main changes described on pages 2 to 8 of the explanatory memorandum is useful for making reference to the significant changes in this bill. First of all, as I said, the bill is a consolidation of the 11 acts of Parliament listed on page 1 and covers most areas of education except for the two I mentioned. Flipping through the main changes listed on pages 2 to 8, they predominantly relate to school education, and there is very little change applying to vocational, adult and tertiary education. That reinforces my view that there is very little innovative change in this legislation. The changes seem to focus upon just the school sector. I think there could have been more done to link those sectors — for example, the development of education precincts around the state is very good, innovative work, but in this bill there is no structural framework for overlap or integration of some of the sectors. That is an example of where the government could have been more optimistic, innovative and forward-looking in setting out a framework for structural, innovative change in education.

The main changes are predominantly in the area of school education. The first relates to principles, and for

the first time a set of principles that underlie the legislation are provided in the bill. The range is significant, and some will have regulations to show how they will be implemented in schools.

Clause 1.2.1(a) states that all schools and providers of training are to incorporate a commitment to:

- (i) elected government;
- (ii) the rule of law;
- (iii) equal rights for all before the law;
- (iv) freedom of religion;
- (v) freedom of speech and association;
- (vi) the values of openness and tolerance.

That is fine in theory; I do not think any of us disagree with that. It is the sort of thing that, fundamentally, we all believe in and practice. It will be interesting when the government actually prescribes by regulation how that sentiment will be enacted through the schools and training providers. It is the same with subclauses (c) and (e). We will all have to develop regulations to nominate how the principles will be progressed through the education system, and it will be a matter of interest as to how those regulations evolve.

However, I make this point: where there are no details of how those principles will be enacted, the home-educators will have concerns because they will be subject to regulations which are yet to be prescribed. It is the same with some of the principles; we do not know how they will be enforced or how schools will be required to reflect them, and that is a concern for us.

Clause 1.2.1(b) is interesting, because there will be no regulations. It talks about access to education and how everybody, regardless of where they live or their social or economic status, should have access to high-quality education. We would all agree with that sentiment, but the reality is that that is far from the truth. It does not happen. For example, if you live in country Victoria, you are less likely to participate in tertiary education — and why? Because the cost to parents of tertiary education is so excessive.

When I attended the Gippsland field day last weekend the most common thing that people who came up to me spoke about was the cost of sending their children to university. Probably on average it costs a parent \$10 000 or \$12 000 a year for a child to attend a university campus in Melbourne — a significant impost which many cannot afford. I know this is an issue that the federal government needs to consider more than the

state government, but the fact is we are seeing many country kids deferring for a year, going out and trying to get a job so they can earn the \$17 500, which I think is the Austudy threshold figure. Then if they go back to university having earned that amount, they can get an Austudy allowance to help them. It is a ridiculous situation, and I certainly intend to take it up with the federal government.

Access to education is also limited in smaller communities. The offerings of a small country school compared to those of a much larger school in a regional or metropolitan area are nowhere near as great, so where you live significantly determines your access to education. Your economic circumstances also have a bearing on what education you are able to receive.

Clause 1.2.2(2)(b) talks about instruction in key learning areas. It states:

- (b) instruction in the learning areas in Schedule 1 is to be provided free of charge for all students (except overseas students) attending a Government school to the completion of year 12 if the student is under 20 years of age on 1 January ...

Recently I raised by way of letter to the Minister for Education and Training the circumstances of two young mums returning to school at Cann River. There is no TAFE institute they can go to complete their Victorian certificates of education (VCE); the only option is to attend the Cann River P-12 school, which they are doing — and they are doing very well — but the presence of one of them is not recognised by this government. The school is not funded for that student because of the provision that once a person is aged over 20 they are not entitled to free education, so the government of the day has refused to fund the school for the attendance of that student. I say that is wrong. Many people in country areas only have the opportunity of attending their local school for their VCE or other courses, and that issue should be addressed. That principle does not take into account all of the six commitments that are necessary.

There is a whole issue about the principles. You could argue about the merits of those principles, but I will not — most of them are commonsense things. I just hope they do not become simply rhetoric and that there are some affirmative action plans to ensure that those principles are introduced.

Going back to the main changes set out in the bill, we note that state schools will be no longer and schools will be called either 'governments schools' or 'non-government schools'. It is sensible to have some uniform labelling of the schooling system. The school

leaving age will be increased from 15 to 16 years of age. I am not sure if a valid reason is given as to why the government has chosen to increase the school leaving age. Simply because other states have a school leaving age of 16, is that sufficient reason for us to increase our school leaving age from 15 to 16? I do not think it is. I am concerned that some students who would be better off doing a job or being in part-time employment in conjunction with their schooling may have their opportunities to do so limited under this provision.

I know of many examples where students have not fitted into the mainstream school system. Schools and parents have worked together to secure employment experience for young students under the age of 15 in some circumstances — certainly between the ages of 15 and 16 — so they can be gainfully employed part time while still attending school part time to complete their study. I am not sure if the lifting of the compulsory school leaving age from 15 to 16 is going to impede the ability to have a flexible learning process for some children who perhaps would find it advantageous to have part-time employment in conjunction with part-time schooling.

Concerning religious instruction, I am delighted to see that the government has seen the light and is continuing the current arrangements for religious instruction in schools. It should be a school council decision as to whether religious instruction can be offered to students in schools, and it should be a parental choice as to whether their child attends those religious instruction sessions or not. There has been considerable lobbying from the religious sector to ensure that the status quo remains, and I am pleased the government has seen it that way and has kept those provisions in place to enable, at school council choice and at parent choice, the delivery of religious education programs in schools.

The bill makes significant changes to home-schooling, and I will return to those changes during the course of my contribution to the debate. Some of the next changes listed relate to free instruction, making it clear that there is an obligation for registered schools to provide free instruction in the key learning areas for all those under 20 years of age as of 1 January. I have made my comments about those 20-year-old-plus students who are returning to school.

Voluntary contributions are also referred to. I am not quite sure why those two points are listed as being main changes, because my reading is that there is not much change in either of those. School councils are still allowed to set a voluntary contribution, and parents are not compelled to pay that. I do not see that as being

different from the current arrangements, nor do I see any significant change in the issue of supposedly free instruction. However, I want to make this comment: I acknowledge that schools are forced to raise funds, and that is a pity. There is plenty of capacity to increase funding to schools so they would not have to go about the exercise of getting voluntary contributions from parents. Voluntary contributions are voluntary: some pay, some do not. Some who could well afford to pay do not on principle. We have a mismatch of the whole concept of voluntary contributions. The government would have been far better off increasing funding to schools so that they are not reliant on voluntary contributions from parents.

I have no objections to fundraising. I think it brings about a great community spirit for the annual school fete, the plant sale or the school concert. They are great for bringing the community together, so I have no problems with schools embarking upon voluntary fundraising exercises, but the government has the capacity to reduce the need for schools to set voluntary contributions.

Changes to councils of government schools are also listed as some of the main changes in the bill. I think they are all sensible changes. At page 48 of the bill, clause 2.3.27 of division 7 of part 2.3 deals with one particular aspect I want to mention in respect of school councils. That provision stipulates that school councils will now have to prepare an annual report. I think most school councils do that now, or at least the bigger schools do. That report will cover certain financial activities that are going to be set by ministerial order, and any other matters will be determined by the minister.

It has been suggested, and you can relate this to some of the principles behind this bill, that a report on student performance in schools is going to be required in this annual report. I am concerned that we do not just require schools to present a simplistic set of figures to show how students perform, perhaps in their Victorian certificate of education (VCE) or their Victorian certificate of applied learning (VCAL), because there is the potential to have a comparison of the old league tables type of situation where you compare one school with another and unless you have the background to the school population to make that comparison, the comparison is just not valid. I would hate to think that schools are now going to be required just to present bald information on which people might make unfair comparisons between the performance of different schools. We all know of — I do not have to mention examples — schools where children who are predominantly from disadvantaged backgrounds may

not perform as well as those from more affluent backgrounds, and we need to take that into consideration.

Probably the most significant change in the bill is the establishment of the Victorian Registration and Qualifications Authority (VRQA). I think this is a sensible move. This new authority will replace the functions of the schools registration board, the Victorian Qualifications Authority and I think the Victorian Curriculum and Assessment Authority. Ministerial powers to accredit tertiary courses will now belong to the Victorian Registration and Qualifications Authority. Registration will now apply to both non-government schools and government schools. It will also apply — and this is a point of contention I will talk about in a couple of minutes — to the registration of students who are undertaking what in the legislation is termed ‘home-schooling’.

In some respects having a common registration and qualifications authority is fine. Its powers are set out in proposed part 4.3 of the bill. That part sets out what the authority is required to do in relation to the registration, auditing and monitoring of what has been described as minimum standards that will apply in the areas of home-schooling and training organisations.

As I said, there are some issues with home-education and as the Victorian Registration and Qualifications Authority is very much involved in that I think it is appropriate now, to turn my attention to that issue. The first thing I want to do is to talk about the terminology. The terminology throughout this legislation refers to ‘home-schooling’, but many people I have spoken to believe, and I agree with them, that a more accurate description is ‘home-education’. When you talk about schools you talk about school education, a common phrase that we use. If you are educating in a school, you talk about ‘school education’. If you are educating in the home, then it should be ‘home-education’. I want to draw that issue to the attention of the chamber first. It is my belief that we should be talking about home-education rather than home-schooling.

This bill has brought me into contact with a great number of home-educators in person, in conversation and in writing. I must say from the outset that the thing that impresses me most about home-educators is their passion, their commitment and their strong belief that home-education is in the best interests of their child. Quite frankly I wish all parents had the same passion as the home-educators that I spoke with. They are not the sort of people to use home-education as a means of abrogating their responsibilities as parents. Indeed educating a children at home is no easy task by any

means. It is a very time-consuming task, but these people are committed to it, and I commend them on the interest and commitment they invest in their children.

Turning to some of the principles I spoke about before, if we look at page 12 of this bill we see that we are encouraging parents to take an active part in the education and training of their children. That is in clause 1.2.1(b)(iii). If you look at clause 1.2.1(d) you see that it states ‘parents have the right to choose an appropriate education for their child’. If you look at those principles set out in the bill you see that those rights should be respected, and the wishes of parents whose children are going to be involved in home-education should also be respected.

I am not going to go into a debate about the merits of home-education or otherwise. I do not think it is for us in this Parliament to make a judgment on that. The important thing is that, according to the principles, parents have a right to choose. They have a right and a responsibility to raise their children, and who are we to impose our own personal values upon them? Certainly if a child is being harmed in any way, physically or mentally, the state has a role in intervening, but if parents choose to home-educate their children, that is their right. I do not think that we as a state should be intervening in that right.

The government wants home-educators both registered and regulated — and this is a new concept. Contrary to the views of the Parliamentary Secretary for Education — until she was educated by home-educators on this matter — students undertaking home-education have never had to be registered in this state. Home-education has been accommodated under existing legislation in both the Education Act and the Community Services Act. Under the heading ‘Attendance at School’ section 53 of the Education Act 1958 states:

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

For a definition of reasonable excuse, you go to section 74C of the Community Services Act. I quote from the section:

- (3) It shall be a reasonable excuse as regards any child that —
 - (a) the child is under efficient and regular instruction in some other manner and is complying with the like conditions of attendance as are required under this section with regard to attendance at state schools ...

That is the way in which home-education was accommodated. If a child was not receiving efficient and regular instruction as required under the act, the government of the day could prosecute the parents. Indeed there are legal mechanisms by which the government can ensure that children are receiving efficient and regular instruction. Those provisions exist, but there are currently no provisions that require parents to register their children for home-education.

When The Nationals sat down to consider the issue of registration and regulation we asked, first of all, whether there was a need to register and regulate — whether there was a problem with home-education. We also asked how many prosecutions had taken place under the current provisions that monitor efficient and regular instruction. The answer to these questions from all the research we have been able to do — and we have seen no evidence to the contrary — is that there are no current problems with home-education and there have been no prosecutions in the last 16 years under the provisions in the Community Services Act that I just referred to. Therefore there is no need for a change in respect of this sector. We believe this is just another example of the Bracks government’s paranoia and desire to regulate everything — to keep its hands on all these things. We say to parents who home-educate: you have that right. I am sure they are telling the Premier, Mr Bracks, to back off. Even though the government is promising a light touch, the touch is still there, and there is no good reason for it. Home-educators are committed people. They know what is best for their children, and they do not want the government interfering with their rights as parents.

The Nationals set about finding a constructive solution to this issue. We see that the government wants both registration and regulation. I think that home-educators predominantly do not want either registration or regulation. By way of trying to broker a solution to this, we suggested a middle road, so to speak — that is, that there be automatic but no-cost registration for those who wish to have their children home-educated, but that they should not be subject to any regulation. While I know many home-schoolers do not want any registration or regulation at all, we believe the majority would support a minimalist registration process without any regulation hanging over their heads.

I am bitterly disappointed that the government will not accept the minimalist approach we have suggested, especially when there is no identified problem that needs fixing. We are not trying to gain political points on this issue. I have been upfront right from the start, conferring with the minister’s office to try to broker a solution that would go a long way to being acceptable

to the vast majority of home-educators. We have not tried to score political points in this issue; rather, we have tried to achieve an outcome.

It is even more frustrating when you look at the proposed draft regulations that were tabled in the Assembly during the course of the debate there last week and compare them with the amendments that The Nationals circulated in the chamber. We proposed a system whereby registration was a simple notification in writing that you proposed to home-school your children. The requirement was only to supply the name and address of the registered student, the name and address of each parent and the date the authority was notified by the parent — and there would be no cost involved whatsoever.

If you look at the draft regulations, you will see many of those provisions. They are not along exactly the same line as The Nationals' amendments, but many of our suggestions have been incorporated. The significant difference is that we wanted to give home-educators a legislative guarantee. At the moment they have no guarantee, there is only the suggestion that these provisions will be included in regulations. It will be far easier for this government or any future government to regulate than to change legislation. We want these provisions put into legislation to provide home-educators with that guarantee. We will persist with our endeavours.

I have a set of amendments that I propose to take to the Legislation Committee. If that is unsuccessful I will bring them back to the committee of the whole of this house to address this legislation and put in place what I think is a very sensible approach to this — that is, a minimalist registration process with no regulation. I would be pleased, Deputy President, if those amendments were made available to all members of the chamber so that they can give consideration to them before they are subject to further discussion in the Legislation Committee. We will see what unfolds through that process.

The Nationals amendments circulated by Hon. P. R. HALL (Gippsland) pursuant to sessional orders.

Hon. P. R. HALL — Before leaving the subject of home-education I acknowledge the support of two people in particular — but there have been many others — on this subject. Like the Honourable Andrew Brideson, I have received many letters. I will not quote from any of them because they are so numerous and detailed, but many of them make good points that I have taken on board. I have had many contacts in

writing, in conversation and by way of emails — although I must say I did not appreciate the 1200-plus emails I received from citizens of the United States of America in respect of this matter, as I would have preferred just to hear from people who live in Victoria and who will be subject to this legislation.

Home-educators are a very diverse group — it is impossible to meet, sit down and talk with them all, and there are not a great deal of alliances between them — so I am grateful to two particular people and I want to name them. First of all, there is Susan Wight from the Home Education Network. Susan lives in the Bendigo region. She has been a great help to me in terms of communicating some of the views of The Nationals and, more importantly, getting the views of home-educators in respect of these matters to The Nationals. I am grateful for her support, as I am for that of Jeannie Clark from Warracknabeal. Jeannie has been tireless in conveying information to and from home-educators and to The Nationals. To those two ladies in particular and to all who contacted me on the issue I say, 'Thank you for your help and support'.

I want to mention just a couple of other things about the bill. The Association of Independent Schools of Victoria (AISV) has expressed strong views on some important matters to do with this bill. It put out a press release on 8 February commenting on the bill as it was introduced into the Parliament. In part it says:

Parents regard the selection of a suitable educational environment for their child both as a right and an obligation.

I agree with that. The press release quotes the chief executive of the association, Ms Michelle Green:

Ms Green said today that the legislation stipulated that openness and tolerance should underpin teaching. This was worthy as long as it did not interfere with freedom of religion. Openness and tolerance needed to be more adequately defined.

'Tolerance implies passivity, and we would prefer the use of the term "understanding" instead', Ms Green said.

I agree with her point. I think rather than just tolerating something, being able to understand it is a better description.

Finally, one of the other things said in the press release is:

In its submission to the government, AISV suggested that the Human Rights and Equal Opportunity Commission be asked to provide advice on protective exemptions for religious schools.

Ms Green said non-government schools established for children of a particular denomination or faith had the right to teach and promote that faith.

I agree with that, and I agree with the sentiment that we need an independent body to ensure that schools are not discriminated against inadvertently on the basis of religious beliefs because of the principles outlined in the bill. I think the issues raised by the AISV can be better explored during the committee phases of this legislation, and I am sure they will be. I note that, along with AISV, the Catholic Education Office has requested membership of the Victorian Registration and Qualifications Authority. I note also that the amendments circulated by Mr Brideson accommodate that wish, and The Nationals will certainly be prepared to support that amendment.

The last issue I will have time to canvass is the area described in the second-reading speech as 'minimum standards'. Page 18 of the second-reading speech states in part:

This authority will ensure all schools are accountable to the same minimum standards ...

It then lists by way of dot points some of the areas in which minimum standards will apply. They include student learning outcomes, enrolment policies and minimum enrolment numbers, student welfare, curriculum programs, governance and probity, and review and evaluation processes. I have no problems with having established minimum standards, but I think the government should also be required to adhere to minimum standards. In particular I want to talk about minimum standards of physical infrastructure in our schools. When you go around schools, particularly in some of our country regions, you find they are not of an adequate standard to accommodate the learning needs of our students, and a lot more needs to be put in to improve the physical infrastructure of our government schools in this state. If, as it said at the start, the government is providing the best opportunities for our kids to achieve in an education system in this state, then the physical standards of the buildings and equipment available to them are equally important. The government should set minimum standards and live by them in terms of providing public education in this state. That is a further deficiency.

In conclusion, the passage of this bill has been impeded by the government wanting to regulate and register home-educators. That is a bit of a shame, because education is usually supported on a bipartisan basis in this chamber, and we really do not have a lot of blues about the principles of education. I would have thought that with this major education bill that sees a

consolidation of 11 acts of Parliament it would have been nice to debate and talk about all the good things in education without having divisions amongst parties. I thought it was a dumb decision for the government to be fixated on wanting to register and regulate home-education, and I think it has probably been a detraction from other aspects of the bill that we could well have been debating today. There is no identified problem in respect to the issue, and there was no need to require a registration and regulation system — a regulation system in particular.

This bill can fairly be described as a consolidation bill rather than a bill of major innovation and change, but nevertheless it has some of the deficiencies that have been identified by both Mr Brideson and me. Again the chamber has a unique chance to address those deficiencies through the new process we have established in the Legislation Committee, and it is an opportunity for the government to also address them. The Nationals will urge the government to take on board the changes we suggest so that, hopefully, at the end of the day, this legislation might attract all-party support if the government is prepared to be flexible and reasonable in its views and accommodate the changes we believe are necessary.

Sitting suspended 12.59 p.m. until 2.03 p.m.

Business interrupted pursuant to sessional orders.

QUESTIONS WITHOUT NOTICE

Aboriginals: Kings Domain

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — My question is to the Minister for Commonwealth Games. I refer to the Aboriginal activist camp site in Kings Domain which was set up during the Commonwealth Games. As the Kings Domain was a designated games site, over which the minister had control, what agreement did the minister come to with this group to set up this camp and its removal after the Commonwealth Games had finished?

Hon. J. M. MADDEN (Minister for Commonwealth Games) — I welcome the member's question, which is an interesting one in relation to the fact that we are a democracy.

Hon. Bill Forwood interjected.

Hon. J. M. MADDEN — I can tell that Mr Forwood does not necessarily believe that, and sometimes his performance would reflect that. One of the great things about showcasing this state to the rest

of the world throughout the course of the Commonwealth Games was that it was also an opportunity for people to advocate their respective views, and there were obviously groups in the community that felt they wanted to reflect those views to the rest of the world.

We had a very good working relationship with our indigenous community, and the Koori community worked very closely with the indigenous task force chaired by Kevin Coombes, and I take this opportunity to thank him for the sterling work he did with that group. I also congratulate my colleague the Minister for Aboriginal Affairs, who worked very closely with many members of the indigenous community to make sure that the culture of the Victorian indigenous community was reflected to the rest of the world. We saw that in not only the opening ceremony, but also in the Koori business showcasing that took place in and around Federation Square and a number of other elements of the cultural festivities. It was certainly a benchmark when it comes to celebrating indigenous cultures in this state.

As well as that there was a group that decided to locate themselves, I understand, in the Kings Domain. No specific agreement was entered into with the members of that group other than that when they came and spoke to me and the Minister for Aboriginal Affairs they were able to express their views, air those to us, and they were eagerly seeking a place to locate themselves. We made some suggestions but they were not taken up, and they decided to locate themselves of their own volition in the Kings Domain. It was then up to the police to determine whether that was suitable or unsuitable, and at what time and in what manner and in any way should any of those issues be changed. That still remains the case at this point in time. If there are individuals still there it is up to the police to determine whether or not that is suitable and whether it should continue.

Supplementary question

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — The minister talks about democracy and forgets the fact that a tenet of democracy is upholding the rule of law. The games are over and the camp site is still in Kings Domain. Does the minister have the guts to ensure that the camp is removed now that the games are over, or will he leave the Melbourne City Council holding the can?

Hon. J. M. MADDEN (Minister for Commonwealth Games) — I welcome the member's question again. It is a bit of a shame, is it not, when everyone has had such a wonderful time at the games,

when everyone has enjoyed them immensely and when the games have been celebrated and recognised in this chamber, that on the opposition benches there are still one or two naysayers in relation to the games?

This issue is a matter to be determined by the police. The police, who had the responsibility of security across the games and responsibility for any breaches of the law, still have the responsibility in relation to this matter. There is no doubt that the police did a fantastic job across the games. I would like to complement Christine Nixon, the Chief Commissioner of Police, who did a spectacular job not only of making sure that the security forces knew what they had to do but also in presenting a face of the Victoria Police we have not seen before. They were all smiling throughout the course of the games, and no doubt they worked tirelessly.

Wind energy: Bald Hills

Mr SMITH (Chelsea) — My question is to the Minister for Energy Industries, the Honourable Theo Theophanous. Can the minister inform the house of the reaction to the decision of the federal government to block the Bald Hills wind farm and the effect this decision will have on renewable energy in Victoria?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — I thank the honourable member for his question and for his support for wind farms in this state. The reaction to the Howard government's decision to block the Bald Hills wind farm has been one of outrage and dismay from both the environmentalists and the industry participants. I said yesterday that this bizarre decision was politically motivated and has been made by a clearly incompetent federal minister. But it is not just me who is making these comments. Let us look at what the industry and environment groups are saying. Susan Jeanes, chief executive officer of Renewable Energy Generation of Australia, made the comment that we will never have a renewable energy industry if we do not have some investment certainty, and the politicisation of the planning process is not conducive to that.

Marcus Godinho, executive director of Environment Victoria, said the decision to block the wind farm proposal was short-sighted and that it is illogical to block a wind farm based on a report that found only one parrot a year may be struck by the blades. He also made the point that scientists have forecast that thousands of bird species will be wiped out in coming decades because of climate change and that wind farms are one way we can reduce the degree of climate change.

The environment groups and the industry are outraged by this decision. It is an illogical decision. It is a politically motivated decision. It does not have anything to do with the protection of parrots. The report itself makes it absolutely clear how little danger there is to this particular bird.

Hon. Philip Davis — You don't care about the parrots.

Hon. T. C. THEOPHANOUS — I do not care about comments from a galah like the Leader of the Opposition.

The fact of the matter is this report did not show that there was any danger to the orange-bellied parrot. However, something much more sinister is taking place as a result of this decision. Let me remind members that before the last federal election the federal Minister for the Environment and Heritage, Senator Ian Campbell, wrote to constituents in McMillan on behalf of Russell Broadbent saying that should Christian Zahra be elected, they would be sending a signal that they were happy to play host to increasing numbers of wind turbines in that region. That is what he said to the constituents in McMillan to try to get them to vote against Christian Zahra at that election.

This clearly shows that Ian Campbell had made up his mind to block this wind farm well before he received any report on the orange-bellied parrot. Can you imagine the grubby deal that would have been agreed between Russell Broadbent and Ian Campbell before the election? Russell Broadbent would have said, 'Knock this farm off and I will support you for the ministry'. That is the grubby deal that was done between them. The fix was on before the election, and now Ian Campbell — —

The PRESIDENT — Order! The minister's time has expired.

Honourable members interjecting.

The PRESIDENT — Order! The noise is far too loud. I ask members on both sides of the house to stop interjecting so that Hansard can record the comments made in the chamber, the answers to questions and the questions asked.

Hon. Bill Forwood interjected.

The PRESIDENT — Order! Mr Forwood knows very well that members do not speak while I am on my feet. If he does it again, he is out of the chamber.

WorkCover: claims management

Hon. B. N. ATKINSON (Koonung) — I direct my question without notice to the Minister for WorkCover and the TAC. He might say it has taken 104 or 105 days, but sadly the Parliament has not sat on every one of those days. While employers fund WorkCover and face the prospect of higher premiums based on their claims profile, they are denied information in respect of the management of claims — information that would enable them to correct or at least identify untrue or exaggerated allegations in those claims. I therefore ask: will the minister address this problem and allow employers to obtain all relevant information related to the management of claims and decisions made by agents and insurers?

Mr LENDERS (Minister for WorkCover and the TAC) — I am delighted that after three reshuffles and 105 days in the portfolio Mr Atkinson has decided not to be outshone by Mr Forwood and Mr Stoney and is actually showing an interest in WorkCover. I am absolutely delighted. I wish he had shown some of this interest in WorkCover during his time on the backbench, or on the front bench before he got caught moonlighting and was thrown off it during the time of the Kennett government, when he could have asked the ministers in that government questions about practices in some of these WorkCover issues. However, I am delighted he has a newfound interest in this.

I am also delighted to remind Mr Atkinson that this government has a number of key focuses in the WorkCover portfolio. First and foremost we want a system that deals with injured workers and does so fairly and in a way which brings them back into the work force. That is our first objective. Secondly, we want to have a system which is open, transparent and fair and reduces injury generally in the work force. Thirdly, we want to do it in a way which will reduce premiums for employers. They are the objectives we have, and we have met all those tests.

Hon. B. N. Atkinson — You are failing on all of them.

Mr LENDERS — For Mr Atkinson's benefit, given that he is new to the portfolio, we put through the ombudsman legislation last year that allows a review of decisions on an administrative basis and will allow employers to do some of those good things and get some information. For the first time in WorkCover we have set up a review unit to review the inspectorate, so that if there has been a harsh, unreasonable or inconsistent decision, a business can have an internal review of that decision within the Victorian WorkCover

Authority before needing to go to the expense of using the legal system. This is all about us being focused on our key goals of service delivery for injured workers, of having fewer injuries in the workplace generally and of bringing premiums down. These are the sorts of things we are seeking to do.

Hon. B. N. Atkinson — What about keeping employers in the loop?

Mr LENDERS — Mr Atkinson reminds me of the characters in the Harry Potter movies called the Dementors. For those who have not heard of a Dementor, it is a creature which sucks joy out of a system. It is a doomsayer who tries to find anything possibly bad and comment on it and destroy it. Mr Atkinson tries to nitpick at the WorkCover system. He belittles it and goes on about the bad things he says it is doing to small business. Perhaps he should read a Harry Potter book and work out what you do to stop the Dementors — send them back to Azkaban — and keep them out of the Victorian community.

What we have done in WorkCover and what we will continue to do in WorkCover is work in a collaborative relationship with employers, employees and unions representing employees and other stakeholders to constantly improve the system. We welcome a dialogue. The Occupational Health and Safety Advisory Council has stakeholders on it. We have a number of liaison groups and we will continue to work to make our system more transparent. We are removing cross-subsidies from the system and having premiums based on the claims records of employers. We are bringing in a vast number of improvements to the system we inherited with a lake of red ink from the Kennett government. The Kennett government could not save itself from the lake of red ink. We have brought the system out of the lake of red ink and into the black, and we are dealing with those issues.

I suggest to Mr Atkinson that he should not parrot the lines of the colleagues he is sitting between, Mr One-Parrot Davis and Mr Green Davis — and there is quite a bit of competition between the Davises as to who is the greenest, although they both ooze insincerity when they talk about these green issues. I would say to Mr Atkinson that I welcome this discussion. It is a system that is on the improve, and we will continue to have dialogue with stakeholders to make the system even better.

Supplementary question

Hon. B. N. ATKINSON (Koonung) — Actually it was not a particularly good answer, and not one that

would be well received by the industry associations I have consulted widely on this issue of WorkCover. The minister would be aware that exaggerated and sometimes fraudulent claims are protected by processes that deny Victorian employers information on those claims despite the significant financial consequences for their businesses potentially arising from decisions made by agents and insurers, based totally on inaccurate or untrue information in many instances. In other states employers have access to relevant information on claims. I ask: is the minister prepared to seek exemptions to privacy laws to allow Victorian employers access to claims information in the interests of protecting the integrity of the WorkCover system?

Mr LENDERS (Minister for WorkCover and the TAC) — I am delighted Mr Atkinson has been talking to stakeholders — perhaps he has shown a slight interest in his portfolio in the last 105 days. However, I return to my Dementor analogy. Mr Atkinson comes to this with tunnel vision. His focus for his entire time in public life has been to advocate only for whatever issue has come out of small business. This government has done more for small business and the WorkCover scheme than Mr Atkinson's team has ever done rhetorically or in real life. We have brought premiums down. We have cut premiums for small business and we have internal review and ombudsman systems.

Despite the crocodile tears the member cries and his warped advocacy, we have seen delivery for small business, injured workers and the system as a whole. I will continue to work with stakeholders to improve this system. I will continue the good work of my predecessors Bob Cameron and Rob Hulls, the members for Bendigo West and Niddrie in another place. I will continue to deal with the sea of red ink we inherited from Mr Atkinson's mob and work to make this a better system. I urge Mr Atkinson to understand the system.

Olympic Park: rectangular sports stadium

Mr VINEY (Chelsea) — My question is to the Minister for Major Projects. All members have heard the Minister for Commonwealth Games informing the house of the success of the Bracks government in building on the great Labor government tradition of investing in the marvellous Melbourne Cricket Ground. The MCG houses our great sporting codes of cricket and Australian rules football, and is, of course, the home ground for the magnificent Collingwood Football Club. I ask: will the minister outline to the house how the government is investing in new world-class infrastructure for other sporting codes in Victoria?

Mr LENDERS (Minister for Major Projects) — Tragically, in the 4 minutes allocated to me I cannot adequately rebut Mr Viney's comment about the Collingwood Football Club so I will save that for a private discussion outside the chamber!

On his substantive point about the great facility of the Melbourne Cricket Ground and further announcements today, I was delighted with my colleague the Minister for Sport and Recreation, Mr Madden; the chair of the Melbourne and Olympic Parks Trust, Mr Alan Oxley; the design director of Cox Architects, Mr Patrick Ness, and others to be at the launch of our final design announcement on the rectangular stadium in the MCG precinct. This is a large investment in Victoria's key infrastructure, and as Minister for Major Projects I was delighted to be there and to be able to participate in the ongoing building of infrastructure in this state so that we can deliver all the social, economic and environmental goals that are critical to this government. We are now seeing a stadium that will allow rugby and soccer to be played at a higher level, and many other ancillary facilities which I will not talk about now.

One of the things about a government that is delivering \$2.5 billion a year in infrastructure investment — compared with the \$1 billion a year delivered under the previous government by those opposite who call themselves builders — and has spent \$10 billion a year in the last four years in an ongoing pipeline of projects, is that we are seeing the need to invest in this state's infrastructure if we are to go forward.

Mr Viney is enthusiastic about this project and I welcome his question, but sadly I need to tell Mr Viney that one of the impediments in this state to ongoing infrastructure programming is the economic vandalism of the federal environment minister on his political errand, and the economic vandalism of those opposite who sing the praises of the 'up to one parrot' while they ooze insincerity. We have heard members opposite talking about protecting a single parrot when we know they would rather have the parrot for lunch than protect it. They are simply doing this — —

Hon. Andrea Coote — What about the arts?

Mr LENDERS — Mrs Coote asked what we were doing with the arts. She would just like to eat the parrot in an artistic fashion. They have no sincerity and no track record on this. We are now endangering — —

Hon. B. N. Atkinson — What has it got to do with the question?

Mr LENDERS — Taking up Mr Atkinson's interjection, we are now endangering projects like the

rectangular stadium, the arts project that Mrs Coote is talking about, whether it be investment in the state library or in a recital hall or various others, because it suits Senator Campbell's political agenda, and his acolytes here, to play politics with this. They will explore it and take 450 days, which is even longer than it took the Leader of the Opposition in the other place, Robert Doyle, to find a solution to Scoresby. Mr Doyle took less than the 450 days it took Ian Campbell and those opposite to threaten the dreams of Mr Viney and all Victorians for a measured development that has a sensitive environmental balance with the infrastructure needs of the state.

We on this side of the house put up with rubbish from Mr Green Davis, rubbish from Mr Bishop, lectures day after day about the environment effects statement process at Nowingi when we are going through a serious environmental exercise. Senator Campbell and his acolytes here, with oozing insincerity, simply come forward and find excuses. It has taken 450 days to find up to one parrot! Mr Doyle is efficient compared with Senator Campbell. I never thought I would say that. He may have been slower than the gestation period of a female elephant, but he was more efficient than Senator Campbell. We welcome the rectangular stadium project, we want more growth in Victoria — —

The PRESIDENT — Order! The minister's time has expired.

Government: financial reporting

Hon. W. R. BAXTER (North Eastern) — My question is also addressed to the Leader of the Government, in his capacity as Minister for Finance. I refer to the minister's enthusiastic support last year for the introduction of new accounting standards and I ask: is it a fact that the Victorian Treasury is at odds with the Australian Accounting Standards Board as to how government financial statistics and generally accepted accounting principles are to be harmonised?

Mr LENDERS (Minister for Finance) — I thank Mr Baxter for his question and his ongoing interest in the matters of the transition of two international financial reporting standards. While this is probably an area which causes many eyes in the chamber to glaze over, I know that Ms Romanes, Mr Somyurek, Mr Baxter, Mr Rich-Phillips and Mr Forwood, as members of the Public Accounts and Estimates Committee (PAEC), probably have a far greater appreciation of this than 99 per cent of the community.

However, there are a number of very serious issues which arise from this transition from the old Australian

accounting standards to the international financial reporting standards as they apply in Australia. The most significant one is obviously that we need to have transparency and lines so we can assess measures we have in our current budget. That is something we as a government take particular pride in, and to give credit, it is something that the previous government was also seeking to have reported to Parliament. Parliaments and public accounts committees will often have different views from the executive government as to how far we go, but I think it is fair to say in a bipartisan or tripartisan fashion across Victoria we have tried to move down a path to harmonise those standards.

One of the dilemmas we have, of course, is that Victoria and the Australian Capital Territory are beacons in this, whereas all other jurisdictions hide behind the government financial statistics approach as to how they do this, whether it be Labor governments in New South Wales or coalition governments in Canberra. It does not matter who they are; if they do not have the same rigour as we have in Victoria it is often a lot easier for them to be less transparent with the public.

We are seeking an agenda, which I am sure the Public Accounts and Estimates Committee and the executive government share, to harmonise the international financial reporting standards with the government financial statistics on which the commonwealth and most other jurisdictions base themselves. That harmonisation process has been difficult for a number of reasons. We were at the forefront, as this house would have heard last year, in getting the standards in place at the start of the financial year rather than at its end, which is when most jurisdictions and corporations were required to do it. That meant we had a focus on it whereas others did not. The Australian Accounting Standards Board plus the Financial Reporting Council, the supervisory body in the federal jurisdiction, were again quite slow on this — and I should acknowledge the interest of Mr Hilton, a chartered accountant, in these matters and not limit my acknowledgment to just PAEC members.

Our position now is that this harmonisation has been a slower process than we would have liked. There is ongoing dialogue where again we have secretaries of treasuries — the body is called HOTORAC, and I will work out one day what it actually means — who are meeting constantly, and our state secretary, Ian Little, the federal secretary, Dr Ken Henry, and a number of others are working on that. There has been an ongoing discussion about how we can actually reconcile the two.

There has been a debate over whether you have so much information that it confuses and about what the

right level might be. Do you have a simple amount that is easy to understand? Do you have vast amounts so that you can actually report line by line over a sequence of years? This has been a moveable feast, with meeting after meeting moving around and without a lot of conclusion to it, and it is probably some weeks since I had my last serious briefing on this. However, the last I heard was that we were moving incrementally forward at a very slow pace, probably slightly faster than plate tectonics, towards getting an agreed resolution across the jurisdictions.

I am pleased to report that we are moving along with a sense of progress. There will be further discussions that we need to have with other jurisdictions and that the executive government will need to have with the Public Accounts and Estimates Committee and with the Auditor-General before we can finalise this, but I would certainly hope that by the end of the next Parliament we would have a harmonisation of all these standards that we can live by. Hopefully it will be a lot sooner than that.

I look forward to Mr Baxter's supplementary question, and I certainly urge him, Mr Forwood and his other colleagues to put pressure on the commonwealth, whose members have actually been trying to be cooperative on this. They have not had the same focus we have had, for reasons I mentioned before, but they are trying to work with us. I would urge a tripartisan approach in our trying to get through this to have a common standard that all jurisdictions use.

Supplementary question

Hon. W. R. BAXTER (North Eastern) — I am sure the house was very interested in that overview of what is a very complex subject, and I appreciate the minister's advice. However, I would like an assurance for the house that the current spat with the Australian Accounting Standards Board is not designed to achieve an outcome which will enable this government — or future governments, if they think the need arises — to more easily obscure the true financial position of the state.

Mr LENDERS (Minister for Finance) — I could make a gratuitous comment about how Mr Baxter sat around the cabinet table with a group of people who liked doing that — who liked gutting the Auditor-General and doing various other such things — but that would be uncharitable of me. Mr Baxter's is a serious question and comment, because in the end the whole purpose of accounting standards, public accounts and estimates committees, auditors-general and the like is transparency. One of the good things about the

regime, no matter how much grief ministers sometimes feel in being interrogated before the PAEC, is that it makes for a process of accountability and keeps everyone on their toes — as does question time.

This government is committed to harmonisation: we want GFS — government financial statistics — and the old accounting standards to be merged into one. However, I completely acknowledge Mr Baxter's point: there is a risk there that you will actually diminish accountability standards. Where we come from is that we want harmonisation so that we can be matched against all other jurisdictions, not just the Australian Capital Territory. This will be an ongoing dialogue, and I am sure Mr Baxter in his role as a PAEC member and a member of this chamber will keep a vigilant eye on this and will hold us accountable if we deviate from that path.

Olympic Park: rectangular sports stadium

Hon. H. E. BUCKINGHAM (Koonung) — My question is directed to the Minister for Sport and Recreation. Can the minister inform the house about the rectangular pitch stadium development, how it will strengthen Victoria's reputation as one of the world's great sporting and major event destinations and how it will also build on the legacy left by the terrific Commonwealth Games?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I welcome Mrs Buckingham's question, because I know she has a particular interest in rectangular pitch sports. I had the pleasure today of being with my ministerial colleague Mr Lenders, the Minister for Finance, and the Premier to announce the launch of the design of the new rectangular pitch stadium. This project gives us an enormous opportunity on the back of the Commonwealth Games, during which we had our magnificent facilities showcased for the rest of the world. Whether it was the Melbourne Cricket Ground or the Melbourne and Olympic Parks sports precinct, images of those facilities were televised around the world. But we cannot rest on our laurels. We have to make sure that we maintain our status as a leading-edge city with a world-class performance and spectacular facilities for the holding of magnificent events.

As part of that we launched the design of the new rectangular pitch stadium. There is a brochure that goes with the design, and any members of Parliament who are particularly interested in any of those sporting codes will find that the brochure is quite spectacular — as will be the stadium. The design is innovative, it is forward looking and it is leading edge. One of the great things

about it is that it will be built right in the heart of Melbourne's leading sports precinct.

It will feature a number of elements I want to draw to members' attention, because they might be particularly interested in them. It has an environmentally friendly design. I know the Liberals are suddenly born-again environmentalists, so they would appreciate that! The features include a state-of-the-art bio-frame roof. I know Mr Drum knows what a bio-frame roof is, so he will be particularly interested in that.

Hon. Bill Forwood interjected.

Hon. J. M. MADDEN — It will seat 20 000 people, with the capacity, Mr Forwood, to expand that to 25 000 people at a later date. We might joke about it, but one of the critical elements of any stadium redevelopment — we are more conscious of it now than ever — is that it should deliver an exceptionally high-quality playing surface. We will make sure that is the case with this innovative design.

The stadium will be built on Edwin Flack Field, which over the years, interestingly enough, has housed a number of facilities. It has hosted a velodrome, a greyhound racing track, a secondary athletics track, army barracks and even a car park — it has been used for an array of things over many years. When the building is finished this stadium will be a new world-class facility for Melbourne Storm and Melbourne Victory and an administrative base for the Melbourne Football Club, with the potential to host events such as rugby, including international rugby matches, in one form or another.

The cost of the development is expected to be in the order of \$190 million, but of course the market will tell us what it is actually worth. The funding model is one under which the government will contribute and the stakeholders, the Melbourne and Olympic Parks Trust and any commercial arrangements will help to deliver the rest of the package. Like the Melbourne Cricket Ground, the Rod Laver Arena and the Vodafone Arena these will be absolutely spectacular facilities that will reflect on a city that holds sport close to its heart. It will build on the legacy of the 1956 Olympics, which set up the precinct, and the 2006 Commonwealth Games, which upgraded the facilities and showcased them to the rest of the world. It will be a new era for soccer, Rugby League and Rugby Union in Victoria. Most importantly it will cement Melbourne's reputation as the sporting capital of Australia and one of the world's great major events destinations.

Gas: Creswick supply

Ms HADDEN (Ballarat) — My question is to the Minister for Energy Industries. I refer to the government's \$70 million natural gas extension program and the promise by Premier Bracks of 10 November 2002 that Creswick would be the first town to be connected to natural gas unconditionally by the winter of 2003 if the Bracks government were re-elected. I ask the minister when the government is going to honour the promise made by Premier Bracks to the people of Creswick and remove the subsequently introduced natural gas surcharge of \$3 a gigajoule, which is consumer price indexed for 20 years?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — I find it interesting that the honourable member has not come in today and asked me about gas in Creswick. She must have checked a previous answer I gave her in the house in response to her request to me which named a number of streets that were not going to be connected to natural gas. In fact all of those streets were being connected. She had got it wrong. She was exposed in this because, as far as I can gather, the only place in Creswick she is worried about not being connected is her own house. She has got no credibility.

Ms Hadden interjected.

Hon. T. C. THEOPHANOUS — I have got news for you — I live in my electorate too! So what!

Ms Hadden interjected.

The PRESIDENT — Order! Ms Hadden has asked her question!

Hon. T. C. THEOPHANOUS — I do not go around trying to use my position as a member of Parliament for my own personal benefit. That is the difference. This government — —

Ms Hadden — On a point of order, President, I ask that the minister withdraw the comment he made about my profiting from my position as an MP in relation to natural gas in Creswick. There were a number of comments flying across the chamber, but I object to that one from the minister. It was objectionable and offensive.

Hon. T. C. THEOPHANOUS — On the point of order, President, my recollection of my comment is that I said I do not use my electorate for my own personal gain. I do not believe that is objectionable. If the member feels that somehow relates to her, that is her issue. It was certainly a comment I made in relation to myself.

The PRESIDENT — Order! Standing order 9.18 refers to imputations and personal reflections. All imputations of improper motives and personal reflections on members will be considered to be highly disorderly. The minister did make some comments. There was a lot of noise, but I believe the minister crossed over the line with respect to imputations. I ask the minister to withdraw and then continue with his response to the question.

Hon. T. C. THEOPHANOUS — Thank you, President, can I — —

Honourable members — Withdraw!

Hon. T. C. THEOPHANOUS — The President has asked me to continue with my — —

Honourable members — Withdraw!

Hon. T. C. THEOPHANOUS — President, I am — —

The PRESIDENT — Order! Minister!

Hon. T. C. THEOPHANOUS — President, I am happy to withdraw.

The PRESIDENT — Order! Thank you. I ask the minister to now move on with his response to the question.

Hon. T. C. THEOPHANOUS — I am happy to withdraw if the member is upset about any comment that I have made. I continue to make the point that the member is concerned about the fact that gas is not being delivered to certain areas in Creswick, which includes her own home.

In relation to the surcharge which the member refers to in her question, the rates for this particular surcharge were set by the Kennett government when the system was privatised. She has come in here and talked about surcharges in relation to gas delivery into the Creswick area, but those surcharges were set by the Kennett government. What I can tell you, President, is that the people of Creswick and the rest of regional Victoria are going to save millions and millions of dollars as a result of the gas extension program. In fact we estimate that when it is fully in place the people of regional Victoria will gain something in the order of \$60 million in savings on the cost of heating and hot water in their homes every year. That is what we have delivered to regional Victoria.

Supplementary question

Ms HADDEN (Ballarat) — The minister's answer is entirely predictable — and incorrect! When will the minister act to remove the \$3 a gigajoule surcharge imposed by the Bracks Labor government after its re-election in 2002 and extend the natural gas network, as promised by Premier Bracks, to all of Creswick's households and commercial premises, including the University of Melbourne Creswick campus, the Timber Training Centre, the Forest Resort and the Creswick Woollen Mills?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — The member does not want to compare the cost of natural gas which will be delivered into Creswick, which will be at approximately half the cost of liquefied petroleum gas which people have to use currently. They will pay half as much as they did before. The member should understand that it is going to be cheaper — —

Ms Hadden interjected.

Hon. T. C. THEOPHANOUS — Ms Hadden, it is going to be a lot cheaper!

The PRESIDENT — Order! Minister! Ms Hadden has asked her question, and she should sit in silence and hear the response. The minister should direct his answer through the Chair.

Hon. T. C. THEOPHANOUS — It will be a lot cheaper, and I am sorry that I cannot get the natural gas 2 kilometres outside of Creswick to Ms Hadden's house. I apologise to Ms Hadden about that too, but we will deliver it to the majority of people in Creswick, as we promised.

Consumer affairs: warnings

Mr SCHEFFER (Monash) — My question is directed to the Minister for Consumer Affairs. The Bracks government has worked to ensure that consumers are educated about their rights and that businesses understand and comply with our consumer protection laws. Can the minister provide details to the house of any recent warnings that have been provided to Victorian consumers by Consumer Affairs Victoria?

Hon. M. R. THOMSON (Minister for Consumer Affairs) — I thank the member for his question, and I do not know how I can follow on from the previous question and response but — —

An honourable member — Just answer the question!

Hon. M. R. THOMSON — Unlike members opposite, we actually take consumer affairs issues seriously. We care about the outcomes for consumers and we take their issues seriously. As a matter of fact over 500 000 consumer inquiries were made in the last financial year to Consumer Affairs Victoria (CAV). It is important to note that the vast majority of traders are attempting to do the right thing by consumers and to look after the interests of consumers as a means of looking after their businesses. Victorian consumers in the main can feel quite confident that they are getting what they pay for and that it is exactly what they were expecting to get, but unfortunately there are some bad apples out there in the Victorian marketplace who are doing the wrong thing. Not all traders are heeding the warnings that CAV give, but we make it very clear that if they break the law we will take action.

I talk often here about dodgy traders, but the federal Liberal Party over the last week would be considered a dodgy trader with its 'up to one parrot' deal that is currently on display for all to see as an absolute sham. It is no wonder that it gets exposed in the national Parliament, the state Parliament and also in the national media.

Hon. D. McL. Davis — On a point of order, President, on relevance, parrots have nothing to do with the minister's portfolio responsibility in any sense.

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

Hon. M. R. THOMSON — We were talking about dodgy deals. Consumer Affairs Victoria and I, certainly when I name companies in this house, do not name companies lightly. We do it because there has been real concern about the way in which some of these companies have undertaken their relationships with consumers. It is disappointing to see that Kresta Blinds was named in the annual report for incorrect and faulty products and shoddy installations; Wal Jones Real Estate for complaints from landlords and body corporate renters about unexplained deductions and charges as well as unresponsive services; and Interstate Taxi Trucks because of frequent complaints relating to delivery of damaged property, loss of property, delays in delivery and collection of goods and underpriced quoting. FurnitureGalore has been named yet again. This time it is relating to the lack of quality checks on the furniture supplied, ineffective repairs and salesmen giving optimistic delivery dates to secure business. FurnitureGalore is a real problem trader, and I have in fact warned it in this place before.

The reason we use Parliament in which to actually name these traders is, firstly, as a warning to those traders that we will in fact take action, and secondly, as a warning to consumers. It does not mean other actions are not being pursued, but it is important that consumers are aware of dodgy traders as soon as possible. We will continue to act on behalf of consumers right around Victoria, and we again send out a warning to those doing business to do it right and fairly and they will have nothing but good dealings with Consumer Affairs Victoria.

Minerals and petroleum: exploration

Hon. A. P. OLEXANDER (Silvan) — My question is to the Minister for Resources. I refer the minister to his response to a question from the Honourable Philip Davis yesterday about the Fraser Institute annual report on mining companies. Given that the findings of the report seem to be at odds with the current record level of investment in mineral exploration and development in Victoria, can the minister advise the house whether he has since had the opportunity to investigate this report and the institute in depth and can he explain this apparent incongruity?

Hon. T. C. THEOPHANOUS (Minister for Resources) — I can inform the house that following the question put to me by the Leader of the Opposition yesterday I did have the opportunity to look at the Fraser Institute report in more detail, and indeed I looked in more detail at the institute itself.

I can advise the house that the institute report is based on the following. It was sent to 1400 exploration, development and mining consulting companies around the world, but only some 300 responded, with a small number from Australia. I do not know of a single company in Victoria that responded. I am informed that the survey represents the views of smaller companies that prefer a completely deregulated approach, and if the opposition leader had bothered to look closely at the report he would not have misrepresented the results.

This report had the state of Nevada at the top of the list. This is the place described to me yesterday by one mining company as a place that has no speed limits outside towns, no gun limits whatsoever — and I daresay no limits on what a mining company can do. The institute that the Leader of the Opposition in this house seems to quote so approvingly is in fact a right-wing think tank which makes the Australian-based Institute of Public Affairs look like a bunch of socialists.

Let me give the house some examples of its work. The institute has run a public campaign against tobacco regulation in Canada — against tobacco regulation! Let me give you another example. It advocated the dismantling — —

Honourable members interjecting.

Hon. T. C. THEOPHANOUS — Listen, because I am sure you have checked this out. It advocated the dismantling of the Canadian Medicare system, and it has published a report on greenhouse issues entitled ‘Greenhouse gases — not warranted; not beneficial’. This is probably where the opposition gets its greenhouse policy on parrots and wind farms.

The institute also advocates that economic freedom is better than democracy around the world. So if you have got a choice between economic freedom and democracy, you pick economic freedom every time, according to this group. I found the doozey of them all, which is in keeping with Liberal Party policy, and I am sure the Liberal Party gets its policies from this group. It is where its members log on and find their policies. This was put out by the same organisation, the Canadian-based Fraser Institute. This is the best work it has done. The article is headed ‘Why the world needs more sweatshops’. This is the organisation that the Leader of the Opposition comes into this house and quotes in an attempt to say the opposition has found that regulation of the mining industry in Victoria is not as good as it is in Nevada. That just shows how completely discredited this opposition is, and in particular the Leader of the Opposition in this house.

Supplementary question

Hon. A. P. OLEXANDER (Silvan) — I thank the minister for his most illuminating answer. I think we now all understand where Liberal Party policy is drawn from. Given Mr Davis’s reliance on the Fraser Institute in his question to the minister yesterday, are there any other policies espoused by the Fraser Institute that might be of concern if adopted in Victoria?

Hon. G. K. Rich-Phillips — On a point of order, President, in relation to the nature of Mr Olexander’s question, questions are required to relate to matters of ministerial responsibility, and Mr Theophanous is not responsible for the Fraser Institute.

Hon. T. C. Theophanous — On the point of order, as I understand it, the supplementary question asked me about the Fraser Institute and the formulation of its policies in the context of my being asked a question about a result found by this institute in relation to mining in this state, which is directly within my

portfolio responsibilities. President, I put to you that the credibility of this institute goes to the heart of the question before the house at the moment.

The PRESIDENT — Order! The question that was asked by the Honourable Andrew Olexander refers to the policies of the Fraser Institute that could impact —

Hon. M. R. Thomson — Malcolm wouldn't want to own it.

The PRESIDENT — Order! Minister!

Hon. Bill Forwood — Chuck her out!

Questions interrupted.

SUSPENSION OF MEMBER

The PRESIDENT — Order! Mr Forwood is out, pursuant to sessional order 31, for speaking while the President is on her feet. Mr Forwood will remove himself from the chamber on the basis that I have warned him on two separate occasions during question time.

Hon. Bill Forwood — No, you haven't.

The PRESIDENT — Order! Mr Forwood is out for 30 minutes. Does he want to make it longer and have a motion before the house? Mr Forwood will leave the chamber.

Hon. Bill Forwood withdrew from chamber.

Questions resumed.

The PRESIDENT — Order! The concern I have is that the question that was asked by the Honourable Andrew Olexander made reference to other policies of the Fraser Institute, and the minister's response covered quite a broad range of issues that the institute has researched and made comments on that go beyond the minister's portfolio. The problem with the supplementary question asked by the Honourable Andrew Olexander is that it does not specifically refer to the research by the institute that is relevant to the minister's portfolio.

That is the matter that the Honourable Gordon Rich-Phillips has raised in his point of order. As a result, the supplementary question is out of order. Unless the honourable member can rephrase it to line up with the guidance I have given him, I will have no option but to rule it out of order.

Hon. A. P. OLEXANDER (Silvan) — Thank you, President. I will rephrase the question. Given Mr Davis's reliance on the Fraser Institute in his question to the minister yesterday, are there any other policies espoused by the Fraser Institute in the areas of direct relevance to the minister's portfolio which might be of concern if adopted in Victoria?

Hon. Philip Davis — On a point of order, President, it is entirely appropriate for a member to ask a question about the minister's administration of his portfolio. It is entirely inappropriate for him to ask a question about matters raised by other members of Parliament in question time.

The PRESIDENT — Order! I do not uphold the point of order.

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — The institute has released a number of policy proposals, many of which go to my portfolio interests. I mentioned before the one in relation to greenhouse gases, *Greenhouse Gases — Not Warranted, Not Beneficial*, a paper produced by the Fraser Institute, which sets the backdrop of what the institute is about. It is about saying, 'We we do not have to do anything about greenhouse gas policy in the world'.

Hon. Philip Davis — Is that exactly what it says or is it your interpretation?

Hon. T. C. THEOPHANOUS — Yes, it is exactly —

Hon. Philip Davis — Is that your interpretation?

Hon. T. C. THEOPHANOUS — This is the policy from which —

Hon. Philip Davis interjected.

Hon. T. C. THEOPHANOUS — Do you know what you are? You are trying to be a bully, and you are not even good at that.

The PRESIDENT — Order! I ask the minister to stop shouting across the chamber. I ask the Leader of the Opposition to stop shouting across the chamber. I ask the minister to conclude his answer in the 5 seconds remaining, without provoking everybody. I know it is a big ask, but I am asking the minister to do that in the 5 seconds he has remaining.

Hon. T. C. THEOPHANOUS — This shows the source of the Liberal Party's policies.

Libraries: funding

Mr PULLEN (Higinbotham) — My question is addressed to the Minister for Local Government. Can the minister outline to the house how the Bracks government is getting on with the job of providing assistance to local government to ensure all Victorians have access to public library services?

Ms BROAD (Minister for Local Government) — I thank the member for his question and for his ongoing support for our public libraries and mechanics institutes. The Bracks government is getting on with the job of ensuring that all Victorians can access public library services. Through the Living Libraries program we are transforming public libraries into lively community hubs and spaces where people want to gather, not just to borrow books but for social, cultural and recreational enjoyment.

Recently I had pleasure of visiting Geelong with my parliamentary colleague Mr Tresize, the member for Geelong in the other house, to announce grants worth over \$2 million for 12 libraries right across the state, including \$250 000 for the Geelong West library. Those grants are being used to either establish new libraries, extend existing libraries to meet the growing demand or refurbish libraries to bring them up to modern standards. In addition, two mobile library services will benefit with the refurbishment of the current mobile library in Goulburn Valley and the purchase of a new mobile library in the Upper Murray.

Victorians who do not have ready access to public library services nearby are also benefiting from the assistance provided to mobile library services by the Bracks government. The announcement of those grants increases the Bracks government's allocation to \$16.5 million under the Living Libraries program, and I am pleased to inform the house that a total of 70 projects have now been funded and communities across Victoria are benefiting from public library facilities that have been refurbished, extended or replaced under this program.

Under the program the government is working in partnership with local government to provide library infrastructure in rapidly growing communities such as Craigieburn and Werribee as well as in regional and rural areas including Broadford, Glenelg and Drouin. The Craigieburn, Werribee and Drouin proposals will be fine, but I urge local members on the other side of the house to pay close attention to the grant to the Glenelg library in Portland, because it is near the coast and it would be very unfortunate indeed if Senator Campbell decided that because south-west Victoria is a

place where you might find one orange-bellied parrot, we should not go ahead and build a library that is much needed in that community. I urge them to speak to Senator Campbell and make sure that he does not, in the fraudulent way he has intervened in relation to Bald Hills, seek to intervene in relation to these much-needed library proposals.

The Living Libraries program recognises the contribution public libraries make to the Victorian community. The renewal of library buildings and mobile library services will improve the delivery and accessibility of library services to all Victorians, including those in country and regional areas. The Bracks government has increased its overall support for public libraries in partnership with councils in recognition of the role that they play in communities as great places to learn, to meet and to grow. We are getting on with the job of ensuring that all Victorians have the best possible access to public library services.

Hon. A. P. Olexander — On a point of order, President, during the answer by the Minister for Energy Industries to the question I asked earlier in question time, a member of the public gallery made an extremely offensive and derogatory remark which was directed at me. I do not wish to repeat the words he used. However, you can be assured that they were extremely offensive and extremely derogatory. I take offence to them. The person concerned is Mr Doug Campbell of the office of Mr Doyle, the Leader of the Opposition in the other place. I ask that you make a ruling on offensive remarks directed at members from the public gallery.

Hon. Philip Davis — On the point of order, President, the member has made an extremely serious allegation and is not providing the house with any information as to whether any determination can be made on the allegation. I am certainly not aware of any evidence to support the claim made by the member.

The PRESIDENT — Order! The member had earlier spoken to me and advised me of the comments that were made. I can assure the house and members of the gallery that I will not tolerate such language in the chamber by members of the public. The person who was identified has left the chamber. If it occurred again and they were still in the public gallery, I would have them removed. The member has attested to me and to the house that offensive language was used, and as members would be aware, when members stand on their feet and make comments or ask questions — —

Hon. E. G. Stoney interjected.

The PRESIDENT — Order! I ask Mr Stoney to stop mumbling under his breath while I am on my feet.

I accept the comments the member made in his point of order. I advise all members of this house that following an incident that happened in the chamber last night, I will not tolerate inappropriate language being used by members in the chamber or by people in the public gallery. It will not be tolerated. Members who use such language will be appropriately chastised, and those who do so in the public gallery will be removed.

As I said, the person referred to is no longer in the gallery, so no further action will be taken on the point of order raised by the member.

Hon. Philip Davis — On a point of order, President, it is certainly my view on this matter that an allegation has been made which seriously defames a member of the public, and the house has not been informed as to what the allegation specifically refers. I think it is quite in order for the house to be informed of the substance of the allegation made by the member.

Hon. T. C. Theophanous interjected.

The PRESIDENT — Order! Will the minister sit down!

I am not going to have a debate on the issue. The member has attested to the fact that there was extremely offensive language used, and I accept that. I am not going to have that language used and recorded in *Hansard*. I accept that the member — and the house should accept it — has attested to the fact that extremely offensive language was used. I have told the house that such behaviour will not be tolerated. As far as I am concerned I have ruled on the matter and it is resolved.

Hon. T. C. Theophanous — On a point of order, President, further to your ruling on this issue, and it is a serious issue, I request that as a result of your ruling you consider reporting the comments to the Leader of the Opposition in the other place, Mr Doyle, whose staff member was involved in this, and asking him to take the appropriate action.

The PRESIDENT — Order! I inform the minister that I have just ruled that I have finished with the matter. I am not going to entertain further discussion of the decision I have made on this matter. The matter has been dealt with.

Hon. B. N. Atkinson — On a point of order, President, I appreciate that you place great store by what a member claims, but the fact is that an allegation

has been made against somebody, effectively anonymously. Mr Olexander, given his seating position in the house, has his back to where the person he has named in this house sat, and unless there was corroboration — —

An honourable member interjected.

The PRESIDENT — Order! The protection of this house is for the members of this house, not for the public, and Mr Atkinson would understand that. I have made my ruling with respect to the point of order that was raised. There is no further action to be taken. That is the end of the matter. The public gallery does not have the protection of the house with respect to the privileges of the house. If something were said about another member, there would be a substantive motion and the appropriate action would be taken.

Hon. Philip Davis — Further on the point of order, President, I am able to advise the house that the person who was sitting adjacent to the person who it is alleged to have made the comments can testify in a statutory declaration that no comments were made.

The PRESIDENT — Order! The matter is concluded as far as I am concerned. I am not going to take any further action in respect of the matter raised by the Honourable Andrew Olexander. As I have advised the house on four occasions during the course of this discussion, that is the end of the matter.

Hon. Philip Davis — In that case, President, I have to give you notice that I intend to move dissent from your ruling. The ruling you have made in this case is entirely inappropriate, given that no information has been provided to the house that supports the claim which has been made, other than the information I can provide, which is that a member of the public sitting in the gallery adjacent to the person who has been accused of making the comments is prepared to swear under oath that in fact no such statement was made.

The PRESIDENT — Order! Can I make clear, and I thought it was already abundantly clear, what I have said — that is, that I have made no ruling here. I have advised members of the house that I will not tolerate bad language in the house and I will not tolerate inappropriate language being used by people in the gallery. There is no action I can take on the matter because in respect of the issue that was raised there is nobody in the gallery that it refers to. I am saying to the house that the language that is used by members has to be appropriate for this chamber. I am advising the house that members of the public gallery do not have the protection of this house because — —

Hon. B. N. Atkinson — But you accepted an allegation from someone who is a proven liar.

The PRESIDENT — Order! Mr Atkinson, I am saying there is — —

Honourable members interjecting.

The PRESIDENT — Order! This is not helping. I am trying to explain to the house that a point of order was raised. There is no action I can take, but I am concerned about the language that comes from the public gallery or from members in this chamber. I am advising members and those in the public gallery that such language will not be tolerated. I did not hear the remarks that were made. The member has indicated that offensive language was used by a member of the public gallery.

Hon. B. N. Atkinson — Where is the corroboration?

The PRESIDENT — Order! Will Mr Atkinson please stop interrupting whilst I am on my feet!

As such, there is no further action that can be taken. This is a general warning to members of the house and to the public that they should not use offensive language. I am not ruling that someone said it; I am saying that they should not use bad language and that it will not be tolerated. I will not tolerate it, and members of this house should not tolerate it. It should be a general consensus of this house that bad language should not be used. I am not ruling that that actually happened; I am saying that bad language should not be accepted by members of the house. The member has said that it happened. I did not hear it. I have not said anything to the contrary or along those lines. If I had heard the words that the member has indicated to me privately had been used, I would have thrown that person out. That is what I am saying.

I have some difficulty with some of the comments that have been made, but in the interests of trying to get this house into some order and trying to get members to accept some responsibility for their behaviour and be responsible and respectable members of the community, I suggest they actually take heed of the comments I have made during the course of this point-of-order discussion.

I accept the concerns of the opposition, but as I said, I have made it clear that I have not made a ruling. I have raised my concern about the behaviour of the house and the behaviour of the public gallery. I will not tolerate it, nor do I think that members should tolerate it. That concludes the matter.

Mr Smith — On a point of order, President, consistent with what you have just said to the house in regard to offensive language, I take offence at a comment made by Mr Atkinson in reference to one of the members of the house, who I do not believe heard the comment made. Mr Atkinson accused Mr Olexander of being a proven liar. I think that is offensive and, on the basis that I do not think Mr Olexander heard his comment, I want it noted.

Hon. A. P. Olexander — On the point of order, President, I did hear the comment made by Mr Atkinson in the last interchange when he referred to me as a proven liar. I find it objectively offensive, and I ask that he withdraw.

The PRESIDENT — Order! I did not hear all the comments, but whilst Mr Smith was raising his point of order I heard Mr Atkinson state that the comment was correct. That is offensive under the standing orders, sessional orders and the procedures of the house. I ask the member to withdraw.

Hon. B. N. Atkinson — I regret to say, President, that I am unable to withdraw a statement that I believe is absolutely true

The PRESIDENT — Order! I can see that we are leading down a track, but under the practices of the house I again ask Mr Atkinson, based on the comments that led to all this, to withdraw.

Hon. B. N. Atkinson — It gives me no pleasure to say that I am not in a position to withdraw that remark.

Questions interrupted.

NAMING AND SUSPENSION OF MEMBER

The PRESIDENT — Order! Pursuant to standing order 10.04 I name Mr Atkinson for wilfully disregarding the authority of the Chair. I call upon the Leader of the Government, the Minister for Finance, Mr Lenders.

Mr LENDERS (Minister for Finance) — I move:

That the Honourable Bruce Atkinson be suspended from the service of the Council for the remainder of the sitting.

House divided on motion:

Ayes, 24

Argondizzo, Ms	Mikakos, Ms (<i>Teller</i>)
Broad, Ms	Mitchell, Mr
Buckingham, Mrs	Nguyen, Mr
Carbines, Ms	Olexander, Mr
Darveniza, Ms	Pullen, Mr

Eren, Mr
Hilton, Mr
Hirsh, Ms
Jennings, Mr
Lenders, Mr
McQuilten, Mr
Madden, Mr

Romanes, Ms
Scheffer, Mr
Smith, Mr
Somyurek, Mr
Theophanous, Mr
Thomson, Ms
Viney, Mr (*Teller*)

Noes, 13

Atkinson, Mr
Brideson, Mr
Coote, Mrs
Dalla-Riva, Mr
Davis, Mr D. McL.
Davis, Mr P. R.
Forwood, Mr (*Teller*)

Koch, Mr
Lovell, Ms
Rich-Phillips, Mr (*Teller*)
Stoney, Mr
Strong, Mr
Vogels, Mr

Motion agreed to.

The PRESIDENT — Order! I ask Mr Atkinson to leave the chamber.

Hon. B. N. Atkinson withdrew from chamber.

Hon. R. G. Mitchell interjected.

SUSPENSION OF MEMBER

The PRESIDENT — Order! I have just had to suffer 1 hour and 20 minutes of bad behaviour from members of this house. Mr Mitchell's language is unacceptable, and under sessional order 31 I ask Mr Mitchell to vacate the chamber for 30 minutes.

Hon. R. G. Mitchell withdrew from chamber.

Questions resumed.

The PRESIDENT — Order! The time for questions has expired.

QUESTIONS ON NOTICE

Answers

Mr LENDERS (Minister for Finance) — I have answers to the following questions on notice: 5286, 5476, 5934, 5938, 5939, 6075, 6190, 6416, 6417, 6651, 6792, 6817, 6818, 7278, 7376, 7439.

PERSONAL EXPLANATION

Hon. DAVID KOCH (Western) — I desire to make a personal explanation. I wish to bring to your attention, President, that at the time of the division on the Disability Bill shortly before lunch the doors were locked while the bells continued to ring. I express my

disappointment that I was denied the opportunity to participate in the vote and be recorded accordingly. It is my understanding that the doors cannot be locked until the bells stop ringing.

EDUCATION AND TRAINING REFORM BILL

Second reading

Debate resumed.

Hon. H. E. BUCKINGHAM (Koonung) — Given the bill in front of us enshrines the values of openness and tolerance it is a pleasure to speak on it today. I have a lifelong involvement with education, and although I am passionate about politics and in representing my electorate I am equally passionate about the quality, availability, equity and delivery of education in this state. It is for those reasons I believe it to be an honour to speak on this legislation.

This is excellent, far-reaching legislation that shows the Bracks government's commitment to a high standard of education for all now and into the future. I thank the Honourable Andrew Brideson for quoting John Stuart Mill earlier today in the chamber. I have not thought about John Stuart Mill since my first year of philosophy studies at university. He was a proponent of utilitarianism, which is about the greatest good for the greatest number, and that is exactly what this legislation is about. What we have in front of us today is the greatest good for the greatest number.

As Mr Brideson informed us, John Stuart Mill was correct when he said the state has a very real responsibility to educate all and give choice to people as well about what form this education will take. All good governments must have and act upon a commitment to education, as education drives the future of this state and indeed the nation. The bill represents the most significant change to education in the last 132 years.

This is a progressive piece of legislation and the culmination of extensive consultation with both the broader community and the education and training stakeholders. In February 2005 the Minister for Education and Training in the other place, Lynne Kosky, launched a discussion paper which began the consultation process on the review of education and training legislation. Responses to the paper and further research saw the development of a white paper which outlined the government's intentions. In December last year an exposure draft of the bill was released

providing for further opportunity for input from the community and stakeholders. I emphasise that point so the Parliament is aware of how much consultation has taken place.

The bill before us today for the very first time proposes a set of principles that reflect our democratic values. They will underpin the delivery of education in this state.

The consultation process demonstrated wide support for this, and I believe every member of the house would want to adhere to these principles. The principles include a commitment to elected government, to the rule of law, to equal rights of all people before the law, freedom of religion, freedom of speech and association, and the values of openness and tolerance that I have already spoken about earlier.

These are all principles that define Australian society and democracy. I believe an education act should describe the expectations of the community for all education and training providers, including government and non-government schools as well as training, further education and higher education providers.

One of the principles most paramount in education is choice — choice for parents, for students and indeed for providers. This choice has to be weighed against accountability and the delivery of a world-class education. This bill recognises the need for choice, a choice between government and non-government schools, and indeed between individual non-government schools. Parents and students also choose between formal schooling and non-formal educational settings as well as between training providers.

The opposition proposes to moved 100 amendments to the legislation. They are the same as, in fact they are identical to, those proposed by the member for Nepean in the other place. They were all considered by the minister and not accepted. However, now they will be further considered in the new Legislation Committee of this house.

The opposition wants no registration or regulation of home-schooling. Mr Brideson said, 'If it ain't broke, don't fix it'. I shudder when I hear that statement. I used to hear it a lot in local government. It is anathema to me. What we do here as politicians, as MPs, either in opposition or in government, is review and amend legislation. Most of the legislation that comes through here is amending legislation. Very little of it is new legislation. Perhaps there is new legislation when situations change, like the new legislation on

antiterrorism that was passed in this place, but most legislation is a review of what has happened in the past. Of course we have to change things because the world situation changes. Change is not a bad thing, and neither is accountability.

Section 74C of the Community Service Act sets out how home-schooling is allowed to happen in Victoria, and there will be changes. It is a different society now. The published draft regulations are light-touch regulations. In the area of home-schooling all parents must certify annually that they are delivering regular and efficient instruction in the specified learning areas set out in schedule 1. Every other state has registration. Victoria will be the last state to come online in doing this.

The government recognises that all schools and providers need to be of high quality. The bill establishes a new regulatory authority to ensure that minimum standards for all schools and post-school providers are met. The new authority is the Victorian Registration and Qualifications Authority. It is responsible for schools, training and non-university higher education providers as well as home-schooling. The new authority will be responsible for the accreditation of Victorian education and training qualifications and for approving providers to offer courses to overseas students.

The bill also abolishes the Registered Schools Board and the Victorian Qualifications Authority, whose functions will be covered by the new Victorian Registration and Qualifications Authority. The bill clarifies the role of the Victorian Curriculum and Assessment Authority. The new regulatory authority is a first in Australia and among the Organisation for Economic Cooperation and Development (OECD) countries, as it will create a seamless education and training system in Victoria — once again a first.

The Education and Training Reform Bill consolidates 11 education and training acts, as well as the provisions of the Community Services Act 1970, into a single act. The bill does more, however, than consolidate, update and simplify existing legislation, it ensures that a quality education and training system not only responds to contemporary needs and issues, it also identifies and anticipates future needs and challenges. That is what good legislation does.

The 1872 Education Act — no Mr Brideson, I have not read it, and I am impressed that you have — which was amazingly progressive for its time, enshrined the provision of compulsory education for children up to the age of 15 years and supported a free and secular government school system — world-leading

legislation. The bill before us today raises the minimum compulsory leaving age to 16 years and reaffirms the principle of free education in the eight key learning areas in government schools while enabling government school councils to seek voluntary contributions.

As a former careers counsellor I am highly cognisant of the fact that the demands of the labour market require young people to have higher level skills to find and maintain employment. International research demonstrates that those compelled by minimum school leaving ages to complete an additional year at school earn on average 12 per cent more over the remainder of their working lives. The Bracks government recognises this and has done much to increase retention rates through to year 12, particularly with the successful Victorian certificate of applied learning as an alternative to the more academic Victorian certificate of education. Raising the minimum school leaving age from 15 to 16 years and extending a guarantee of free education to those completing their year 12 or equivalent at a TAFE or public training proprietor is an excellent and commendable policy. It is another example of this government's commitment to the future. We are the first Australian state or territory to enshrine such a guarantee in legislation — that is, it does not happen anywhere else in this country.

As a former educator I am particularly proud that this legislation will support and encourage those who may have been at risk of disengaging with education and training. As I have stated, the 1872 Education Act enshrined the notion of secularity. This legislation today makes it very clear that the government school system is secular and open to people of all faiths, religions and philosophies and that the curriculum and teaching in government schools do not promote any particular religious practice, denomination or sect. Religious instruction will remain and will continue to be voluntary in government schools — and I most heartily endorse the comments of Mr Hall on this subject earlier. Government school teachers will be able to discuss and teach comparative religion in history, English and other classes.

This is historic legislation, as it guarantees free education and ensures all schools are accountable to the same minimum standards so that all Victorian children can have the best education possible, no matter where they are receiving that education. These school standards must relate to student learning outcomes, enrolment policies and minimum enrolment numbers, student welfare, curriculum programs, governance and probity, and review and evaluation processes.

The bill acknowledges parental choice and ensures all students receive a quality education. As the minister said in her second-reading speech:

The government has developed a student-centred bill that not only reflects the reality of contemporary education and training but will support the learning and development of future generations.

This is outstanding legislation. It enshrines principles that I am dedicated to and passionate about — that is, a commitment to democracy and the best possible standard of education. I congratulate the minister on her personal commitment to not only this legislation but to providing the best possible education for all Victorian students. I also congratulate and acknowledge the work of her department in the preparation of this bill. I commend the bill to the house.

Hon. DAVID KOCH (Western) — I make my contribution to the debate on the Education and Training Reform Bill. All of us confirm in the house that the review of the bill is something we all believe in very strongly. There has been a collective review of 11 separate acts which has culminated in the bill we have before us today, a bill of some 430 pages.

I have to say that my initial reaction to the second-reading speech and the bill was the government has done its best wherever possible to remove any autonomy the system could offer. From my point of view, representing a province with in excess of 100 schools, it is terribly important that we reflect on the five or six points I think could have been attended to in a better manner, which would have opened up opportunities for those requiring suitable and best education statewide.

Importantly we all accept that all parents want what they believe is the best for their children. Education is one of the things that is paramount in the minds of all parents. In saying that I would like to move forward and address some of the areas I believe could have been better reflected on. The first one is in relation to kindergartens. Although I accept and support salary parity for the staff in kindergartens, and we are extremely well supplied and supported by the teachers in our kindergartens, I regret that kindergartens have not been moved away from the Office for Children in the Department of Human Services and into the Department of Education and Training.

Kindergartens are probably the most important cornerstone of our initial education in life. When I look at the issues raised by kindergartens I am greatly concerned that kindergartens in smaller rural communities continue to struggle, due principally to a

lack of resources. If we were able to have kindergartens resourced under the Department of Education and Training and taken away from where they are currently, and have the burden of maintenance and redevelopment of centres removed from local governments across the state and given to the education department, I am sure it would add further possibility for those who seek the best possible opportunities in kindergartens. Regrettably we have many smaller kindergartens across the state which are in urgent need of repair and redevelopment so they can offer the opportunities which would be seen as only acceptable in the metropolitan area. I can name many of them. They go right across regional Victoria, where we have enrolments of less than 15 in many cases. In most cases enrolments at big kindergartens in towns with population bases of 1500 to 2000 people would not exceed 50 in normal circumstances.

I think the school leaving age has concerned us all. I have a very strong belief that 15 is an ideal leaving age. I accept that there are many who see that 16 would give commonality across the nation. I have major concerns about students who are having difficulty with their current schooling and would very much like to enter the area of apprenticeships or TAFE education and that type of thing requiring an exemption to enter those courses for their further life experiences.

It is terribly important that voluntary religious instruction remain part of our curriculum. It must remain secular, as it has been in the past. I have little doubt that this government would have removed that opportunity if it were not for the heavy lobbying by parents from across the state. Statewide 15 000 signatures were collected on petitions. I have little doubt that that persuaded the government that it was erring in its thoughts here so it left this alone. I presented petitions on behalf of communities and constituents in Western Province. I believe very strongly that what they were putting before the house is something we have to maintain.

The position of free education should give us all some concern. I believe very strongly that education should be made available to all in our community regardless of whether they are under or over 20 years of age. Public education should be free, secular and encouraged. Wherever we can we should be offering the best opportunity to these people in whatever circumstances they desire if they return to the education sector to better their chances in life.

One of the biggest areas of concern has been heavily discussed today. I compliment the contribution made by my colleague the Honourable Andrew Brideson. His

contribution this morning, followed by that of Mr Hall from The Nationals, outlined the situation in relation to home-education.

Hon. Andrew Brideson — It was too brief.

Hon. DAVID KOCH — As Mr Brideson said, and I totally support him, it was too brief. The circumstances did not allow for further expansion in relation to the arguments which have been very well put by home-educators statewide. They are one of the best lobby groups in relation to this bill. They have certainly reflected their thoughts. I do not think there is any doubt that home-educators do not wish to be involved with any further Big Brother regulation of the sort this government is only too willing to impose at every opportunity.

Registration and regulation are major concerns. There is absolutely no doubt that faced with the few options these parents had, registration was reasonably considered. The regulation side of it is a major concern, and I very strongly believe it should be a major concern. Parents who elect to educate their own children take on a very big role. I congratulate them. It is not something I personally would have the capacity to do but I certainly support those who endeavour to go down that track. I can say openly that until 50 years ago many people in regional Victoria were home-educated. I missed by three years. Many members of my community were home-educated and a lot of them hold leading positions in our communities across regional Victoria.

I have received some correspondence from those who have done an excellent job in home-education and it is important to put a couple of things on the record. One of the pieces of correspondence I have received is from the Reichenbach family from Nhill. John and Leanne have done a fantastic job with the education of their six children. Some of their children have completed their education, some are yet to complete their education and one child elected to complete his education in the state system, and this family made these opportunities available to them. The correspondence states:

John and I share with many other home-ed people the belief that it is our right to teach our children and we don't want that right taken away from us or controlled by the gov't or any other body, unless we choose to give them that control.

That is a very important statement. The letter goes on to say:

We have thought long and hard about the issue of 'registration'. We do not mind the gov't knowing that we home-ed our children ... What we do have a problem with is if they want to come into our homes and tell us what to teach

and how to teach, and that we can only teach with their approval.

That is the major concern for those who elect to educate their own, a choice I believe very strongly they are entitled to make. The correspondence goes on to say:

We and many others wish to stay within the law and not be civilly disobedient.

That is an extremely important point. The people who wish to home-educate their families want to do so within the law and would be very happy to abide by the law.

I want to pick up on a comment made in the *Age* of Monday, 6 March, where some of the concerns have been stated:

Under a draft of the bill, home-schoolers will need to register with a new body called the Victorian Registration and Qualifications Authority, which will have the power to cancel registration if parents refuse to allow it access to the education program being used.

This particular statement is the major concern where home-education parents wind up the flag and say they are not wanting to get involved with the regulation at any cost. They want to be able to determine what is the best for our children on an individual basis, even if the curriculum for one child differs from another. I think that is the very important part here and we want to render that opportunity available to all those who are so inclined.

Another statement in correspondence I have received suggests:

Many home-schooling families left the public system because of problems with that system — breakdown of discipline and low levels of literacy and numeracy. If these matters were addressed by the Labor government then the numbers leaving the public system would be lessened. By the Victorian education department's own figures, 17 per cent of those leaving school at the end of year 10 cannot read adequately.

What a serious problem our education department and educationalists face — to think that 17 per cent of those leaving school at the end of year 10 cannot read adequately! The letter continues:

We suggest that the Labor government has much scope to improve things in its own schools. It can leave the matter of children who are home-schooled to their parents who make a big commitment to their future when they decide to take this issue on for themselves.

That is pretty self-explanatory. The numbers speak for themselves and I certainly congratulate those who have gone down that track.

In closing, I would like to say that we in Western Province certainly recognise that we have great need of further opportunities for education there. We look at the opportunities required in Torquay where a P-12 school from 2007 would be applauded, but we cannot get any acknowledgements from this government. We see in Lara that we could handle a P-12 school of twice the size. It is bulging at the walls without further development and the community is growing all the time. We also note that Bannockburn, one of the largest rural centres and growing by the day, will require a year 7 to year 9 school in the very near future, yet that is not included in any strategic plan.

I would also quickly draw attention to the efforts at the Ararat North Primary School under the directorship of principal John Cunningham. What a marvellous effort John is making up there against all odds. Not only does he have 105 students under his control but he also has over 40 of them for breakfast. In excess of 50 per cent of the children attending his school would in some people's eyes be deemed to be disadvantaged. They are from single-parent families, but John has been marvellous in putting a curriculum together that serves the needs of these children so that they are excelling.

In winding up my contribution, I must say that with those four or five points I think I can demonstrate that the bill in its current form will be opposed by this side of the house and we look forward to the amendments coming out at the committee stage.

Ms CARBINES (Geelong) — I am very pleased to speak this afternoon on behalf of the government in relation to the Education and Training Reform Bill. I am always delighted to stand in this place and speak about education, having been a secondary school teacher in the state school system spanning 20 years before I was elected to Parliament.

Hon. Andrew Brideson — You are not that old!

Ms CARBINES — I am that old, Mr Brideson!

I feel passionately about education, particularly state education. I am a product of state education myself and I consider that I received a fabulous education, both in English primary schools and an Australian secondary school at Mitcham High School. I send my own children to state schools, and having taught in four state secondary schools in Melbourne and Geelong. I cherish those memories and know that state education is extremely well placed now that the Bracks government is in power in this state.

Education, of course, is the key to the rest of your life, and I am always proud to admit my indebtedness to the

Whitlam government dating back to the 1970s for the removal of tertiary education fees which gave me, the child of a working-class migrant family, the opportunity to access tertiary education because the government removed the fees which meant that I could go to university. I have been able to establish a wonderful career in teaching and also now as a member of Parliament due to the education that I received courtesy of the state in both England and Australia.

The Bracks government has worked very hard over the last seven years to rebuild state education, to turn around the dark times of the Kennett government and the policies it imposed on education across our state. I taught in state schools in the Kennett era and I know the very demoralising time it was when we saw some 300 schools closed across the state and up to 9000 teachers sacked, with the resultant increase in class sizes throughout the state. It was a very demoralising time and I can remember the former Premier, Mr Kennett, basically saying that teachers as public servants offered nothing to the state because they did not contribute \$1 of wealth. Nothing could be further from the truth.

We have worked very hard to reinvest in state education. We fundamentally believe in the principles of education, and we believe everyone in this state, no matter where they live and no matter where they go to school, deserves the opportunity of having a good education. We have worked hard to rebuild the education system. We have re-employed up to about 5000 teachers and staff across the state. We have undertaken a huge upgrade of our facilities program, to the point where I think one in three schools have been upgraded over the last seven years.

There are many examples in my own electorate of Geelong Province where schools have been rebuilt. We have new schools like Torquay Primary School and a new secondary school at Lara. I know that the minister is now being asked to allow Lara Secondary College to operate the Victorian certificate of education (VCE). We are going to be providing for secondary education in Torquay with a P-9 school, an extension of the Torquay Primary School. We have built a state-of-the-art secondary school in Ocean Grove, a school which the Kennett government had condemned for closure. The school that we have built there replaced a school that consisted entirely of portable buildings.

In my electorate I can also find many examples of great educational practice. I know the two schools my own children attend, Matthew Flinders Girls Secondary College, where my daughter is doing Victorian certificate of education this year, and Belmont High

School, where my son is in year 10, are very good schools, and I am grateful for the education they are receiving.

The bill before us this afternoon, the Education and Training Reform Bill, is the culmination of a widely consultative approach that the Minister for Education and Training in the other place, Ms Kosky, has adopted in relation to reviewing education across the state. In July last year she released a discussion paper in which she wanted to set forward her policy initiatives and her ideas as a blueprint for education in our state — not just for now but providing us with a vision well into the future. She received many submissions in relation to the discussion paper, and that culminated in the release last year — I think it was in September — of the final blueprint for education.

As a result of all that consultation the minister then put out a draft exposure bill of this bill prior to Christmas, and she has again received many public comments in relation to the bill. So Minister Kosky has set about outlining her vision, but she has not wanted to impose that vision. She has wanted to consult widely with the Victorian community — to engage teachers, parents, students and other educational providers on their thoughts about her vision. I congratulate the minister for taking on that task. It is actually the most comprehensive reform of education since the Education Act of 1872.

The bill today is reflective of this consultation process that Minister Kosky undertook, and I would like to speak to some of the specific provisions in the bill that have come about as a result of that consultation. I would like to firstly congratulate the minister for raising the minimum compulsory school leaving age to 16. As members in this place would be well aware, currently it is compulsory for students to stay at school until they are 15. Thankfully not many students leave at the age of 15 these days — and I mean thankfully — because the earlier you leave school the lower qualifications you will have. You will have fewer skills and you will not be able to access as many jobs or opportunities later in life. I know it is easier these days to re-enter education at different times in your life, but if you leave school at 15 you are minimising your opportunities significantly. I am pleased to see that the minister is raising the minimum compulsory school leaving age to 16. This will widen opportunities for students, allow them to gain further qualifications and skills and better furnish them for opportunities later in their lives.

It still is a fraught path for students who leave school early, even if they are 16. A friend of my daughter's left school at the end of her year 11 last year thinking she

had an apprenticeship under her belt. She took up an offer to undertake an apprenticeship at a local florist and left school. The day before her three-month trial period was over the florist sacked her. It is too late for this girl, who is 17 years of age, to go back to her school in Geelong this year. She could not possibly start her year 12 course now. She has been sacked; she no longer has an apprenticeship. What are her opportunities? It is going to be very hard for that girl to re-enter education this year, so she will need to think about doing her year 12 next year. She is having a hard year. I would say that is reflective of many students across the state when they leave school early. It undermines their opportunities later in life.

This bill also reaffirms the principle of free instruction in government schools. I believe very strongly in that principle. It is very important that students — no matter what their home background is or which suburb they come from — are able to access high-quality free education. I am very pleased to see the reaffirmation of that commitment in this bill. But we need to acknowledge that schools also need to seek some contributions from parents in relation to curriculum activities.

The bill enables school councils to seek voluntary contributions from parents. They are voluntary. There is no compulsion in relation to those contributions, but it is very important that schools have the opportunity to seek those voluntary contributions because they do make a difference. The bill sets in place safeguards to protect students and parents. It is important that people know their rights and that voluntary contributions are not compulsory. Sometimes schools are a little aggressive in relation to voluntary contributions, and they need to be reminded that parents have a right to make up their own minds as to whether they are going to be contributing or not.

The bill also allows schools to charge for goods and extracurricular activities which are not voluntary. That is important, because school budgets can stretch only so far. If students are going to be undertaking extracurricular activities that involve extensive costs, those costs need to be defrayed somehow, and therefore it is appropriate that schools will be able to seek those costs from parents when their students are enrolling in such courses.

I believe very strongly that religion should play no part in state education. I remember from my own primary schooling in England that religion plays a very important part in state education there. The Church of England is certainly pushed very strongly in British schools. I think it is entirely appropriate, with the

multifaith community in Victoria and the rest of Australia, that we have a secular school system. That does not preclude the provision of religious instruction, which many parents wish to be able to access. The bill reaffirms the opportunity for parents and students to access voluntarily religious instruction. This reaffirmation of the secularity of the government school system actually reflects what happens in our community.

I would like to talk a little bit about home-schooling. I got a lot of correspondence about home-schooling. I have to say the correspondence I received, especially the 5000 or so emails I received from America, which I am sure every other member of Parliament also received, was counterproductive. It made me question whether the people who encouraged the American home-schooling brigade to extensively lobby Victorian members of Parliament actually understood what the government was attempting to do in relation to home-schooling. Obviously they did not. A number of my constituents have asked me to raise their concerns in Parliament. I am happy to acknowledge that a number of my constituents home-school their children, and they are prepared to tell me they do a very good job.

As a state schoolteacher I think it is a pity that some children in our system in Victoria do not have the opportunity to go to school because their parents have chosen not to send them to school. School provides a great socialisation experience for children. It broadens their experience incredibly. I was a little dismayed to see the number of children who are being home-schooled across the state. It is a parent's right to do that; all we are asking is that they register their intention and that they get access to curriculum materials that are on offer to every other student in the state. Why should children who are being home-schooled be disadvantaged as far as curriculum materials are concerned? That is all I have to say about home-schooling in relation to my electorate.

This bill also establishes the new authority which will be responsible for registering teachers. The Victorian Registration and Qualifications Authority will be responsible for the registration of all education providers in our state. It replaces the Registered Schools Board and the Victorian Qualifications Authority. This is a good bill, and it reflects what happens in our community.

Hon. W. A. LOVELL (North Eastern) — I rise to speak on the Education and Training Reform Bill. Like Ms Carbines, I am the product of a state school education. I am very grateful for the education that was

provided to me at those schools. I attended two different primary schools and two different secondary schools.

My first primary school was the Williamstown Primary School, no. 1183, and I have very fond memories of that school, which I loved dearly, and I believe it is also the school that gave Joan Kirner her political start. Joan Kirner started out in the mothers club at the Williamstown Primary School. In my later years at primary school I moved to West Newport Primary School, and it was there that I actually made my first-ever political speech when I was the student chosen to thank the Honourable Lindsay Thompson, the then Minister for Education, when he came to open our new art wing.

In my secondary school years I had the unique experience of being a foundation student at two separate secondary colleges. The first one was Paisley High School in Altona East, which was a very special school. We arrived on the first day of school and it was only a paddock. We had to attend a neighbouring school for several months until we were supplied with seven portable classrooms. We had seven teachers, seven portable classrooms and about 90 students, but it was a unique time because when we did something we did it as an entire school.

When I first came into this place I was reunited with one of my fellow foundation students, Anastasias Mouseferiadis, better known as Tass, who was an adviser in the health portfolio to the Bracks government. I also shared that time with Greg Miles, who for the past 25 years has called the Melbourne Cup. Other students who attended Paisley at the same time were Charlie Yankos, who went on to captain the Australian Socceroos, and Lisa Crittenden, who went on to star in *Prisoner*. We had a special time at Paisley.

When I was in year 10 we moved to Shepparton, and I again had the experience of being a foundation student at the Wanganui Park Secondary College, and I finished my education in Shepparton at that school. I have very fond memories of the time I spent there as well.

In my brief contribution to the debate today I would like to talk more about choice. Generally in Victoria we are fortunate that when our children reach the age when they are required to go to school, we have a number of schools that we can choose from. This choice is provided through both the state, Catholic and independent schools systems. Choice is very important to many families when they are deciding what type of education will best suit their child. That choice may be

a choice between two government schools based on the curriculum programs specialised in at the school; it may be based on a choice to send a child to a school that has an emphasis on religious philosophy; it might be that a school can provide a benefit to a child because of its teacher-student ratios; or it may be the choice to home-school the child. Whatever the reason, choice is very important to families, because it means that the children will receive the education that suits them best in an environment that suits their particular needs and will provide the best opportunity for them to reach their full potential.

A couple of years ago I raised an example of some families who lived in my electorate — families who lived in Picola — who chose to send their children to the second-closest school, which was in Echuca. There were a few reasons why these families chose to send their children to Echuca. Some of the families had made the choice because the curriculum in Echuca better suited their children. Others made the choice because they wanted their children to attend a larger school because they believed that would better prepare them for the next step of their education at a tertiary level. There was one family who moved their child to the second-closest school because of social issues that were affecting the child at the closest school. All these were perfectly good reasons why parents should be bale to choose a more suitable school for their children to attend.

The students I am referring to all attended the second-closest school, and because they were attending the second-closest school they should have been entitled to bus travel that was capped at a certain level. Because of a quirk of fate the shortest route from their home in Picola to their second-closest school was actually through New South Wales. When you leave Echuca the Murray River does a 90° turn to the north and Picola is up in that little section and the quickest route is through New South Wales. Because the bus travelled through New South Wales the Bracks government denied those parents the cap on their bus travel. That was particularly unfair. It was costing those parents up to \$2000 a year per child to send their children to their second-closest school. The parents were prepared to pay that in the interests of having the choice of the best education for their children.

Home-educators have been very vocal in expressing their wish to have the choice to educate their children at home in the environment and in the way they deem to be the best for their child. We were all inundated with emails expressing support for parents who choose to have the right to home-school, and there were thousands of them. Although the Labor Party may have

thought they were counterproductive and Mr Crutchfield may have chosen to be rude to those people, everyone has a right to lobby a politician on their particular concern.

I would like to quote from a letter from Peter and Kerryn Dun to the Scrutiny of Acts and Regulations Committee. The letter states:

Parent home-educators choose not to delegate this precious education process to a third-party education system whose values and/or processes and/or motives are not supported by these parents. Parents should have the freedom to choose how their children are educated, and any home-education legislation to regulate its practice is only warranted if there is genuine evidence that 'harm' is being caused to these children by them not being educated in the same manner as in a public or private school institution.

Again, that letter supports the choice for people to home-educate their children. The Jandesu family, who live in my electorate of Shepparton, wrote:

We are a home-schooling family of six children and have been actively following the new bill over these past few months. We have been increasingly concerned over the lack of 'due process' with regard to the way in which many of the issues have been dealt with.

We would appreciate you noting that we maintain that there should be no change to the current legislation regarding home-schooling.

Although Mr Somyurek may have thought all these emails came from America, this email is from a family in my own electorate and they are asking me to note in this debate that they believe there should be no changes to the way home-schooling is regulated in Victoria.

As I said, some families choose to send their children to a school that has a specific religious philosophy, and it is important that these schools have the opportunity to promote that faith. David Everett, principal of Cathedral College in Wangaratta, an independent Anglican school in my electorate, wrote to me and asked for support for two specific recommendations. I will read from his letter:

We want to ensure that a non-government school established for children of particular faith has the right to teach and promote that faith. It is also important that the proposed Victorian Registration and Qualifications Authority consider the independent nature and values of our schools when they monitor minimum standards.

That expresses the right of the religion-based schools to be able to promote the faith within their schools and also for there to be minimal intrusion into their curriculum. One of the concerns that the Liberals have about this legislation is the lack of representation for Catholic and independent schools on the new Victorian

Registration and Qualifications Authority, and we will be moving an amendment in the committee stage to include representatives of Catholic and independent schools on the VRQA.

We will also be moving other amendments to give direct powers of self-regulation to non-government schools and systems, to remove the compulsory requirement for home-schooling parents to register, and to ensure that 20-years-olds and those older do not have to pay to complete their VCE. The bill is now to be referred to the Legislative Committee. I look forward to participating in that process and to supporting the amendments moved by the Liberal Party in the committee stage of this bill.

Hon. Andrew Brideson — President, I draw your attention to the state of the chamber. It is a blight on this Parliament when there are more people in the public gallery than in the chamber.

Quorum formed.

Ms HADDEN (Ballarat) — I rise to speak on the Education and Training Reform Bill which is before the Parliament this afternoon. At 430 pages and six chapters it is quite a doorstopper!

This bill will replace 11 acts dealing with education and training and also division 8A of part 3 of the Community Services Act 1970 which deals with the obligations of parents to send their child to school. The purpose of the bill is outlined in chapter 1, part 1.1, clause 1.1.1 which reads:

- (1) The main purpose of this Act is to reform the law relating to education and training in Victoria by providing for a high standard of education and training for all Victorians.

In clause 1.1.1(2) the bill goes to say that:

- (2) In particular this Act makes provision for or with respect to —
 - (a) the years of compulsory schooling ...
 - (b) vocational education and training, technical and further education, adult community and further education, and other post-compulsory education and training;
 - (c) the establishment and regulation of Government schools and the regulation of non-Government schools and home schooling —

which is probably one of the most contentious areas in the bill. Further :

- (d) the establishment and regulation of post-compulsory education institutions and providers;
- (e) the development and accreditation of courses ...
- (f) the recognition, regulation and promotion of the teaching profession;
- ...
- (h) the monitoring, planning and development of the provision of education and training;

The bill covers the breadth of education and training in this state.

I attended the 1 hour home-education seminar to which I was invited as part of a parliamentary briefing in room K of Parliament House on Thursday, 30 March. It was conducted by the Victorian alliance of home-educators and it was a very informative seminar presented by a number of speakers. I was very grateful that they had taken the time and the effort to present to members. There were not too many government members there, and that was most unfortunate.

The presenters spoke on the importance of home-education to young people in this state and were available to answer questions. I have been lobbied by a number of home-educators — I am having trouble because this bill is such a doorstopper that it keeps closing on me and I cannot read it, which some members might think was a good idea!

The issue of home education is very topical and concerning to those who wish to home-educate their children. I understand that both The Nationals and the Liberal Party have circulated proposed amendments which they will pursue in the Legislation Committee in the near future. Unfortunately I am not a member of the Legislation Committee. It is made up of six members of this house who were appointed by the Leader of the Government and leaders of the parties. I regret to say it excludes Independent members of this place.

I will not be able to participate in the Legislation Committee process, yet I represent Ballarat Province — which is a very large province — and I have many home-educators in my electorate. Home-educators have been very vocal. They have done it with much decorum.

Before I return to the issue of home-education, I will provide a general overview of the bill. The bill was developed last year. There was a discussion paper released in February last year, and there was an exposure draft released late in December which gave a lead-up time for submissions over the January period,

which is when most families are on school holidays. The timing for making submissions was inappropriate. The idea was that people would not be able to participate fully in the discussion paper and submission process.

The bill raises the school leaving age to 16 years. That may or may not be a problem, but it will be a problem if this government is not prepared to adequately fund those students at school who are aged up to 16 years. It raises the fines for compulsory attendance to 1 penalty unit, which is now nearly \$105. The onus lies on parents to send their child to school.

The bill asserts that schools will remain secular. Schools can teach comparative religion and may offer religious education as long as the attendance to it is voluntary. Schools must ensure that the instructors are qualified to teach religion, are accredited and have undergone police checks. There is nothing wrong with that.

My daughter attends an Anglican school, which is our choice, and which gives her a religious Anglican education. Ballarat Grammar does not call its religious subject 'religious education' or 'religious instruction'; it is called 'beliefs and ethics' which really is what religion is about. My daughter gets an enormous amount of information and history, especially on ethics and belief systems across all religions in the history of our time.

During the discussion of the bill, including during last year, there have been something like 196 separate petitions presented to the Parliament, with over 15 000 signatures, which have requested the government not to interfere with the choice of religious instruction or ethics and beliefs in our schools. I certainly support that stand by many in my electorate who are passionate about the right of a student to participate in ethics and beliefs, or religious instruction, in a school.

The choice of where a parent sends their child to school is another aspect of the bill. Choice is very important in education. Under the bill, there is a new body to be established called the Victorian Registration and Qualifications Authority which will register all schools, training providers, all non-university higher education providers as well as monitor home-schooling. This authority is going to be powerful. It must be satisfied that schools and providers offer a minimum standard, but there is no detail as to what that minimum standard will be. There is no detail as to how those standards will be monitored; that concerns home-educators.

As I have said, there has been a lot of apprehension and concern by home-schooling parents as to the full implications of the new regulations to come in under the bill. Despite the government's assurances that the impact of the bill and regulations will only be 'light touch' — the government's description — they are not satisfied. They are concerned that parents may be charged — —

Business interrupted pursuant to sessional orders.

Sitting continued on motion of Mr LENDERS (Minister for Finance).

Ms HADDEN (Ballarat) — I lost a number of seconds there, Acting President. Will the clock be restored?

The ACTING PRESIDENT (Mr Smith) — Order! No.

Ms HADDEN — What a shame. I have been gagged again. I only get 15 minutes.

Ms Romanes interjected.

Ms HADDEN — No, I am just stating a fact, Ms Romanes. I have no chips on my shoulder. The fact is that I am being gagged and have lost time.

The bill does not provide for representation of non-government schools on this new, very powerful body, the Victorian Registration and Qualifications Authority (VRQA). That concern has been expressed by the Association of Independent Schools of Victoria as well as the Catholic Education Commission Victoria. Those two bodies make a very real and valuable contribution to education in this state. They should certainly be recognised as legitimate providers of education and education services and should each have a position on this authority, as should home-educators if that is their wish.

The Association of Independent Schools of Victoria submitted a recommendation to the government that it be enshrined in law that religious non-government schools be allowed to advocate their religion. It also recommended that the VRQA should formally recognise the independent nature of these schools. Of course neither of these recommendations has been accepted by the government.

In relation to home-schooling I will start by referring to one of many letters to the Ballarat *Courier*. This one, which is from Daniel Briggs, was published on 25 March 2006. It was headed 'Education forum a sop

to parents', and it criticised the government's lack of real consultation with parents, saying:

The 'consultative' forum was devised by the government as a sop to home-educators for not being adequately consulted in the drafting of the bill, and we were appalled at its high-handed and dismissive approach actively relayed by Liz Beattie, the parliamentary secretary of education.

Referring to the Parliamentary Secretary for Education, the member for Yuroke in the other house, the letter goes on to say:

She was then contradicted by her own aide when she incorrectly claimed the education minister was currently responsible for home-educated students.

The letter goes on to criticise the Parliamentary Secretary for Education's claim that the bill is light-touch legislation, saying that the parliamentary secretary:

... wouldn't explain why it introduces harsh criminal and monetary offences for any parents deemed not to comply with its new imposed curricula.

All present agreed the current system works well, so why the change, Mr Bracks?

Mr Briggs is quite right. There is not a light touch in this bill; the penalties are pretty severe. They are set out in part 4.7 of the bill under the heading 'Offences'. The penalties for not complying with the authority, registration requirements et cetera are 60 penalty units for an actual person and 300 penalty units for a body corporate. So it is certainly not light touch. The bill speaks for itself.

The majority of home-educators who have made submissions to me or other members of Parliament want the bill to be redrafted so that the requirements for home-education are in line with the existing Education Act's requirement that parents provide regular and efficient instruction without reference to a statutory authority — that should not be too difficult for the government to implement, I would have thought.

It is important that we do not alienate the something like 15 000 home-educated students in this state. That is exactly what the government seems to be doing at the moment. Of course it could be generous, fair and democratic and vote and support the amendments circulated by The Nationals and the Liberal Party. I do not think it will do that, but it would be nice if it did. It would show that it really is listening to home-educating parents in this state.

An honourable member interjected.

Ms HADDEN — Yes, I got lots of emails. I also got emails from Mr Crutchfield, the member for South Barwon in the other place, and Mr Helper, the member for Ripon in the other place. I think the Premier should have called them both in and given them a lesson on propriety, professionalism and spelling.

I have had many emails, personal representations and letters from home-educating parents in my electorate. They were listened to. What a job! I commend them! I reckon they deserve a gold medal. I say that to Minister Madden who is at the table — a gold medal for educating their children at home. I must say as a former lawyer who practised in a number of jurisdictions and courts across the state, I never in my 15 years of legal practice came across a home-educated child who had committed a criminal offence. I will place that on the record. I believe this bill in relation to the regulation of home-educated students is over the top. It is a form of controlling parents in their homes and in their wishes to home-educate their children efficiently. It is also, I believe, a form of revenue collection. That is what it is going to be — a form of revenue collection as well. I have concerns about those areas in the bill and a number of others but I am running out of time. I hope the Legislation Committee can refine the bill so that the 15 000-odd students in this state who are being home-educated are actually looked after by our Parliament.

Ms ROMANES (Melbourne) — I feel privileged to rise to speak on the most significant reform of education and training legislation since 1872. The legislation we are dealing with in the house this afternoon represents a rewriting and bringing together of eight major pieces of legislation which together endeavour, as it says in the beginning of the bill, to provide for a high standard of education and training for all Victorians.

I would like to congratulate the Minister for Education and Training, the Honourable Lynne Kosky in the other place, for conducting a thorough review process over a period of time which has led to the production of a substantial, cohesive and comprehensive piece of legislation for the education and training sector. I would also like to congratulate the minister on the job she is doing and has been doing for some years in her education portfolio. Mr Koch's earlier comments about growth patterns in certain parts of the west of Victoria and the Lara area, which would indicate a need for an extension of Lara Secondary College, bring my attention to the announcement the minister made earlier today that obviously Mr Koch was not aware of at the time he made the comments.

Just to show that the government is getting on with the job and is many steps ahead of the opposition, there was a media announcement today from the Minister for Education and Training saying that Lara Secondary College will be expanded to cater for years 7 to 12 students by 2008. That is an exciting announcement; it gives certainty to the community at Lara that there will be upper secondary education for their young people, the students in that area. It is a reminder that since the Bracks government came to office 45 new and replacement schools have been built, funded or are under construction in addition to the hundreds of major building projects undertaken across the state as well as ongoing maintenance.

At the beginning of 2005 discussion papers were circulated relating to the review of education and training legislation, school governance and the role of school councils. As a local member of Parliament, along with the member for Brunswick in the other place, Carlo Carli, I took the opportunity to hold two workshop sessions in April and May last year at Brunswick town hall. We had over 30 people at one session and around 40 at the other. They consisted of interested parents, educators, students, councillors from the City of Moreland, parents associations and generally interested members of the public.

As well as being organised by the two of us as local members, the forums were sponsored by the Moreland City Council. The mayor at the time, Mark Higginbotham, gave an opening address and encouraged workshop participants. He linked his family to the education minister responsible for the free, secular and compulsory framework which was set in place in 1872 and which provided such a strong foundation for education in this state — a foundation which has been enduring and has stood the test of time.

Mark Higginbotham also spoke strongly of the support of Moreland council for forums such as the ones we were conducting, which brought members of the community together to talk about education and training issues. The council believes in the importance of education and training in every community. We are aware that the longer young people stay at school, the more likely they are to acquire skills and life tools to do better in their life pathways and to minimise harmful risk factors.

At the forums, project directors Michael Kane, Lesley Foster and Helen Clarke spoke to the groups about the need to modernise and find an appropriate degree of regulation and a new framework to meet current community expectations, one which would provide flexibility to deal with what is now a more complex

society with educational needs that we need to respond to in a whole range of ways. We are a more diverse community of different cultures, backgrounds and faiths with a wide range of incomes, personal resources and supports. There is also a need to reconsider what sort of input there should be from communities into the operation of schools and the relationship of schools to their broader community. There is also a need to provide the flexibility to enable innovation into the future in this sector.

In preparation for this debate today I looked back on our submissions to the minister following the workshops, and the responses we gave to the eight key questions that were posed at those workshops. In retrospect I was impressed by our collective wisdom and the cautious approach of participants as well as the understanding of those gathered there, that some of the questions posed in the discussion papers were quite thorny issues which demanded much knowledge and experience from those in the Department of Education and Training and the minister's office to resolve and put forward as helpful legislation for the future.

As members here know, the white paper was released in September 2005 and an exposure draft of the bill was released in December of that year. The bill is an excellent outcome of the work of the last year or two. It goes to the nub of the more difficult and controversial matters that needed to be resolved. It sets priorities and guiding principles for the years ahead, and a substantial and cohesive framework and system to serve the community, parents and students into the future.

The participants who came to the workshop at Brunswick town hall early last year would be pleased if they had the bill in front of them to see what the key outcomes were and the changes captured in the new legislation. As previous speakers have mentioned, those changes are outlined at the start of the bill and on pages 8 to 19 of the white paper, and I will not reiterate them because they have been the subject of widespread discussion up to now.

However, there was one area of difference. Those of us who met at Brunswick town hall put forward a view about the issue of choice and whether it should be included as a principle in legislation. The conclusion reached by that group was that it should not be enshrined as a principle in legislation.

Those who have drafted the bill that we are dealing with before the house have included choice as a principle in legislation, and have done so for a number of reasons. One of those is that although the neighbourhood school remains the cornerstone of

communities, and the choice of many parents, and it has certainly been the case for my own family, where our children had wonderful educational experiences at our local community schools — Princes Hill Primary School and Princes Hill Secondary College — the reality is that parents and students do choose between a whole range of different options, between government and non-government schools, between individual government schools and between individual non-government schools, and further to this, parents and students choose between formal schooling and non-formal educational settings as well as between training providers.

I accept that if the legislation is to be updated to reflect 21st century education, then it does need to acknowledge the diversity of choices within and across each sector. Of course we also need to acknowledge that choice is dependent very much on the geographic and economic circumstances of the family, and that is why the Bracks Labor government is determined to ensure that all schools and providers, through the standards that are set within this legislation and through the resources and programs provided in education and training, should be of a high quality. To ensure this the bill establishes a new regulatory authority to ensure minimum standards for all school and post-school providers throughout the state.

One final matter that I want to mention is the role of school councils in school improvement, which is addressed in the bill. There is attention in the bill to expanding the objectives of school councils, to ensure that school councils are given the mandate to provide oversight and support for their schools, because they do play one of the most vital roles in our community. That role is to monitor overall school performance, and to input from local communities into the activities, aims, objectives and functions of schools. School councils can make an enormous difference to the standing of a school in a local community and to the activity of those schools.

With those few words, I am pleased to support the bill before the house, and I wish it a speedy passage.

House divided on motion:

Ayes, 23

Argondizzo, Ms	Mitchell, Mr
Broad, Ms	Nguyen, Mr
Buckingham, Mrs	Olexander, Mr
Carbines, Ms	Pullen, Mr
Darveniza, Ms	Romanes, Ms
Eren, Mr	Scheffer, Mr
Hilton, Mr	Smith, Mr (<i>Teller</i>)
Hirsh, Ms (<i>Teller</i>)	Somyurek, Mr
Jennings, Mr	Theophanous, Mr

Lenders, Mr
Madden, Mr
Mikakos, Ms

Thomson, Ms
Viney, Mr

Noes, 12

Brideson, Mr
Coote, Mrs
Dalla-Riva, Mr
Davis, Mr D. McL.
Davis, Mr P. R.
Forwood, Mr

Hadden, Ms
Koch, Mr
Lovell, Ms (*Teller*)
Rich-Phillips, Mr
Stoney, Mr
Vogels, Mr (*Teller*)

Motion agreed to.

Read second time.

Referred to Legislation Committee.

VALUATION OF LAND (AMENDMENT) BILL

Introduction and first reading

Received from Assembly.

**Read first time on motion of Hon. J. M. MADDEN
(Minister for Sport and Recreation).**

ROAD SAFETY (DRUGS) BILL

Introduction and first reading

Received from Assembly.

**Read first time on motion of Ms BROAD (Minister
for Local Government).**

ADJOURNMENT

Mr LENDERS (Minister for Finance) — I move:

That the house do now adjourn.

Local government: delegation powers

Hon. J. A. VOGELS (Western) — I raise an issue for the Minister for Local Government, Ms Broad. The issue concerns the delegation powers of councils. Section 98(1) of the Local Government Act, which is headed 'Delegations', provides that a council:

... may by instrument of delegation delegate to a member of its staff any power, duty or function of a Council under this Act or any other Act ...

Furthermore, section 98(6) provides that:

A Council must review within the period of 12 months after a general election all delegations which are in force and have been made by the Council under sub-section (1).

It is sometimes difficult for members of the general public — that is, ratepayers — to understand that a planning decision, for example, is made by a council officer. They approach their local councillor for help but are informed, 'Sorry, I cannot help. The authority has been delegated to council staff'.

Personally, I do not have a problem with the powers of delegation, but it is important that due process is observed. Councils need to be mindful that ratepayers vote for councillors to stand up and debate their issues of concern, especially in planning matters. Operating under a system of full delegation can be seen by ratepayers as a cop-out.

The action I seek from the minister is that the Office of Local Government remind councils that their powers of delegation need to be reviewed within 12 months of an election. We know that elections were held about six months ago, and it is my understanding that some councils still have not renewed their powers of delegation. I ask the minister to make councils aware of this requirement and ensure that those that have not done so follow due process and abide by the act.

Olympic Park: rectangular sports stadium

Hon. J. G. HILTON (Western Port) — I raise a matter for the attention of the Minister for Sport and Recreation, the Honourable Justin Madden. The matter relates to the redevelopment of Olympic Park. I welcome the terrific news released today of the approval of the final design. The action I request of the minister is that he inform me when the redevelopment work is going to commence.

Olympic Park was developed initially as a support facility for the Melbourne Olympic Games, hence the name. It was also used as a warm-up facility for the Commonwealth Games. My involvement with Olympic Park is as a passionate Melbourne Storm supporter who has not missed a home game in seven years.

The facilities at Olympic Park are basic at best. The eastern stand is rudimentary; the western stand, which contains the corporate entertainment facilities, is hardly any better; and terracing behind the goals is so shallow that unless one is as tall as the Minister for Sport and Recreation, it is impossible to see the far end of the ground. To complete the sporting precinct around the

Melbourne Cricket Ground it is essential that we have a purpose-built stadium designed for sports which are played on a rectangular playing area — that is, rugby league, soccer and rugby union.

I ask the minister to inform me when construction work on Olympic Park will commence. Melbourne Storm will then have a home base which does justice to its reputation as one of the best-supported clubs in the National Rugby League. Go Storm!

Mount Hotham: Wire Plain Hut

Hon. E. G. STONEY (Central Highlands) — I raise an issue for the Minister for Environment in another place regarding the pending demolition of the Wire Plain mountain cattlemen's hut at Mount Hotham by the Mount Hotham Alpine Resort Management Board. Wire Plain Hut was built in about 1962 by Bill Howard, a mountain cattleman. Mr Howard died in 1978 and left the hut's keys with Mr Dick Henning so that people could continue to use it. The hut is locked, but apparently Dick lets people use it whenever they want. A plaque to Bill Howard is located near the hut, and a historical marker locates its existence.

The resort management board has now written to Mr Henning. Its letter states:

As there is no lease, there can now be no legitimate reason for the shed to remain.

I am appalled by the lack of sensitivity and sense of history exposed by the resort management board calling the Wire Plain Hut a 'shed'. It is extraordinary because the design of many chalets on Mount Hotham and Dinner Plain are modelled on mountain cattlemen's huts, some of them using iron and hut styling to great effect.

Putting that aside, there are issues that need to be made public and debated. The Wire Plain Hut is a cattlemen's hut and not a shed. The hut is locally significant, as identified in the Butler report. For the hut to be included on the heritage register it must be identified by the local authority — which wants to pull it down. There is a question as to who is the landlord, the Department of Sustainability and Environment or the resort management board. The resort management board has given Dick Henning, the key-holder, until 31 May to level the hut. Otherwise it will level the hut and charge Mr Henning, which is appalling in itself.

The Victorian High Country Huts Association newsletter states:

With the strong possibility that the Wire Plain Hut would contain asbestos the VHCHA cannot take on responsibility

for the hut as removal of asbestos is well beyond the financial resources of the association.

I understand that this association would take some responsibility for the hut if it was rendered safe. The resort management board could easily do that but I heard it just wants to build a car park on the site.

The plight of Mr Henning, who is faced with paying to pull this thing down, and the clouded future of the hut has been drawn to my attention by renowned alpine educator and historian Ian Stapleton, of Harrierville. I ask the minister to stop the resort management board from levelling this historic hut and charging the key-holder for the work, and instead to instruct it to render the hut safe and work with the VHCHA and Mr Henning to protect what little genuine cattlemen's history is left around Mount Hotham.

Planning: Knox venue

Hon. C. D. HIRSH (Silvan) — I want to raise a matter for the attention of the Minister for Planning in another place, Rob Hulls. I want the minister to investigate why the Knox City Council failed to make a timely decision on a planning matter of great importance to the residents and traders of Boronia. A planning application was sent to Knox City Council seeking to establish an adult entertainment venue — what is colloquially known as a strip club — in the Boronia shopping centre. The council had 60 days to make a decision but failed to consider the application within that time frame. This means that the council has missed the boat and the applicant can take the matter directly to the Victorian Civil and Administrative Tribunal.

A strip club is a totally inappropriate facility for the Boronia shopping centre. There are houses within about 100 metres of the proposed venue, which is to be in the middle of a family shopping centre. To boot, the applicant makes absolutely no provision whatsoever in the application for parking. One of the problems with establishing such a club is that it may attract a series of undesirable elements who may want to hang around the shopping centre. That is not good for Boronia residents, many of whom are older people and many of whom have families. Boronia Primary School in Rangeview Road is within 1 kilometre of the shopping centre. One of the local churches is just up the road. The youth centre is 50 metres away and the local community centre is just across the railway line.

A problem may be that the ward councillor, Cr Jim Penna, does not live in the ward. He lives some kilometres away in Wantirna South, where he keeps a close eye on the development of EastLink. Therefore he

would not have a personal concern for his family with the possibility of a strip club being established in Boronia and the undesirable elements it might attract. Cr Penna failed to ensure that the planning application for the strip club was heard by the council in time, and he failed to ensure that it was rejected by the council. I think he was so busy concentrating on Wantirna South issues that he did not notice the issue in Boronia. As I said, I want the minister to investigate and advise me why this apparent inefficiency in the council's planning responsibilities occurred.

Wind energy: Bald Hills

Hon. D. McL. DAVIS (East Yarra) — My adjournment matter is for the attention of the Minister for Environment, John Thwaites, in the other place. It concerns the national recovery plan for the orange-bellied parrot 2006–10. This is a draft but very important plan for the orange-bellied parrot recovery team. I quote from the foreword of the plan document:

The orange-bellied parrot is an Australian icon in terms of a national conservation effort for a highly threatened species. It exemplifies an outstanding effort by four states and the Australian government in working together to conserve a species which knows no state boundaries and yet is reliant on the resources within each of those states for its survival.

The orange-bellied parrot, or OBP —

as it is known —

... is an ideal test for governments and the private sector to put real meaning into the often-quoted term 'sustainable development'.

People will understand why I am quoting those words in the context of the response by the Bracks government to federal environment minister Ian Campbell's decision yesterday to block the 52-turbine development at Bald Hills because of the endangered status of the OBP.

This foreword by Peter Brown, a very respected individual, says:

With such a small population the OBP could easily be forced into extinction through changes to its environment. Its welfare is a substantial test for those who plan developments within its breeding and migratory range to ensure it is not adversely affected.

The foreword goes on to say:

This recovery plan is the fourth plan for the OBP and includes the actions required to assist its conservation for the next five years.

He made some very pertinent comments here, saying, for example:

...including the unprecedented proliferation of development proposals for establishing wind farms throughout its entire range outside the breeding habitat. Cumulative impacts of large numbers of wind turbines are difficult to predict. It is to be hoped that the planners have got it right.

I would argue that in Victoria the planners may well have not got it right. It may have required intervention in the case of Bald Hills — —

The PRESIDENT — Order! On the adjournment debate members do not put arguments for debate, but raise matters for action by ministers.

Hon. D. McL. DAVIS — Absolutely, President. What I am doing is explaining some background so that the minister understands the importance of the recovery plan in light of my request for his action.

The PRESIDENT — Order! Putting a position, as the member just has, gives an opportunity for other members to rebut it, which means it is a debating point. That is not acceptable in the adjournment debate. I ask the member to be cognisant of that.

Hon. D. McL. DAVIS — Thank you, President, for your guidance. The recovery plan makes significant reference to the risks of wind farms and indicates the very small populations of the OBP it places at risk. In this context I ask the Minister for Environment to intervene under what state powers he has got to advocate to his state colleagues, the Premier and the Minister for Planning, to ensure that no wind farms impinge on the recovery plan and to get on with support of the draft recovery plan, including allocating financial support.

Box Hill: town hall redevelopment

Hon. H. E. BUCKINGHAM (Koonung) — I direct my adjournment matter to the Minister for Victorian Communities in another place. My issue is to do with the redevelopment of the Box Hill town hall. As a former councillor and mayor of the City of Whitehorse I am enormously interested in this redevelopment, which is supported by the council, the current mayor, Cr Sharon Ellis, and the previous mayor, Cr Robert Chong.

Box Hill town hall is a majestic building, old and stately at the front with a more modern office and annexe space behind. The town hall is in a great position. It is centrally located near the Box Hill library, Box Hill TAFE, the Box Hill central shopping centre and business district, and the public transport system. It

has easy access to trains, trams and buses. The redevelopment of the town hall will see the creation of a community hub, an arts space and refurbishment of the old town hall space and amenities.

The community hub will be located in the newer annex buildings at the rear of the building and bring together more than 14 community groups as diverse as the Louise Multicultural Centre, the Eastern Volunteer Resource Centre, the Box Hill Historical Society — of which I am a member — Box Hill U3A and the Gateway local learning and employment network, amongst others. Those community groups are currently housed in various locations throughout the city.

The new facility will provide a complementary mix of services where community groups can meet and people can gain information about council and community services, where bookings for community facilities and community events can be made and where people can attend seminars, classes and other recreational activities.

The action I am seeking is for the minister to consider supporting this most important development. I congratulate the work of councillors and Whitehorse management — the chief executive officer, Noelene Duff, Terry Wilkinson, Helen Killmier and Julie Lyon. I look forward to seeing this much-needed redevelopment eventuate.

Rural Ambulance Victoria: administration

Ms HADDEN (Ballarat) — My adjournment matter this evening is for the Premier. It is to do with Rural Ambulance Victoria, a very important organisation for country Victorians, especially in my electorate of Ballarat Province.

I will not belabour the point, but in brief over at least 12 months there have been many complaints to me from constituent employees of Rural Ambulance Victoria, and we have seen, heard and read this played out in the Melbourne media and the Ballarat *Courier* as well, where there continue to be myriad complaints about alleged bullying and harassment in the workplace, alleged cover-ups and problems with staffing levels, especially in relation to qualified paramedics and volunteers and the staffing of the ambulances on duty.

The complaints have got to the stage where I believe the Premier needs to take decisive action that involves an open and accountable fully independent investigation. I say 'investigation' because the complaints are very serious. They come from a handful

of my constituents who have come to me with their personal experiences as employees.

As we know, I was a part of the government that enshrined the independence of the Auditor-General in the Constitution Act 1975. I believe the Auditor-General is the only independent person in this state who can conduct a fully open investigation into Rural Ambulance Victoria. I ask the Premier if he will immediately refer an investigation into Rural Ambulance Victoria to the Auditor-General.

Responses

Hon. J. M. MADDEN (Minister for Sport and Recreation) — Mr Vogels raised the matter of the delegation of powers through local government. I will refer this to the Minister for Local Government.

Mr Hilton raised the matter of the rectangular pitch stadium and requested information in relation to its completion date. I am happy to provide him with that in written form.

Mr Stoney raised the matter of the Mount Hotham mountain cattlemen's hut. I will refer that to the Minister for Environment in the other place.

Ms Hirsh raised the matter of Knox City Council and a planning matter at the Boronia shopping centre. I will refer that matter to the Minister for Planning in the other place.

Mr David Davis raised the matter of the orange-bellied parrot. I will refer that to the Minister for Environment in the other place.

Mrs Buckingham raised the matter of the Box Hill town hall. I will refer that to the Minister for Victorian Communities in the other place.

Ms Hadden raised the matter of Rural Ambulance Victoria. I will refer this to the Premier.

Motion agreed to.

House adjourned 5.14 p.m. until Tuesday, 2 May.

