PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-SIXTH PARLIAMENT

FIRST SESSION

Friday, 9 May 2008

(Extract from book 6)

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By authority of the Victorian Government Printer

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Select Committee on Gaming Licensing — Mr Barber, Mr Drum, Mr Guy, Mr Kavanagh, Mr Pakula, Mr Rich-Phillips and Mr Viney.

Select Committee on Public Land Development — Mr D. Davis, Mr Hall, Mr Kavanagh, Mr O'Donohue, Ms Pennicuik, Mr Tee and Mr Thornley.

Standing Committee on Finance and Public Administration — Mr Barber, Ms Broad, Mr Guy, Mr Hall, Mr Kavanagh, Mr Rich-Phillips and Mr Viney.

Standing Orders Committee — The President, Mr Dalla-Riva, Mr P. Davis, Mr Hall, Mr Lenders, Ms Pennicuik and Mr Viney.

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Environment and Natural Resources Committee — (*Council*): Mrs Petrovich and Mr Viney. (*Assembly*): Ms Duncan, Mrs Fyffe, Mr Ingram, Ms Lobato, Mr Pandazopoulos and Mr Walsh.

Family and Community Development Committee — (*Council*): Mr Finn, Mr Scheffer and Mr Somyurek. (*Assembly*): Mr Noonan, Mr Perera, Mrs Powell and Ms Wooldridge.

House Committee — (*Council*): The President (*ex officio*), Mr Atkinson, Ms Darveniza, Mr Drum, Mr Eideh and Ms Hartland. (*Assembly*): The Speaker (*ex officio*), Ms Beattie, Mr Delahunty, Mr Howard, Mr Kotsiras, Mr Scott and Mr K. Smith.

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Scrutiny of Acts and Regulations Committee — (*Council*): Mr Eideh, Mr O'Donohue, Mrs Peulich and Ms Pulford. (*Assembly*): Mr Brooks, Mr Carli, Mr Jasper, Mr Languiller and Mr R. Smith.

Heads of parliamentary departments

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FIFTY-SIXTH PARLIAMENT — FIRST SESSION

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Kronberg, Mrs Janice Susan	Eastern Metropolitan	LP	Viney, Mr Matthew Shaw	Eastern Victoria	ALP
Leane, Mr Shaun Leo	Eastern Metropolitan	ALP	Vogels, Mr John Adrian	Western Victoria	LP

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FRIDAY, 9 MAY 2008

Friday, 9 May 2008

The PRESIDENT (Hon. R. F. Smith) took the chair at 9.33 a.m. and read the prayer.

PAPER

Laid on table by Clerk:

Crown Land (Reserves) Act 1978 — Minister's Order of 18 April 2008 giving approval to the granting of a licence at Dromana Foreshore Reserve.

BUSINESS OF THE HOUSE

Adjournment

Mr LENDERS (Treasurer) — I move:

That the Council, at its rising, adjourn until Tuesday, 27 May 2008.

Motion agreed to.

CHILDREN'S LEGISLATION AMENDMENT BILL

Statement of compatibility

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

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

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

Overview of the bill

The bill amends the Children's Services Act 1996 and the Child Wellbeing and Safety Act 2005. The amendments relate to the licensing and regulation of children's services and provision for a kindergarten principle for children.

Human rights issues

Collection of information — privacy

A number of provisions of the bill require the collection and/or provision of information, some of which may be of a personal nature.

In particular, in applying for a licence under proposed sections 15 or 16, an applicant is required to disclose certain information, including prescribed information (see proposed section 18). The information required to be provided may include information directed at satisfying the secretary that the applicant is a fit and proper person for the purposes of section 22, such as information in relation to the person's criminal history, financial history, character, honesty and integrity. Whilst this may well interfere with a person's privacy and/or freedom of expression the provisions are necessary to respect the rights of children by ensuring that only fit and proper persons are granted licences, and cannot be regarded as unlawful or arbitrary.

Proposed section 53B enables the secretary to publish certain information about a children's service. It is questionable whether there would be any real expectation as to the privacy of that information so as to engage the right to privacy. However, to the extent it may be engaged, any interference is lawful and is not arbitrary. It is appropriate to make such information public and the decision to publish information most likely to engage the right to privacy (that in subsection (1)(e) or (1)(f) is subject to a review procedure).

Medical, psychiatric and other testing — privacy

Clause 8 of the bill inserts a new section 24 which enables the secretary to require an applicant for a licence to submit to medical or psychiatric examination.

These provisions involve an interference with a person's privacy, as protected by section 13 of the charter. However, the interference is lawful and is not arbitrary as it is directed at determining the suitability of the person to operate, manage or control a children's service.

Discipline of children — cultural rights

Clause 12 of the bill prohibits the use of any form of corporal punishment by family day carers. There is no exception. The United Kingdom House of Lords has considered a challenge by a number of teachers and parents of children at Christian schools to the total prohibition of the use of corporal punishment in schools: *R. (Williamson) v. Secretary of State for Education and Employment and Others* [2005] 2 AC 246. The House of Lords considered that the total prohibition amounted to a limit on the claimants' rights to practise their religion, but that it was justified. Given the potential harm that can result from the infliction of physical violence against young children, I consider that an absolute ban on corporal punishment best protects the interests of children. Accordingly, to the extent it could limit religious or cultural beliefs, and for the reasons set out in Williamson, I consider that any such limitation is reasonable and justified for the purposes of section 7(2) of the charter.

Notification of serious incidents

Clause 14 inserts a new provision, section 29C, which requires that proprietors of children's services notify the secretary of incidents involving death or injury to a child or if a child appears to be missing or otherwise cannot be accounted for, or of any prescribed serious incident. These provisions engage the right to freedom of expression in section 15 and the privilege against self-incrimination in section 25(2)(k) of the charter.

Freedom of expression

Section 15(2) of the charter provides that every person has the right to freedom of expression. This includes the right not to express. However, section 15(3) provides that the right may

be subject to lawful restrictions reasonably necessary to respect the rights of others. In this case, the provisions are necessary to ensure the safety and wellbeing of children in children's services. Accordingly, I consider that the provisions are compatible with the right to freedom of expression.

Self-incrimination

It is possible that the provision of this information will also disclose a criminal offence. Section 25(2)(k) of the charter provides that a person charged with a criminal offence is entitled not to be compelled to testify against himself or to confess guilt. At the time the person is required to provide the information he/she will not have been charged with an offence. On this basis the right in section 25(2)(k) of the charter would have no application. Similar rights in other jurisdictions and the broader right to a fair trial have been interpreted to provide some limited protection at the investigation stage. However, those protections have not extended to the type of mandatory reporting required under these provisions.

Accordingly, I consider that the privilege against self-incrimination is not engaged. However, even if it were, any limit would be reasonable and justified as it is clearly important that the authorities be notified of such incidents, to ensure the best interests of children are protected.

Powers of entry and search — privacy

Section 36 of the principal act empowers authorised officers to enter and search premises for the purpose of ascertaining whether the act is being complied with. The powers extend to the seizure of items and documents, and the taking of video and photographs of the premises. Clause 22 enables those powers to be used for monitoring compliance with regulations and sets out the premises that can be entered. In the case of a family day care service at a residence, the power of entry extends to any part of the carer's residence that the authorised officer believes on reasonable grounds is being used to provide the care or education. However, the entry is limited to the hours when the care or education is being provided.

Clause 24 amends section 38 of the principal act and empowers authorised officers to enter premises where there are reasonable grounds for suspecting that there is evidence on the premises of the commission of an offence against the act. This power also extends to parts of a family day carer's residence that are used to provide care or education to children on behalf of a family day care service.

Section 13 of the charter provides that a person has the right not to have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with. In some cases, the exercise of the powers in clauses 22 and 24 will interfere with a person's privacy, home or correspondence. However, such interference is lawful and is not arbitrary. The powers in clause 22 are necessary to monitor compliance with the regulatory scheme and are limited to that purpose. In addition there are a number of protections contained in the act, including a limit on the hours when the powers may be exercised at services operating at the carer's residence; the return within 48 hours of documents and items seized; and a limit on the exercise of such powers at unlicensed premises without the consent of the occupier. The powers in clause 24 are necessary to ensure the detection and prosecution of offences against the act, which are necessary to ensure the protection of children in family day care services.

Accordingly, I consider the provisions are compatible with section 13 of the charter.

Provision of information for monitoring compliance

Clause 23 inserts a new provision enabling authorised officers to require provision of information for the purpose of monitoring compliance with the act or regulations.

Section 25(2)(k) of the charter provides that a person charged with a criminal offence is entitled not to be compelled to testify against himself or to confess guilt. At the time the person is required to provide information he/she will not have been charged with an offence. On this basis the right in section 25(2)(k) of the charter would have no application. However, similar rights in other jurisdictions and the broader right to a fair trial have been interpreted to provide some limited protection at the investigation stage.

Even so, the rights have not been extended so far as to protect persons from providing information necessary for the monitoring and enforcement of compliance in relation to a regulatory regime. In accepting a licence, a person is presumed to know, and to have accepted, the terms and conditions associated with the licence, including the provision of information to monitor compliance with those terms and conditions. Section 42 of the act ensures the privilege against self-incrimination is preserved in the event the powers are used for the purpose of determining whether a criminal offence has occurred.

Provision of information for the purpose of investigations

Clause 27 inserts a new provision, section 42A, which enables the secretary to require current and former licensees, nominees and staff members of children's services to provide information, documents and evidence relating to serious offences. Subclause (1)(c) enables the secretary to require the person to appear before him or her to give evidence or produce documents. Subclause (4) provides that a person cannot refuse to provide the information on the grounds that it may incriminate him or her. However, subclause (5) provides that, in the case of natural persons, answers cannot be used against the person in criminal proceedings. These provisions engage the right to freedom of movement in section 12, the right to free expression in section 15, and the privilege against self-incrimination in section 25(2)(k) of the charter.

Freedom of movement

Every person lawfully within Victoria has the right to move freely within Victoria and to enter and leave it, and has the freedom to choose where to live.

The right to move freely within Victoria is not dependent on any particular purpose or reason for a person wanting to move or stay in a particular place. It encompasses a right not to be forced to move to, or from, a particular location. The right includes freedom from physical barriers and procedural impediments.

To the extent that a person is required to appear before the secretary under these provisions then the person's freedom of movement is limited.

However, the limit upon the right is clearly reasonable and justifiable in a free and democratic society for the purposes of section 7(2) of the charter having regard to the following factors:

(a) The nature of the right being limited

The right to move freely within Victoria encompasses a right not to be forced to move to, or from, a particular location and includes freedom from physical barriers and procedural impediments.

(b) The importance of the purpose of the limitation

The limitation is important because it provides the secretary with the power to obtain information necessary for it to efficiently regulate children's services. The ability to secure the presence of a person to provide information is essential to the effective administration of the secretary's functions in licensing and regulating children's services.

(c) The nature and extent of the limitation

The provisions limit a person's freedom of movement to the extent that a person may be compelled to be physically present before the secretary at another location for a specified time for the purpose of giving evidence or producing documents.

(d) The relationship between the limitation and its purpose

The limitation on the free movement of a person by requiring the presence of the person before the secretary is directly and rationally connected to the purpose of ensuring the effective administration of the secretary's functions.

(e) Less restrictive means reasonably available to achieve the purpose

There are no less restrictive means of achieving this purpose.

The limitation is reasonably justified under section 7(2) of the charter. Accordingly, I consider that clause 27 is compatible with section 12 of the charter.

Free expression

Section 15(2) of the charter provides that every person has the right to freedom of expression. This includes the right not to express. However, section 15(3) provides that the right may be subject to lawful restrictions reasonably necessary to respect the rights of others and for the protection of public order. Public order can be defined as the sum of rules that ensure the peaceful and effective functioning of society. The power to require a person to provide information is in order to assist in the detection and investigation of persons who commit serious offences in relation to children's services. This is necessary to ensure the protection of children. Accordingly, I consider that the provisions are compatible with the right to freedom of expression.

Self-incrimination

Section 25(2)(k) of the charter provides that a person charged with a criminal offence is entitled not to be compelled to testify against himself or to confess guilt. At the time the person is required to provide information to the secretary he/she will not have been charged with an offence. On this basis the right in section 25(2)(k) of the charter would have no application. However, similar rights in other jurisdictions and the broader right to a fair trial have been interpreted to provide some limited protection at the investigation stage.

However, given the protection against the use of the information in criminal proceedings, there is no limit upon the rights. Accordingly, the provisions are compatible with the charter.

Conclusion

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities because to the extent that some provisions do raise human rights issues those limitations are reasonable and demonstrably justified in a free and democratic society.

John Lenders, MLC
Treasurer

Second reading

Mr LENDERS (Treasurer) — I advise the house that there was a minor technical amendment to this bill in the Legislative Assembly. I move:

That the second-reading speech be incorporated into *Hansard*.

Motion agreed to.

Mr LENDERS (Treasurer) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

The bill will provide improved protection for children and families by providing for the enforcement of minimum standards across all early childhood services at a time when children are increasingly spending more time in early childhood education and care settings. This is vital to realising the benefits to individuals and the broader community to be gained from investment in quality early childhood education and care.

Recent research on brain development has highlighted the importance of the early years for the development of a child's intellectual potential. Studies have indicated that experiences in the first five years of life have a profound impact upon educational outcomes, emotional wellbeing and health in later life. There is a need to ensure the future development of children through effective regulation, as good quality early childhood education and care can help the development of children, and provide social and economic benefits to the community in the future.

This bill is being introduced at a time of considerable national interest in early childhood. In particular, the Council of Australian Governments has proposed reforms to early childhood services under the national reform agenda. In 2007 the Victorian government released a report on its policy intentions, *Victoria's Plan to Improve Outcomes in Early Childhood*, as part of the Council of Australian Government's national reform agenda. The plan sets out a framework for reform that includes among its policy directions enhancements to the provision of early childhood education

and care services and the amendments proposed in the bill complement the COAG reform proposals.

The Brumby government is committed to ensuring that all Victorian children are given every opportunity to achieve their full potential. The government recognises that it has an important part to play in supporting parents and service providers to help children to succeed in life and learning.

As the need to balance work, life and family commitments increases, families are requiring more flexible and accessible child care. There has been a significant increase in family day care and outside-school-hours care, services that are not regulated by the current act. In the absence of regulation, the national standards and the commonwealth quality improvement and accreditation system provide quality and operational standards aimed at providing for children's safety and developmental needs. However, these standards are not enforced. Parents are also not able to judge the quality of care their child is receiving in their absence. This has led to peak organisations calling for regulation of these two sectors to ensure that minimum standards for all children's services are monitored and enforced.

In August 2005 the government endorsed the development of regulations for family day care and outside-school-hours care to be included in the current review of the children's services regulations which, after having recently been extended for 12 months, will sunset in May 2009. These two sectors are regulated in most of the other states and, because these sectors are eligible for the commonwealth government's child-care benefit scheme, parents tend to believe these sectors are currently regulated by the Victorian government and have expectations concurrent with that belief. The government's decision to regulate these services has received general support from stakeholders and the community generally.

The bill strikes a balance between applying appropriate safety standards for the care of young children and respecting the privacy of families and the right of parents to make informal arrangements for the care of their children.

The bill contains amendments to include family day care and outside-school-hours care within the scope of the act; streamline licensing processes to reduce the regulatory burden; clarify and improve enforcement powers within the act; extend children's programs to enhance children's development; and provide powers to release information. The government has also taken the opportunity to amend other elements of the act to improve the clarity and efficiency of the act generally.

The substantial amendments in the bill will amend sections 3, 5 and 6 of the act and will replace the provisions relating to licensing of children's services in part 3. It will also amend provisions that deal with operation of children's services in part 4, enforcement in part 5, and funding, administration and regulations in part 6.

Section 3 will be amended to insert new definitions made necessary by the expanded scope of the act and changes to other provisions. Section 5 will be amended to clarify the services to which the act now applies. Section 6 will be amended to remove a redundancy.

Part 3 will be replaced by new sections 9 to 25U, which amend the licensing process to separate the approval of premises for a children's service from the approval of a person to operate a children's service. The current licensing processes in part 3 (sections 9 to 25) are based on the assumption that the person who builds a children's centre will be the person who operates the service and that there will be one licensee for one children's service. Changes in the children's services sector during the last decade mean that this view no longer reflects reality.

The proposed streamlining of the licensing process in replacement part 3 will address the repetition of processes and other inefficiencies in the current licensing system, thereby reducing regulatory burden for licensees. Division 1 sets out in sections 9 to 14 the procedures associated with an approval of premises for operating a children's service. Division 2 sets out procedures for a licence application in sections 15 to 21. Division 3 outlines consideration of whether persons are fit and proper persons to conduct a children's service in sections 22 to 24, and matters to be taken into account and how long the determination will remain in force in sections 25 and 25A. Division 4 sets out details and conditions of a licence in sections 25B to 25H. Division 5 deals with renewals and variations of licences and new approvals in sections 25I to 25M. Division 6 deals with approval of people who are nominated to be acceptable to act in charge of a service and with service venues in sections 25N to 25U.

Amendments aimed at reducing regulatory burden include the creation of new licence types in section 17 and extending the term of licences to five years in section 25H. These amendments will address the inefficiencies in the licensing processes highlighted by the recent trend towards integrated services and the growth of multilicensed operators.

Section 26 in part 4 will be amended to extend the scope of protection that children must receive from a proprietor to include 'harm', not merely hazards, that might cause injury.

New section 26B will elevate programming from the regulations to the act and will stipulate that the program needs to 'enhance' a child's development. The current regulations require a proprietor to provide a program for children that meets their individual developmental needs. This fails to reflect current thinking of the importance of early years experiences on the development of a child's brain. It also does not recognise that staff interactions with children are a key element of the provision of quality programs for children. Section 26B aims to achieve some of these objectives.

New sections 29A to 29C and replacement section 30 will raise requirements that affect child safety from the regulations to the act and raise the levels of the penalties to more accurately reflect the seriousness of the offences. These provisions deal with child-staff ratios, authorisation to administer medication and requirements for notification following a serious incident and for the licensee or nominee to be present at a service at all times. New sections 32A and 32B and replacement section 33 will specify certain administrative requirements.

Amendments to part 5 (sections 36, 38, 41–43 and 46 and new sections 36A, 42A and 43A) will clarify departmental powers with regard to monitoring compliance and investigating suspected contraventions. Powers under the act have recently been challenged in the Supreme Court. These challenges have highlighted several ambiguities, anomalies and limitations in the content of current inspection powers, which undermine the ability of authorised officers to investigate and monitor compliance with the act. The

amendments to part 5 are directed at strengthening and clarifying these powers.

The bill will license family day care services rather than individual carers' premises. Section 36 will be amended to include an authority for authorised officers to enter and inspect premises, or part of premises where family day care is being provided to children. This provision will enable the rights of children to be safeguarded by confirming the ability of authorised officers to enter a family day carer's home, which is also the carer's place of business, to investigate compliance matters.

New section 42A includes a power to require any person involved in the operation of a children's service to answer questions or produce documents for the purpose of investigating a serious offence. Persons will be compelled to provide information, but any evidence obtained will not be able to be used against the person providing it in any civil or criminal proceedings. The amendment will mean that the ability to investigate incidents in some services will no longer be hindered by the privilege against self-incrimination. New section 43A clarifies the power of the secretary to take action, where necessary, during an emergency.

New section 53B in part 6 enables the release of individual service-related information in the act. The information will relate to compliance assessments and action taken by the department against the service for breaches. This will provide parents with information to enable them to make informed choices relating to their child's care. Feedback from parents and most of the peak organisations has indicated support for the release of compliance information.

There are currently many legislative and administrative barriers to sharing information with the public and other government agencies other than the basic licence register, which the secretary is required to make publicly available. Section 53B extends the release of information to other government agencies for the purpose of protecting the health, safety and wellbeing of children and reducing regulatory burden for multijurisdictional providers. It will also permit the provision of information that is reasonably believed to involve a contravention of another act. Before information is released, services will have access to the appeals mechanism in new section 54A to ensure assessments by authorised officers can be reviewed.

The bill will insert in section 5 of the Child Wellbeing and Safety Act 2005 the principle that every Victorian child should be able to enrol in a kindergarten program at an early childhood education and care centre. It is a key priority of the Victorian government to make kindergarten a universal experience for all four-year-olds.

A new schedule to the Children's Services Act will set out savings and transitional provisions that will allow newly regulated services time to come into compliance with the act. These services will be permitted to apply for a provisional licence, to remain in force for a maximum of 12 months. The holder of a provisional licence will be able to apply for a full licence at any time during that period. The provisional licence is designed to allow the services time to adjust to regulation until they are in a position to apply for a full licence.

The bill increases all but three of the penalties imposed by the act, consistent with section 109 of the Sentencing Act 1991. This will also bring the penalties for breaches in line with the other jurisdictions. However, regardless of the increase in penalty units, the financial impost on licensees will ultimately be at the discretion of the courts. The current penalty levels do not reflect the negative impact on children of serious breaches of the legislation. Nor do they reflect the developments in the children's services sector evident by the growth of for-profit multilicensed operators.

Children's health, safety and developmental needs are of particular importance to the Brumby government; therefore the provisions in the bill that increase the penalties relating to significant issues, which pertaining to children's health, safety and developmental needs such as sections 26, 27, 28 and 29, will come into effect at royal assent. This will ensure those services that place children's welfare at risk will face the appropriate penalties as soon as possible.

The purpose of the amendments to the act to include family day care and outside-school-hours care is to bring under regulation all forms of formal children's education and care services; therefore to carry out an unlicensed service will attract a heavy penalty. The penalties relating to this offence in sections 7 and 8 will also come into force at royal assent.

To strengthen the effectiveness of the enforcement provisions immediately the penalties relating to sections 42A(3), 43(4), 43A will also be brought into force at royal assent. This will provide children's services advisers with increased authority to require services to comply with the legislation.

It is proposed that the remaining provisions will come into effect on 25 May 2009 concurrent with the regulations that will replace the extended Children's Services Regulations 1998. In the lead-up to the commencement date, a comprehensive information and training program will inform the services that are entering the regulatory regime of their rights and responsibilities, and allow already regulated services to adapt to the amendments.

In conclusion, I would like to thank all the individuals and the stakeholder organisations who provided valuable input towards the development of this legislation.

I commend the bill to the house.

Debate adjourned on motion of Ms LOVELL (Northern Victoria).

Debate adjourned until Friday, 16 May.

ENVIRONMENT PROTECTION AMENDMENT (LANDFILL LEVIES) BILL

Second reading

Debate resumed from 8 May; motion of Mr LENDERS (Treasurer).

Mrs PEULICH (South Eastern Metropolitan) — Before concluding last night for the day — I am not concluding in the next 2 minutes — I was reminding the chamber of the Labor Party's 1999 election policy called *Greener Cities — Labor's Plans for the Urban Environment*, in which Labor committed to introducing

a comprehensive industrial waste management strategy that will make toxic waste dumps obsolete. In that policy Labor stated that under no circumstances will the Labor government support the disposal of toxic waste at landfill. Dare I say this legislation in that context has got to be seen as prima facie evidence of a big Labor lie — yet another one.

And the lies continue. We all remember that Labor failed to secure a toxic waste facility in Nowingi — a total mismanagement of a process. On 11 March 2004 the member for Lyndhurst in another place, Tim Holding, who is also the Minister for Finance, WorkCover and the Transport Accident Commission and who has been a huge disappointment to the local electorate on so many fronts, dismissed claims that the dumping of prescribed industrial waste would continue at Victoria's main waste facility at Lyndhurst. Just in my little Lyndhurst file, which dare I say probably occupies about a whole drawer of a filing cabinet after streamlining it, is a press release dated 11 March 2004 and issued by Tim Holding, headed 'Holding sets the record straight on Lyndhurst'. It says:

> The member for Lyndhurst and Minister for Manufacturing and Export, Tim Holding, today dismissed claims that dumping of prescribed industrial waste would continue at Victoria's main waste facility at Lyndhurst.

It goes on to say:

> 'Claims have been made that dumping of industrial waste will continue at Lyndhurst for up to 20 years', Mr Holding said.
>
> 'The Bracks government has always said the Lyndhurst site is an unacceptable long-term solution to our industrial waste problems, and that position has not changed …

I know that there is enormous anger with this absolute and unqualified deception of the community because what this bill will mean in terms of increasing of levies is that Lyndhurst will be the site for a larger volume of more toxic waste, class B waste, for a much longer period of time because of this succession of Labor Party failures, firstly, to develop a comprehensive waste strategy, and secondly, to identify a long-term waste contentment facility.

The government did it at the same time as pooh-poohing the Liberal Party policy, which was to reduce and recycle, and of course it trumped that by creating yet another big lie, which was the zero waste policy. The Labor Party's track record on this very important issue has been of a litany of lies to secure cheap votes, and in particular votes and support in Labor heartland. There is a lying to and a deception of the Labor heartland, which I think is absolutely galling. The least the Minister for Finance, WorkCover and the Transport Accident Commission in the other place, Mr Holding, could do is to have the guts to be straightforward with the community that elects him, and to cop it sweet on the chin. Many of us have done it in the past. He has failed to do that, and I hope it diminishes him in stature, despite his prospects in the Labor Party and his being touted as a future Premier. It goes to the heart of credibility. I know it might be very tempting to come to Mr Holding's defence — —

Hon. T. C. Theophanous — When have you copped it on the chin?

Mrs PEULICH — I have copped it on the chin. I have fronted public meetings on decisions that were taken under the Kennett regime, and I have done it on more than one occasion, which is in direct contrast to what Mr Holding has done in his community on this particular issue.

Of course there is enormous passion and enormous concern, and in the committee stage I will ask some of those questions which have been asked of the ministers responsible. I have faith in the current minister, the Minister for Environment and Climate Change, because I believe he is a person who actually has a bottom line of decency, and notwithstanding the shackling of his own party policy and party failures he will try to do his best to improve the outcomes for that community. I understand he is hamstrung and it must be pesky at times. Democracy can be very difficult and very time consuming. However, I am disappointed that he has not responded to the string of correspondence from a number of people in the area including Ms J. Breider of Hampton Park. I hope in time the minister will do so, because there are some manageable issues that I think can be progressed which would go a long way to alleviating some of those concerns, in particular concerns about odours and why the Environment Protection Authority in its audit in 2001 failed to take that into account. Dare I say it is an odour which lingers because in the recently released livability report Lyndhurst was cited in the top 10 of the least livable areas in Australia, and one of the issues cited in that report was odours.

I know that $30 million is being set aside over four years, and I wholly support David Davis's call for this to be hypothecated in some way. This is an opportunity for the minister to make a real long-term difference, and to make sure that issues such as odours are audited and acted upon. There ought be some mandatory buffer. It is not all industrial; it does not all abut industrial areas. There are residential areas that are very close to the facility. There is a house within 50 metres of the facility. There are schools. Nowingi was deemed to be

too close to residential areas even though there was a 9-kilometre buffer. As I mentioned last night, within the Lyndhurst 9-kilometre buffer there are in excess of 200 000 residents and a primary school.

I am sure the minister, being a decent man who is hamstrung by his political party and hamstrung by his political party's failures on this key issue, will make some inroads and some progress on delivering outcomes to the community notwithstanding the failures of the local member. A decent person would do that, and if the minister does not, he will be judged very harshly for it.

Last night I raised concerns about a greater proportion of higher grade toxic waste ending up not only at Lyndhurst but also at other sites such as the Hallam landfill. There are community concerns about that: there are community concerns about the fact that in the initial stages Lyndhurst was established with, despite or in breach of permit conditions issued by the then City of Cranbourne, which no longer exists and has been subsumed by the City of Casey. There is a very disappointing history connected with this facility. The failure to find alternative sites means that the Lyndhurst community has this facility in its backyard for the long term, and it is imperative that the government make a move to address some of those concerns. I will take up some of those issues in the committee stage.

In closing, I emphasise that the crucial area now for the minister to focus on is how the $30 million will be used to more effectively manage Lyndhurst. This has been no more evident than in the last couple of days, as I mentioned, when Terry Ryder named Lyndhurst as a no-go zone and as one of the 13 locations across the nation for property buyers to avoid. The report specifically listed the 180-acre toxic waste tip as one of the reasons why it was selected, but in addition to that it referred to a whole range of unfulfilled promises, including the railway station. The report illustrates that Lyndhurst has a long way to go and, as one of the local members of Parliament, I intend to ensure that the people of Lyndhurst get a better deal than they did when there was no Liberal member having any role in representing it.

A higher grade of hazardous waste will end up in landfills such as Hallam. Last year Mr Tony O'Hara, a resident of Hampton Park, met with the shadow Minister for Planning and me to place on record the concerns of his community in relation to not only Lyndhurst but also other landfills such as Hallam Road, Hampton Park. He was deeply concerned about the imminent closure of the Tullamarine prescribed waste landfill and what that would mean for Lyndhurst. There is no doubt about what it means: with the new regulations effective from 1 July 2007, Victoria's hazardous waste is being deposited into best practice landfills, of which supposedly Lyndhurst is one. I took a tour of it, and I must say that to the naked inexpert eye it seems to be a reasonably professional operation. But of course there are ongoing concerns about where in the 12 pits prescribed waste has been placed, what happened with prescribed waste or toxic waste that was dumped into the pits established earlier and about leachate, as well as what the dangers and effects on the local community's health may well be. Current practices may be best practice, but of course Lyndhurst was the repository of waste that preceded the current technology.

With those few words, let me say I intend to raise some specific questions and ask for specific assurances from the minister in the committee stage. In closing, there has to be an effective balance between society's need to effectively deal with the by-products of its operations — we all understand that — but it has to be done in a way that protects the amenity of the residences and in particular the safety of residents and their families.

Motion agreed to.

Read second time.

Committed.

Committee

The DEPUTY PRESIDENT — Order! As I understand it, no amendments are proposed to be made to the bill and the house has gone into committee to seek further information.

Clause 1

Mrs PEULICH (South Eastern Metropolitan) — I would like to use this opportunity to seek some assurances from the minister, in particular the most basic one — that is, now that this fund is being established and will be collected through the EPA (Environment Protection Authority), is the minister in a position to indicate whether in his priorities there is scope to set aside some portion of those funds for the purpose of addressing and responding to the concerns of the local community, particularly the monitoring of any health issues and the management of odours and their inclusion in audits that are undertaken of the facilities?

Mr JENNINGS (Minister for Environment and Climate Change) — It is my intention to do justice to

every issue that has been raised and put on the record about the concerns about matters that may be raised in the bill. I am very comfortable about responding to all those issues. In fact I am a bit tempted to make a speech for about the next 20 minutes to cover them, but members of the committee may still want to come back and ask for answers.

I say that because it is important that in giving these answers we understand the cumulative framework which we are applying to the notion of dealing with prescribed industrial waste. We need to understand also the cumulative efforts behind the levy we are discussing today, which is the subject of the bill. We need to do that in the context of the construct of programs, the legislation, the regulatory environment in which prescribed industrial waste is treated, how we deal with landfill matters both in terms of the quality and the assurance we can provide for the treatment of the waste and the confidence that that provides to the community. I give that as an introductory framework to the answer because I do not want to be seen to be defensive or dismissive of what is at the heart of Mrs Peulich's question.

The framework that currently exists and our intention to do justice to the issue she has described would not be achieved through the application of the hypothecation of levies, even though it is the intention of the government to hypothecate these levies entirely to secure better environmental outcomes and better environmental performance. Let me put that on the record very clearly: the government will hypothecate the entire funding that will be generated from the levies to try to provide enhanced environmental performance, technological breakthroughs and better ways in which we deal with resource recovery and waste management. That is the determined and committed position of the government. I put my hand on my heart and say that in my life as minister that is what I am determined to achieve.

The framework and funding by which remedies such as those that are at the heart of this specific question need to be accounted for through the ongoing requirements both in terms of performance standards and expectations that would be set in the Environment Protection Authority (EPA) licensing arrangements and the regulatory environment that applies to landfills such as the Lyndhurst landfill and the requirement to satisfactorily meet environmental performance standards and its ability to operate as a good neighbour in the community in which it operates in accordance with its licensing provisions and its regulatory standards. Any remedial or other work that is required to provide for those would come through its own finances.

If a company is not satisfactorily determined — that is, willingly and voluntarily — to comply with those expectations, then of course the EPA holds a bond. It is a significant bond. We are not talking about minor amounts of money. This is a significant performance bond which is held as a part of the licensing performance regime and could be used to remedy these specific circumstances. So there is recourse to substantial financial support to deal with these matters, but that support would come through the stream of the operating environment of the landfill. The safety net provision in the performance bond, specifically included to deal with those issues, and the revenues that would be derived from the levy that was in question at the heart of this bill today will be used in the name of driving resource efficiency, technological change, the reduction of prescribed industrial waste, and the appropriate technologies to deal with that waste going forward.

Mrs PEULICH (South Eastern Metropolitan) — I understand that the minister, probably more than many others, would like to improve the environmental outcomes for the community and manage environmental issues more effectively in relation to this facility, but basically his answer means that it is business as usual in relation to these specific concerns. If it is business as usual, I do not believe that is good enough, because in October 2001 an environmental audit conducted by Scott Edward Maloney of the Environment Protection Authority (EPA) states that the scope for the audit did not include an assessment of emissions to air from the landfill or an assessment of local issues such as odour, traffic and noise. Obviously there are ongoing concerns about toxins being discharged into the atmosphere. I am concerned, firstly, that that issue was initially exempted from the audit, and secondly, to seek assurances from the minister that it will not be exempted in the future, and that through whatever mechanism, we can seek some improvements in this regard by measuring it.

Previous audits have also been found to be lacking in other details. The scope of the audit did not include an assessment of quantities of prescribed waste, except at the site or where it was deposited at the landfill. Also, occupational health and safety issues concerning handling of waste by employees were not included in the scope. The environmental audit did, however, include an assessment of groundwater and surface water management practices and monitoring systems. It found that the condition of groundwater surrounding and beneath landfill is potentially detrimental to the

beneficial uses of that water for agriculture, parks and gardens, stock watering and industrial waste. Given that the Lyndhurst toxic waste facility is located around market gardens, industrial sites and now residential estates, the lack of significant health audits by the EPA, under the control of the minister and the government, should be of concern, and I am asking: notwithstanding the proceeds from the levy, whether there are additional measures — perhaps also funded from part of the levy — that can be used for the purpose of expanding environmental audits at Lyndhurst to capture those matters that have not been captured by the auditor in the past.

Mr JENNINGS (Minister for Environment and Climate Change) — In my professional life I have never been the sort of person who has accepted 'business as usual' as good enough: never. That certainly applies in this instance, too. In terms of driving better outcomes, better performance, better environmental standards and better community engagement I do not believe that we should be complacent. I am certain that the community does not believe we should be complacent, I believe that the Environment Protection Authority (EPA) is interested in continual improvement, and certainly my engagement with it at every turn is consistent with that approach.

I would suggest that in relation to aspects of the auditing arrangements the effective good neighbour performance, beyond the environmental performance, goes to the heart of some of the matters that have been raised in the question. In terms of the funding stream I will stick with my proposition in relation to its foundations. However, the government, through the EPA, supports a fair dinkum community engagement process by which many of these issues would be considered, and the process outlined for these aspects of performance would be incorporated in auditing arrangements, within the monitoring and the performance expectations.

We are keen to give legitimacy and space to those activities, particularly in relation to Lyndhurst in the last little while. Because, as I note from the question, although there might be some lingering concerns about my personal willingness to engage with residents on these matters, I can assure the committee that as recently as in the last fortnight I have had a number of encounters with people from the local community in and around Lyndhurst.

Mr D. Davis interjected.

Mr JENNINGS — I thank David Davis for his interjection. To be perfectly honest, they were encounters that came out of meetings. I am not the sort of minister who disappears after a meeting; I quite often linger to enable people to give me their full two bob's worth. I have encountered two bob on a number of occasions recently in relation to these matters — and it will not be the last time. One of the things that unite members on both sides of the chamber on this issue is the desire to allay community concerns, to engage the community in these issues and to have continual improvement.

In terms of the financial arrangements, I will stick to my first answer; but in terms of not accepting business as usual and being interested in improved quality assurance and community engagement, I am absolutely determined to achieve those outcomes.

Mrs PEULICH (South Eastern Metropolitan) — I thank the minister. I have three more questions. The first is: is the minister also prepared to look at and ensure that there is an effective review of the safe buffer concept around the Lyndhurst facility, given that no buffer has existed and it was considered that 9 kilometres at Nowingi was insufficient?

Mr JENNINGS (Minister for Environment and Climate Change) — I do not want to appear as though I am wriggling out of an answer, but the question of a buffer being applied retrospectively to something which is in an urban area is — —

Mrs Peulich — You can build on.

Mr JENNINGS — Yes. For Hansard's benefit, I should not just stop in the middle of a sentence and say, 'Yes'.

The DEPUTY PRESIDENT — Order! They are not good on gestures either!

Mr JENNINGS — I do not know, Hansard staff have always been very kind to me in relation to these matters. I have been given the benefit of the doubt on many occasions by our friends in Hansard.

The indication I have been given is that the difference between greenfield planning to create buffers as distinct from retrospectively dealing with those matters — particularly in urbanised areas — is that they are trickier to deal with. In recent times municipality rezoning has occurred as a result of some retrospective reconfiguring. On the basis of changed land-use practices there is a good chance that a number of elements will create the circumstances where, if we are wise in terms of the land-use pattern that will evolve in

the new rezoning configuration, there will be an effective delivery of a buffer without necessarily affecting the overriding planning parameters that have been placed upon the site.

Part of the exercise is in trying to maintain the effective separation between the landfill and residential settings. We need to keep an eye on the use of land which is located close to the landfill. This is the time for combining investment decisions by local businesses and decisions at both council and government levels in terms of rezoning and land-use patterns around the landfill — and we might be able to get through the eye of the needle.

Mrs PEULICH (South Eastern Metropolitan) — I have two more questions. The government of course has not take any action to undertake a health study to ensure that local residents are not exposed to factors which may cause health problems and may expose the government to expensive legal action at a future point in time. A health study may involve merely canvassing or establishing the views and experiences of or data that may be gathered by local practitioners. I am not prescribing a door-to-door survey. Some health study could be established to review the matters.

Given that the government has not taken this course of action, will the minister give me and members of the community around Lyndhurst an assurance that their health concerns in relation to the factors they may be exposed to around the Lyndhurst facility are ill founded?

Mr JENNINGS (Minister for Environment and Climate Change) — I was listening intently to that question and I was not expecting it to end quite the way that it did. Let us start from the position that I am in to respond to the very prickly end to that question. It was delivered with aplomb but it was prickly nonetheless. I am not advised of any evidence, individually or cumulatively across the community, that would indicate that there is a pre-existing body of evidence that would say that community-wide health issues have been generated by the operation of the landfill in this neighbourhood. There is no hidden body of evidence.

Mrs Peulich — Are you prepared to commit to some sort of a review irrespective of that?

Mr JENNINGS — I think it is important for us to start there, because I am sure Mrs Peulich will not be the last person to talk about these matters. Ms Hartland has raised a series of matters relating to other locations and other communities that have concerns. We have spent a lot of time drilling down into individual circumstances and individual cases. I will not name those cases but I will respond if any are put to me. Where there have been illnesses in families that people have been concerned have been caused by their proximity to landfill or other forms of prescribed waste or contaminated soils we have spent a lot of time and effort trying to get to the heart of those matters and the causal connection to exposure. I am aware of individual cases in other parts of the city. They have been drawn to my attention and we have pursued them with great rigour. As a general principle, when cases are brought to my attention or to the attention of the Environment Protection Authority or the health authorities, I am very keen to try to do justice to those and to allay individual concerns and concerns that might exist on a broader scale. Having said that, I can say I do not have a body of evidence at the minute. I am happy to look at circumstances that have been drawn to my attention.

My answer to the previous question in relation to the community engagement process — and we would encourage ways in which the community may bring forward concerns and have them tested and verified — is consistent with the approach that I have taken and supported elsewhere.

Mrs PEULICH (South Eastern Metropolitan) — I appreciate that. One final question — I am sure the minister will be relieved: as part of that community engagement can the minister please give me an assurance that he will respond to Ms J. Breider's correspondence?

Mr JENNINGS (Minister for Environment and Climate Change) — As I stand here at this minute I am not intimately aware of this piece of correspondence but I will do my best to apprise myself of it and do justice to the issues that have been raised in it.

Mrs Peulich — Thank you very much.

Mr D. DAVIS (Southern Metropolitan) — I thank the minister for his responses. They go some way to allaying some of my concerns. My main issue was to seek from the minister an assurance that all of the additional revenue from the increase in the landfill levies would be hypothecated to projects that surround reuse and recycling and a range of other measures to reduce the waste stream.

My further point, once the minister has given that assurance, is to understand where the almost, as I understand it, $30 million that will be generated — and I seek the minister's clarification of that figure — will go through the budget process.

I understand it will go to the EPA (Environment Protection Authority) and I see it in what I take to be the correct place in budget paper 3, page 243. I am happy to hand the minister a copy of the statutory activities and environment protection output table. He will notice that the expected outcome for total output cost in 2007–08 is $103.1 million, increasing to $132.8 million in 2008–09.

My first question is whether that roughly $30 million that is collected, as I understand it, in additional landfill levies is reflected in that increase in the output group in the statutory activities and environment protection area — essentially the EPA.

Mr JENNINGS (Minister for Environment and Climate Change) — I am going to have to take a bit of advice in relation to this particular budget paper because, whilst I am absolutely very keen to deal with that matter in the Public Accounts and Estimates Committee — and I was actually intending to deal with that matter — I had not thought about it being raised in the context of this proposition. I will deal with that in a minute.

Certainly I am sticking to the proposition which I have already indicated to the committee: that the $30 million revenue stream we anticipate being raised — this is based on projections and there is a rule of estimates in relation to how this would apply over the next four years — is based upon a reduction in the volumes that will be generated into landfill, consistent with the policy intention. At the moment we are talking about a cumulative 60 000 tonnes of category B material going into landfill. We would anticipate by the end of the estimates period for that volume to reduce to something of the order of 24 000 tonnes. That is what we are hoping the effect of the policy will be. As a consequence of that the revenues we derive would be reducing accordingly — —

Mr D. Davis — Out further, as time progresses?

Mr JENNINGS — Certainly out further. In terms of the progression, if you see this in terms of our estimates, in the first instance we think we would generate, through the cumulative tonnage of the category B material that would come through both in terms of the manufacturing stream and the soil stream, somewhere of the order of $8.5 million in the first year, reducing each year thereafter. The category C tonnage we see at this point in time as being relatively flat in terms of the impact of the levy in turning those volumes around. Certainly in the first year there is nothing like $30 million that would be derived. The premise that underpins the question in relation to how it affects the budget paper, as it has been presented to me, is that they are absolutely not the same figure. In the first instance somewhat less than $10 million would be attributed to the generation of the levies through this initiative in the next financial year. That number would be reducing and over a four-year period would cumulatively total $30 million on the estimates.

In relation to the budget paper, I might get somebody to sort that out for me and then we will come back and presumably deal with other matters.

Mr D. DAVIS (Southern Metropolitan) — The other point is that the EPA, as I understand it, will be handling these additional levies. It has a number of trusts and entities associated with it that have a series of purposes, some of which are related to matters dealing with these waste streams. I wonder if the minister, as part of his answer, might detail how the additional flow of revenues will be handled with those trusts, whether the minister has a list of those trusts and perhaps their current financial status, and even where I could find a list.

Mr JENNINGS (Minister for Environment and Climate Change) — The simple explanation of this fund is that funds will be apportioned through the environmental protection trust fund. In terms of whether it goes through any other financial mechanism, I do not believe that would be the case. It would be pretty much exclusively into and out of that fund. The annual report of the EPA is the location in which those trust funds are identified. They are separate to the budget paper — given that I was in a position to be able to answer that question, which was a question I anticipated, I went off on a bit of lateral connection in relation to the budget paper.

In the last reporting period, 2007, $40 663 000 of payments were reported within the fund. Obviously those funds reduce over time as allocations are made to support the work, such as the guidance and support to industry. The project that is included in the second-reading speech is an example: it is a $2 million allocation to support new technology being implemented at Veolia to improve its resource recovery. These are the types of investments that come out of this fund, and it is our intention to drive that technological change even further.

Levy revenues pretty much directly come into the fund and are dispensed through the combination of the application process and the analysis provided by the EPA, which will have a bit of a conversation with me about the appropriate nature of those investments and their wisdom. Then they will be dispensed to industry.

Ms HARTLAND (Western Metropolitan) — I am happy to acknowledge that the minister is actually making an attempt to engage with the community. Unfortunately the EPA's history of engagement with the community has been very poor, and my engagement with the EPA over the last 20 years has probably been fairly dismal. At least we are on the right road!

I have a couple of questions. The first one concerns the residents of Tullamarine. In terms of health studies, the minister has said he does not believe there is a body of evidence about health effects. What work does the minister think would need to be done around Tullamarine to provide some baseline information?

As I understand it, a Department of Human Services study of the area was done, but it was 5 kilometres out, whereas the residents had requested a 1-kilometre range for those studies. What would the minister envisage would need to be done, especially around Tullamarine, considering the leakage that has now been acknowledged from that tip? What kind of work can the minister see happening in the near future?

Mr JENNINGS (Minister for Environment and Climate Change) — My answer to the question, which is a good one, is that whilst I would like to purport to be an expert in a whole variety of things, I am not necessarily a detailed expert in terms of the appropriate methodology in relation to health statistical verification.

Whilst all of us might have our views about what seems to be a legitimate method in terms of benchmarking morbidity patterns or health status patterns, that is something that — —

Mrs Peulich — As in a scan would start, as in a statistical scan?

The DEPUTY PRESIDENT — Order! I advise Mrs Peulich that the committee stage gives us an opportunity to clarify matters, but it is difficult, particularly for Hansard's recording of material, if members participate by way of interjection in the committee stage. This process is one of clarification, and therefore the opportunity exists, if we need to clarify an answer further, to ask another question. I am conscious of the importance of that in the committee stage because of the *Hansard* record of matters. As I said, this is a process by which we can tease out more information, but there is a way of doing it.

Mr JENNINGS — I am very pleased that there was some implied assistance to me, but I am glad we are doing it through the prism of a benefit to Hansard. My point is that there have been surveys undertaken. There are a variety of health statistical analyses available to this community in terms of benchmarking. I know that it is contested in the community, but the information that has come to me through the people who are charged with the responsibility of benchmarking the health status of this community is that there is a valid statistical method of engagement to test the assertions that are made by the community, and there have been a lot of community conversations about the way in which that is valid.

I can understand the depth of feeling of people who live with some degree of anxiety or have health problems that they think can be attributed to environmental factors and the reason why they want to contest this; I do not dispute that at all. Part of the difficulty, as you would be aware, is that at the community level and certainly at the level of some individuals we have spent a lot of time and effort trying to reconcile with the statistical analysis of health status to try to verify what the causal links of particular illnesses may be, but a pattern has not been able to be demonstrated. I can understand that we need to always be open to the ways in which we should test the assumptions that embed that statistical method and validation process, and we should also be alive to the anxieties that occur in the community.

This is not an issue that I am walking away from. I am happy to keep engaging in it, but I do not think the community necessarily, as heartfelt and important as these issues are, is going to ultimately be the designer of a statistical method or a health treatment pattern, apart from feeling involved and being respected and responded to. I am happy to work on that, but I cannot necessarily give people guarantees that we can keep changing the way in which the health status of our community is measured.

The DEPUTY PRESIDENT — Order! I hope that has satisfied Mrs Peulich's concerns.

Mrs PEULICH (South Eastern Metropolitan) — I was not aware that I was making so many interjections. I was actually very pleased with the minister's handling of the questions. I guess the only thing that concerns me in relation to that issue — and it really goes to the heart of my concerns as well as, I am sure, those of my colleague Ms Hartland — is that we take a proactive and not a reactive approach to these concerns. Although I am not an expert either, when I interjected using the word 'scan' I did not mean a physical scan of an individual; I meant a scan of health issues in the nearby community. Often these are rudimentary health studies which may involve liaising with medical practitioners

to establish whether there are any conditions that stand out. I would like the minister to at least give some undertaking to consider at the minimum some rudimentary health studies around these facilities to make sure that we are taking a proactive approach rather than just responding to individual concerns.

Mr JENNINGS (Minister for Environment and Climate Change) — For clarification, they exist. The method and the analysis Mrs Peulich has just sought do exist. The issue is whether they are perceived by the community to be the appropriate method. That is the issue of contention.

Mrs Peulich interjected.

Mr JENNINGS — From what is available to me, it is certainly far more evident in the western suburbs than in the south-east.

Ms HARTLAND (Western Metropolitan) — After only 20 years of campaigning on this issue often I am told I am anxious, hysterical — or whatever — so when the minister uses the word 'anxious' about people's health, that is one of the things that immediately puts people off side. I caution the minister talking about people's anxiety rather than their actual health problems. I also wanted to ask how the government intends to reduce the waste stream.

Mr JENNINGS (Minister for Environment and Climate Change) — I will say two things. I certainly did not use the word 'hysterical', and I used 'anxious' in the context of my belief that we should be respectful and responsive to people who feel anxiety, because I see that as exacerbating whatever other problems may exist. That is absolutely clear. From my perspective it would never be an insult but a cumulative reason for respect and regard.

In relation to the question about reducing the waste stream, that is fundamentally at the heart of why we want to make sure that we hypothecate what is estimated to be $30 million from this measure. In terms of the building blocks of this framework and its story and how the various elements of this basket of issues should be funded — and to distinguish between the environmental performance, management and good neighbourly behaviour of landfills or waste treatment facilities — they should be embedded within the operating cost structures and the performance bond that currently applies to the licensing regime.

In terms of effort undertaken with businesses in our community to reduce the amount of prescribed industrial waste, there need to be exemplars of best practice in resource efficiency and the reduction of prescribed industrial waste. There also needs to be maximum technological change in terms of using by-products for useful purposes rather than wasteful purposes and adding to the waste stream. I am sure members in this place and other members of the community would be aware of how, over the years, a range of by-products that had been traditionally seen as waste are now very useful components of new manufacturing processes.

That is the type of initiative that we want to drive through wise investments in a number of programs. A program I have often talked about is the EPA's industry greenhouse program. We are trying to encourage our companies to work out how they can retool and reinvest in their production processes so that they do not use as much raw material. I do not want get into the credit or debit ledger of the Environment Protection Authority from any perspective, but the EPA is consistently given credit for driving technological change and trying to lead industry and use wisdom in resource recovery, and I give it a lot of encouragement to do that. That is certainly at the heart of the answer to Ms Hartland's question.

Mr KOCH (Western Victoria) — I raise the issue of pollution activities at Ararat. I am very interested to know what is going to become of the additional funds that are going to be raised. I took the minister's earlier point to mean that he is very much not interested in business as usual, but striving for better outcomes.

As the minister is aware, I have corresponded with his office and the Environment Protection Authority in relation to activities being undertaken by SP AusNet on the former gasworks site up there and the concerns that have been raised in that community, especially in relation to soil and air pollution over an extended period. As the minister may be aware, the remediation works will now be leaving the current freehold title and SP AusNet will have to go onto a rail reserve. There will not be any relocation of soil to that point, as there was to Ararat from both the former gasworks sites in Stawell and Horsham.

Is there an opportunity for some of these extra funds to be used to assist with relocating soil that is to be decontaminated away from this urban environment when the present work at the former gasworks site in Ararat is completed and before the next part of the work begins?

Mr JENNINGS (Minister for Environment and Climate Change) — I know that Mr Koch wants a specific answer. The best I can do is give him a general answer, because whilst I am very clear that this is

something that he has raised on a number of occasions, including today, and that he is seeking the best outcome for the community of Ararat in relation to this matter, and whilst I am very supportive of his efforts and the efforts of the agencies to achieve that outcome locally, I cannot specifically say that allocation from the new revenues that are derived from this levy will be applied to any specific project. There are improved processes and new ways of dealing with projects such as the one that Mr Koch has described in Ararat, and if in fact there are some initiatives that could be supported that otherwise would not be considered economic or not be taken up, they are the purposes to which we want to hypothecate the levy to achieve.

If no elements of either the new technology or the process are applied to this project and it is business as usual — that is, if it is business as usual as distinct from applying any new solution or any new technology — my answer would be that it would not receive funding through this stream, because it would in fact only be supporting business as usual and would be something that should be completed using the existing framework and technology. If, however, there is some element that is in fact driving change — a new capacity and new abilities — then the answer might be yes.

That is the general framework. I cannot hypothesise. If applications come from the proponents of this exercise in Ararat to the Environment Protection Authority, what I have just outlined to the committee would be the organising principle which the EPA would apply to the allocation of funds.

The DEPUTY PRESIDENT — Order! I will intervene at this point to comment on the matters that ought to be considered in committee in circumstances where it does not have proposed amendments before it.

In the current discussion this morning we are basically addressing clause 1, which is the purposes clause of the bill. It is therefore important that we are mindful of what the bill is all about and that the matters that are raised as questions are in fact relevant to the purposes and are, if you like, broader issues rather than specifics. There are other opportunities in the Parliament when specific matters can be pursued, particularly the adjournment and question time, and it is incumbent upon members to recognise in this instance that the minister ought not be required to necessarily canvass individual issues as part of the examination of this legislation.

We have had a number of locations mentioned in the course of discussions this morning, and it is relevant to have those raised as examples that perhaps tease out the application of the bill and the allocation of levies, which is principally what this bill is about; but, as I said, we need to be very careful about not moving into areas in the committee process where we are teasing out specific issues that are not strictly within the framework of the bill.

Mr KOCH (Western Victoria) — I thank the minister for his comments. I take on board the comments that have been made by the Deputy President, particularly in relation to a matter I raised, but I see this as an opportunity for getting it on the record on behalf of the community in Ararat, who have been frustrated for nearly three years about these matters of air pollution, with many people recording illnesses due to pollution. I thank the minister and understand the comments of the Deputy President in this situation.

Mrs PEULICH (South Eastern Metropolitan) — I also thank the Deputy President for his guidance. I take the opportunity of asking one last question of the minister. It is my most important question and it pertains to the bill. As a result of this particular levies regime, Lyndhurst will receive more class B toxic waste for a longer time than previously was to have been the case. In view of the minister's answer to Ms Hartland and his indication that he is aware of the health study pertaining to Tullamarine but is not aware of a similar study of the area around Lyndhurst, is he prepared in principle to commit to a suitable health study of the community surrounding Lyndhurst — say, within a 5-kilometre radius?

Mr JENNINGS (Minister for Environment and Climate Change) — Rather than necessarily committing or running away, let me say that I would encourage members of the community to participate in the community engagement process and identify their priorities for action, so that we can use that as an opportunity to reappraise ourselves of what information on the health status benchmarking exists and then work out what we do from there.

The DEPUTY PRESIDENT — Order! I thank members for their contributions on the legislation and specifically clause 1, the purposes clause.

Clause agreed to; clauses 2 to 6 agreed to.

The DEPUTY PRESIDENT — Order! I understand the minister is seeking to provide some further information. If he wants to put that on the record now, I will give him the opportunity to do so.

Mr JENNINGS (Minister for Environment and Climate Change) — Thank you, Deputy President. I

just gave a nod and a wink to David Davis, who asked me a question about a budgetary matter. I will provide him with the answer to his question, but I am not able to do so at this minute.

Reported to house without amendment.

Report adopted.

Third reading

Mr JENNINGS (Minister for Environment and Climate Change) — I move:

That the bill be now read a third time.

I thank the committee and, in particular, may I thank David Davis for his recognition that it is my intention to answer his question even outside the committee stage.

Motion agreed to.

Read third time.

POLICE INTEGRITY BILL

Second reading

Debate resumed from 8 May; motion of Mr JENNINGS (Minister for Environment and Climate Change); and Mr D. DAVIS's amendment:

That all the words after 'That' be omitted with the view of inserting in their place 'this house refuses to read this bill a second time until after the Scrutiny of Acts and Regulations Committee conducts a full public inquiry on this bill'.

The DEPUTY PRESIDENT — Order! In regard to the Police Integrity Bill 2008, last night a point of order was raised, and the President adjourned the debate on the bill to allow further advice in respect of ruling on that point of order. I am now advised by the President that in relation to the Police Integrity Bill 2008, the question before the Chair is that the bill be now read a second time, to which David Davis has moved a reasoned amendment calling on the house to refuse to read this bill a second time until after the Scrutiny of Acts and Regulations Committee conducts a full public inquiry on this bill.

A point of order was raised by Mr Tee as to whether the reasoned amendment was in order in view of the fact that the Scrutiny of Acts and Regulations Committee had already reported on this bill and whether it had the capacity to undertake a further examination of the bill and provide a further report to the Parliament.

Mrs Peulich, in response to the point of order, contended that under section 17 of the Parliamentary Committees Act 2003 the committee could report more than once on a bill.

Based on preliminary advice received by the President, it appears that there is a distinction between parliamentary committees reporting to the Parliament under section 34 of the Parliamentary Committees Act 2003, where it is stated that committees may submit interim and then final reports, and the reporting requirements applying to the Scrutiny of Acts and Regulations Committee under section 17 of the Parliamentary Committees Act 2003, wherein they can consider any bill introduced into the Council or the Assembly and report to the Parliament on a number of issues unique to that committee only. There is in this section of the act no mention of interim or final reports.

In the President's view, therefore, there is an argument to suggest that section 17 of the Parliamentary Committees Act 2003 does not limit the Scrutiny of Acts and Regulations Committee from tabling additional reports on a particular bill by virtue of the difference in the types of reports that can be presented to the Parliament.

The President has advised me that he therefore cannot uphold Mr Tee's point of order. It is of course ultimately for the house to determine the outcome of the reasoned amendment, which, if carried, would be fatal to the bill. There are other avenues open to the Parliament. One is to refer the bill back to the Scrutiny of Acts and Regulations Committee for further inquiry and put beyond question any jurisdictional doubts.

Mr D. DAVIS (Southern Metropolitan) (*By leave*) — I thank you, Deputy President, for the ruling and note that it enables me to proceed with the reasoned amendment. In all the circumstances I am prepared to withdraw the reasoned amendment and seek another avenue by moving a simple motion at the end of the second-reading stage that the house refer this bill to the Scrutiny of Acts and Regulations Committee.

As will be clear from the contribution I made when moving the reasoned amendment, my intention was to ensure that SARC has the opportunity to provide the fullest, frankest and most complete report. Equally I have also indicated privately to a number of government members that the opposition was determined to allow the bill to proceed and was not in any way seeking to prevent the process of the bill but was seeking only to ensure that the parliamentary committee, which has that important role, was able to

undertake its work with this bill, as we would expect it would with any bill.

In those circumstances, as I have said, I am prepared to withdraw the reasoned amendment and to move a straightforward motion at the end of the second-reading process. I seek leave, then, to withdraw the reasoned amendment and in doing so flag that I will move a different step later.

Amendment withdrawn by leave.

Mr KAVANAGH (Western Victoria) — I want to mention a few concerns about the bill and support its referral to the committee. The Police Integrity Bill is intended to improve measures that can be taken against police corruption in this state. The main general concern of the community is that perhaps the bill does not go quite far enough, and many people support the establishment of a broader anticorruption commission. Indeed even in hearings of the Select Committee on Public Land Development we have had people calling for a broader commission because of concerns about some dealings at local council level about public land.

In addition to that, I have two particular concerns about the bill which I would like to state for the record. They are about the bill's provisions requiring self-incrimination in certain circumstances and the restrictions on the ability of accused persons to cross-examine on documents that are being used against them.

In respect of self-incrimination, such a provision would be prohibited in the United States by the fifth amendment to the constitution, which prevents any court or similar body from requiring people to incriminate themselves in any criminal matter in the United States of America. While we do not have such a constitutional provision in Australia, traditionally it has been regarded as an important aspect of our civil liberties that people should not, generally speaking, be forced to incriminate themselves except in particular circumstances — under for example, the .05 blood alcohol level legislation and commonwealth tax law.

In respect of cross-examination, this is a primary means that we have in our legal system of testing prosecution evidence. Indeed in many circumstances it is the only means we have of testing evidence. It would be a grave step to withdraw the right of cross-examination from a defendant, and we should be loath to do so and very careful in taking such a step. For both of those reasons — concern over self-incrimination and cross-examination — I will support the motion to have the bill considered in detail by committee.

Mrs Peulich — The Scrutiny of Acts and Regulations Committee.

Mr KAVANAGH — The Scrutiny of Acts and Regulations Committee in this case, and I request that it gives its opinion on these aspects of the bill.

Motion agreed to.

Read second time.

Referral to committee

Mr D. DAVIS (Southern Metropolitan) — As I indicated at the end of the second-reading stage was my intention, by leave, I move:

> That the Police Integrity Bill 2008 be referred to the Scrutiny of Acts and Regulations Committee for inquiry, consideration and report within one month of the passage of this resolution.

I do not believe I need to flag in greater detail than I already have in the chamber the reasons for that. The debate to date has canvassed extensively the concerns with the reduction in the capacity of the Scrutiny of Acts and Regulations Committee to scrutinise this important bill.

Mr TEE (Eastern Metropolitan) — I seek to oppose and speak in opposition to the motion. It is somewhat concerning that at this late stage we have a motion which will effectively delay for a considerable period of time this very important legislation. I think the motivation for this is petty, it is a political exercise, and the delay of this important legislation should be opposed.

I note that until recently we have had a situation where the Office of Police Integrity wanted this bill, we had a situation where the Chief Commissioner of Police supported the bill, we had a situation where the Liberal Party supported the bill and we had a situation where The Nationals supported the bill. Now we have a motion which will in effect delay legislation — important legislation — which will give the OPI the capacity to effectively deal with corrupt police. The question in the minds of everyone on this side of the house is: why? Why the delay? What has changed? Why did we all of a sudden find yesterday a reasoned amendment that would have killed off the bill? And why do we have today — as that reasoned amendment failed to gather support, I suspect — a motion that will adjourn debate on the bill? The question on this side of the house is: why is it that we have this abrupt turnaround by the Liberal Party?

I think the evidence is clear. Recently we have seen Mr Mullet wandering around the corridors of

Parliament House. We know that he has been here seeking to meet with members of the Liberal Party. We know that Mr Mullett opposes the bill and that he has been seeking support for his opposition to the bill. Yesterday we saw on page 15 of the *Herald Sun* that the cat has been let out of the bag. If you have a look at the article, you will see it is very clear that the opposition is working hand in glove with Mr Mullett to oppose this legislation. We know from the paper that Mr Mullett is being investigated by the Office of Police Integrity, we know that this bill enhances the powers of the OPI to conduct its investigations and, as I said, we know that Mr Mullett is deeply opposed to the OPI.

Where does Mr Mullett go knocking when he wants support for his opposition to the OPI? Where does he go when he wants to undermine the bill? He knocked at the doors of the Liberal Party and — hey presto! — the very next day we saw a reasoned amendment which, if passed, would have killed the bill for all time. When that did not work, we saw the second strategy — an amendment to effectively adjourn debate on the bill. After Mr Mullett's visit to the Liberal Party all of a sudden the opposition has a new strategy to delay the bill, hobble the powers of the OPI and delay the investigation of corrupt police. It is very clear that Mr Mullett is shamelessly pulling the strings of the Liberal Party on this issue.

Mr Finn interjected.

Mr TEE — In moving this motion the Liberal Party is shamelessly kowtowing to the puppet-master. Mr Finn reminds me that prior to the last election it was his party that sought to recruit Mr Mullett. It seems that yesterday the recruitment campaign by the Liberal Party commenced.

This motion demonstrates the worst aspects of the opposition — an opposition that is pursuing short-term political stunts to curry favour with Mr Mullett. There is no validity in the suggestion that the Scrutiny of Acts and Regulations Committee ought to examine this bill. SARC has examined this bill on two occasions, and has made no suggestion that a further examination is in order. Clearly it is a matter for SARC. If it decided that a further examination was in order, that matter would be entirely a matter for SARC. The motivation here is not to review the bill, but simply to please Mr Mullett. I urge the house to stand up for honest police and urge the opposition to stop its shameless pursuit of an agenda drafted and hand-delivered to the Parliament by Mr Mullett.

Mr O'DONOHUE (Eastern Victoria) — I am very pleased to speak on the motion moved by David Davis and to follow the contribution by Mr Tee. I inform Mr Tee at the outset that I have never met Mr Mullett, have never had a conversation with him and have had nothing to do with him. I say to the house, as I said in the house earlier this week, that as a member of the Scrutiny of Acts and Regulations Committee I am very keen to ensure that parliamentary committees are able to act without fear or favour and that they can prosecute their brief from the Parliament to the fullest extent they wish. It is clear from *Alert Digest* No. 4 and *Alert Digest* No. 5 that serious issues have been raised in relation to the Charter of Human Rights and Responsibilities, that those questions have not been properly dealt with and that further investigation is warranted. It is a pity that the government has been obstructionist in allowing the committee to prosecute its brief, but I will be pleased, if this motion is passed, that the committee will have another opportunity to address those concerns.

Let us be very clear about what Mr Davis's motion is about. It has nothing at all to do with the Police Association; it has nothing at all to do with Mr Mullett, who endorsed the Labor Party before the last state election. It has everything to do with the ability of this house, the committee system and the Scrutiny of Acts and Regulations Committee in particular to fulfil their function of properly reviewing the workings of the executive. As I said earlier this week, when the executive is drawn from the Parliament, as is the case in our Westminster system, it is critical that committees can operate freely and fairly.

I hope the house passes this motion. It really is a test for the government. If the government does not pass this motion, it will confirm that the Charter of Human Rights is nothing more than window-dressing or an attempt by the government to look as if it takes human rights seriously when it in fact it sings to the tune of the executive. That is what this motion is about. That is the question before the Parliament. I urge the house to pass the motion.

Mrs PEULICH (South Eastern Metropolitan) — First of all, may I thank the Chair for the ruling. I think it was a very wise ruling and I think it protects the integrity — —

Honourable members interjecting.

Mrs PEULICH — No, I think it protects the integrity — —

Honourable members interjecting.

Mrs PEULICH — Yes, and I remember being a member in a government. Sometimes, President, we

have to be tough with our own side, too, and I have no doubt that your advice is based on sound legal advice, which gave you no choice but to deliver that advice to the chamber. At least that reflects, I believe, integrity in the process, which I hope this chamber also seeks to protect in supporting this motion.

The integrity of the process is that the Scrutiny of Acts and Regulations Committee (SARC) has been given additional powers, especially to consider the human rights charter which the government, we have heard, at least pays lip-service to thinking is a priority. We see that evidenced by the fact that every single piece of legislation introduced into this and the other chamber has a charter compatibility statement attached. Not all of those statements have been ridgy-didge or have been put together with a degree of thought. Some have been dismissive and just gone through routinely. But this is the government's legislation. These are the government's principles and commitments. The least it can do is to honour them, and in doing so the government should be supporting David Davis's motion.

I think Mr Tee's earlier comment was absolutely disgraceful and despicable. It attributed gutter motives to the course of action that I hope the chamber will support. I also have never spoken to nor met Mr Mullett. I look forward to hearing as part of the scrutiny process from experts who can give me, as well as other committee members, advice as to whether the answers from the minister — —

Mr Tee interjected.

Mrs PEULICH — I would urge Mr Tee to wait and listen.

An honourable member interjected.

Mrs PEULICH — Mr Davis has never sought to interfere with my conduct or consideration or my role on SARC. No member outside SARC has ever sought to interfere with my consideration or deliberation of matters before that committee unlike, dare I say, the other side. What happened in SARC, and we will not traverse that ground again, was a disgrace. It is unacceptable. It shows a backflip amongst government members from which I can only — —

Mr Tee — On a point of order, President, the member is traversing what may or may not have occurred in the Scrutiny of Acts and Regulations Committee as part of its deliberations. My respectful view is that that might be a breach and out of order.

The PRESIDENT — Order! I am not sure if Mrs Peulich is divulging any deliberations which may or may not have occurred within the Scrutiny of Acts and Regulations Committee meeting before the committee's report had been tabled before the house, because of course she would not be able to do that. However, I am of the view that she is starting to digress a little from the motion, and I ask her to be conscious of that and come back to it.

Mrs PEULICH — Thank you, President, for that ruling. I have no intention of going chapter and verse into the proceedings of the committee. What was obvious and is also on the public record is that the long, strong arm of executive government has reached deep into the hearts and the backbones of government members on that committee. It has stymied and frustrated, and we have seen every trick in the book pulled to try to stop the Scrutiny of Acts and Regulations Committee from completing its work.

The preliminary work has been reported. It is in *Alert Digest* No. 5. There is a series of very important and complex questions. I am not a legal expert, but I have been around politics for long enough to know not to place my faith in the answers of a minister or any single person, irrespective of who the minister is. I would like to have the opportunity as a member of that committee to listen to people who are expert in the field and to vet the veracity and the accuracy of the minister's responses so that this chamber has the best possible advice on this legislation. I believe that is my role, under section 17(a) of the Parliamentary Committees Act 2003, in relation to this piece of legislation. My role, as well as that of that non-government members, has not been fulfilled. I thank the chamber for upholding and defending the integrity of SARC, and upholding and defending the integrity of this Parliament.

Dare I say in closing that the opposition has a much more vigorous preference for an anticorruption model in this state. The government has made it clear that it does not want a system that can actually interrogate, consider or scrutinise the actions of politicians or political advisers. Let us not try to muddy the waters about where the high moral ground is. It is those guys who want to protect politicians and political advisers. We do not. This is the government's legislation, however, and it should not hide behind what is clearly inaccurate information by casting aspersions on the motivations of this chamber and of non-government members.

Mr Tee interjected.

Mrs PEULICH — Mr Tee has had his turn. I look forward to being part of further deliberations on this legislation and helping this Parliament come up with something that appropriately balances the rights under the charter with the government's legislation, as well as the need for us to deal with corruption, in particular police corruption, in this state.

Mr FINN (Western Metropolitan) — I join Mrs Peulich in endorsing your ruling. It is wise, and I am sure you are delighted to receive our support on that.

I was not going to speak on this motion but Mr Tee really forced me to my feet — so perhaps the house can thank him for that. The government has to answer a question in its own mind, and that is: is the charter important or is it not? This charter was introduced with great aplomb and fanfare by the government as one of the great social reforms of our time. Now when the government gets into strife with its own charter it wants to back out of the thing. It cannot have it both ways; it either supports the charter or it does not support the charter.

If there is a problem with this legislation and with the charter, then obviously the Scrutiny of Acts and Regulations Committee is the body to sort it out. Is the government fair dinkum or is it not fair dinkum? That is the question we are deciding here this morning. Having listened to Mr Tee, the only conclusion I can draw is that the government is not fair dinkum. The government is so confused about what it is doing that it cannot be taken seriously. What we heard this morning was just a litany of outrageous hypocrisy from Mr Tee. The government refuses to accept the boundaries of the charter, which it introduced.

Then we saw the ongoing demonising of the secretary of the Police Association. The government has embarked on a police bashing exercise in a way that I have never seen before in this state. The attitude of this government is to kick a cop: every day kick a cop. That is what the government is on about. On this side of the house we certainly do not want to see that occurring; we want a fair go for everyone. That is why we have moved this motion, and it is certainly why I am supporting it.

Mr Tee told the house that the opposition has changed its view in some way because of Mr Mullett's supposed suggestions to us. I would ask and remind the house: who supped with the devil before the last election? Who sat down and signed the deal with Paul Mullett before the last election? It was not anybody on this side of the house. It is the old story from the Labor Party — the old story from the government — which says, 'When there is a vote in it, we will do anything. We will sign anything. We will sit down with anyone'. But when it gets to the serious part of the day, the government does not want to know about it. Come November 2010 I hope every police officer in this state remembers what this government is doing to them and votes accordingly. I support the motion.

Ms PENNICUIK (Southern Metropolitan) — As I mentioned in the debate yesterday the Greens have had longstanding concerns about the Police Integrity Bill, which was why in the previous sitting week we asked for, and received, the permission of the house to have debate on the bill adjourned for two weeks. The major issue is whether we have in place the right legislative framework and the right processes to make sure there is a balance between the scrutiny of the police, natural justice and fairness, in particular when you are creating another body that will allow its operatives to be armed — and armed without the knowledge of the police or the general public.

The Scrutiny of Acts and Regulations Committee's *Alert Digest*, which has been referred to, and the many issues that were raised by that committee which has been set up to look at bills in terms of the government's human rights charter, raised a lot of issues. The committee wrote to the minister with six questions, the answers to which we have only been given in the last 48 hours. As I have said before, those answers do not reassure me. Mrs Peulich said she is not a legal expert either, so we are left with a situation where questions about the balances in the bill and whether it will serve the Victorian public well have not been answered. That highlights the fact that we need more advice and expert opinion on the bill to make sure we have got it right, and it is in the public interest to do that.

We have also heard that the Scrutiny of Acts and Regulations Committee had agreed unanimously to conduct a public inquiry, and that process was going to be put in place; advertisements were going to be put in the newspapers, asking for submissions on the bill. You can only infer from that that the committee must have thought there was a need for a public inquiry, otherwise it would not have passed that unanimous resolution. That motion of the Scrutiny of Acts and Regulations Committee was not acted upon, and then the committee rescinded its motion by a majority vote in the committee, which we must assume was by a majority vote of government members, because they have the majority. As I said, looking from the outside, that does not look good. It looks as if there has been interference in the committee. We have all heard the saying: not only does justice need to be done, but it needs to be

seen to be done. I am sorry to say it is not being seen to be done in this instance. The community and the members outside the committee looking in at what went on cannot but lose confidence in what went on; they cannot but wonder what interference was brought to bear in that committee when it was looking at such an important bill which, the committee has already pointed out, engages the charter of human rights.

Mr Pakula might think this is a funny matter, but I can assure him a lot of other people do not.

Mr Pakula — You got that into *Hansard*, well done!

Ms PENNICUIK — Mr Pakula is the one who laughed.

There is a cloud over this bill. The committee was looking at an important bill, which engages the charter and which infringes on people's rights to quite a large degree — it looks at arming OPI operatives in carrying out their duties, and that rings alarm bells. The committee was going to conduct an inquiry, and then it was not. That is the problem. That is the crux of the issue for the Greens. We had looked at the bill, we had some concerns with it, and we proposed to move an amendment which was to provide further oversight. We came back into the Parliament at the beginning of this week, prepared to move our amendment and seek support for it for further oversight of the bill, as was recommended by the Public Accounts and Estimates Committee in its report on public officers. Then all of these other issues came to the fore. That is why the Greens will be supporting this motion to send the bill back to the Scrutiny of Acts and Regulations Committee for a public inquiry.

I think the government should be supporting this motion. I think the remarks made by Mr Tee are regrettable. It just appears from the outside that the government is still trying to bury things or cover something up, and that is only making the situation worse. It should in fact support the motion, support a full public inquiry into the bill — it will only be a short inquiry, for one month — get some expert advice and opinion on the bill, and reassure the people of Victoria that this bill has the right structure, the right legislative framework and the right processes in place to carry out what it intends to do. At the moment, because of the revelations over the last two to three days there is a big cloud over the bill. That is the fact of the matter: there is a cloud over the bill, and that needs to be lifted.

The Greens will be supporting this motion. However, I move the following amendment to the motion:

> That the word 'public' be inserted before the word 'inquiry'.

So the motion would read:

> That the Police Integrity Bill 2008 be referred to the Scrutiny of Acts and Regulations Committee for public inquiry, consideration and report within one month of the passage of this resolution.

I move that amendment to the motion to make it clear that the inquiry is a public inquiry, and that would include receiving expert advice and opinion on the bill so that the committee can report back to the house on all the issues before it in terms of the human rights charter and the issues that have been raised by — —

The PRESIDENT — Order! I remind the member of tedious repetition.

Ms PENNICUIK — Thank you for your assistance, President. With those remarks, I will sit down.

The PRESIDENT — Order! Any members wishing to speak will be speaking on the amendment and the original motion.

Mr D. DAVIS (Southern Metropolitan) — I support the amendment inserting the word 'public'.

Amendment agreed to.

House divided on amended motion:

Ayes, 20

Atkinson, Mr	Kavanagh, Mr (*Teller*)
Barber, Mr	Koch, Mr
Coote, Mrs	Kronberg, Mrs
Dalla-Riva, Mr	Lovell, Ms
Davis, Mr D.	O'Donohue, Mr
Davis, Mr P.	Pennicuik, Ms
Finn, Mr	Petrovich, Mrs (*Teller*)
Guy, Mr	Peulich, Mrs
Hall, Mr	Rich-Phillips, Mr
Hartland, Ms	Vogels, Mr

Noes, 18

Broad, Ms	Pakula, Mr
Darveniza, Ms	Scheffer, Mr (*Teller*)
Eideh, Mr (*Teller*)	Smith, Mr
Elasmar, Mr	Somyurek, Mr
Jennings, Mr	Tee, Mr
Leane, Mr	Theophanous, Mr
Lenders, Mr	Thornley, Mr
Madden, Mr	Tierney, Ms
Mikakos, Ms	Viney, Mr

Pair

Drum, Mr	Pulford, Ms

Amended motion agreed to.

Ordered to be committed next day.

EDUCATION AND TRAINING REFORM AMENDMENT BILL

Second reading

Debate resumed from 17 April; motion of Mr LENDERS (Treasurer).

Mr HALL (Eastern Victoria) — I am pleased to be able to speak this morning on the Education and Training Reform Amendment Bill 2008 and report to the house that The Nationals will be supporting this bill. Moreover, I have been given the authority today to also report that the coalition strongly supports this bill as well, and I am pleased to have the privilege of doing that this morning.

Mr Pakula — Are you the deputy leader?

Mr HALL — Not yet! The bill does a number of things. It provides for students to be allocated a Victorian student number, it establishes and provides for the maintenance of a student register, it gives the Victorian Curriculum and Assessment Authority some new functions relating to early childhood learning and the testing of students in Victorian schools, and it makes a series of minor amendments aimed at improving the operation of the Education and Training Reform Act. So this bill does a number of things but, apart from the first couple, which I will mention, those matters are not of a substantial nature.

The first matter I want to talk about is the Victorian student number. This bill provides for every student under the age of 25 who is undertaking a course or program of study in a registered Victorian school, or indeed is registered for home schooling, to be allocated a unique student identifier referred to as the Victorian student number. The provision will apply to students from prep to year 12 enrolled in both public schools and private schools, and, as I said, to home schoolers. It will also apply to students who are enrolled in training programs such as those available through TAFE or private providers of training and also those enrolled in programs run by adult and community education providers. The bill has fairly broad significance across the whole spectrum but it will not apply to preschoolers and university students.

Why is the government proposing to establish a system by which all Victorian students are assigned a particular number? The answer is that it is essentially for administrative purposes. In its comments on this bill the government claims it will be better able to track the path of students as they traverse the education sector. I must say that I agree with that concept. I have no difficulty with the assignment of student numbers to those who are involved in programs in schools or training organisations across the state. I can see that in our new digital age it makes some sense to be able to do that. I might add that it is not a totally new concept by any means at all. Members would be well aware that students attending universities have student record numbers which are used for a whole range of purposes. Indeed, I think that for the administration of the Victorian certificate of education students are also assigned a number. In some ways this proposal is for an extension of what is applied in parts of education more broadly across the whole education spectrum.

I note that the government claims that this proposal will assist in achieving its goal of 90 per cent of Victorians completing year 12 or its equivalent by 2010. I agree that is a laudable aim, but we have a long way to go if we are going to achieve it — 2010 is not that far away. It is now mid 2008; at best we are talking about two to two and a half years down the track before the end of 2010. We have a long way to go in trying to increase retention rates to 90 per cent, particularly in country Victoria where retention rates have fallen below 70 per cent.

I say to the government that it will take a lot more effort and resources rather than simply the assignment of a student number if we are going to achieve that objective. Nevertheless the concept of a student number is something I am prepared to support. I also agree that it may help the odd student who slips through the cracks, but it will not help to increase the retention rates which the government aims for.

I appreciate the assignment of a student record number; in this case it is called a Victorian student number. I accept it will be helpful for administrative purposes. As I said, the coalition is prepared to support it in that regard. I will make some comments in a couple of minutes about particular aspects about the assignment and use of the student number.

Associated with this issue is the Victorian student register. If you have a student numbering system, you are going to need a central record management system to store data. That system will become the register. We know from the bill that the register will contain personal information limited to the full name of a student, their date of birth, their gender and their enrolment date. But if it is going to be a tracking device as the government claims, then it will need to store a lot more information about the academic outcomes of each student who has a number. I dare say the register will be used for matters relating to academic achievement, national testing achievements, academic progress,

Victorian certificate of education information and the like, and the students' attendance records. Some people have raised issues about privacy associated with assigning student numbers to all Victorian students and the ability for organisations to access the student data being held. These are issues that the Parliament needs to consider.

I draw the attention of members of the house to clause 11, which will insert new section 5.3A.9, on page 11 of the bill. This is an important clause when we consider matters regarding access and stored information under the student number system:

> (1) The Secretary may authorise any of the following persons, bodies or classes of person or body to access, use or disclose one or more Victorian student numbers or related information …

Specifically the legislation limits the access, use and disclosure to one of the following organisations:

> (a) the Victorian Curriculum and Assessment Authority;
>
> (b) the Victorian Registration and Qualifications Authority;
>
> (c) any education or training provider —

and finally —

> (d) any person employed under Part 3 of the Public Administration Act 2004 in the Department whose duties include the analysis and evaluation of information relating to students.

That is it. That is the limit of those who will have access to information contained in the student register. It is quite apparent that outside organisations will not be able to access that information unless we return to Parliament at a future date and change who will be able to access that important information. In the context of this debate we need to understand and realise that no other organisations or individuals can make application to know a student number or what information is stored under that student number. It is also important to put on record new section 5.3A.9(2):

> An authorisation under subsection (1) may authorise the access, use or disclosure of one or more Victorian student numbers or related information for any or all of the following purposes —
>
> (a) monitoring and ensuring student enrolment and attendance;
>
> (b) ensuring education or training providers and students receive appropriate resources;
>
> (c) statistical purposes relating to education or training;
>
> (d) research purposes relating to education or training;
>
> (e) ensuring students' educational records are accurately maintained.

That lists the uses a student identification number can be put to under this system. In times to come some of the interpretations of those five paragraphs in proposed section 5.3.A.9(2) will be tested. I for one can think of some potential other useful uses for a student number — for example, borrowing resources from a school through a school library. I know many schools have set up library systems whereby students have identification cards to borrow books, just like many of us would have with our local municipal libraries. I would think a student number could perhaps be used to allocate resources like the borrowing of library books. It also could perhaps be used for the maintenance of financial accounts associated with students in schools.

However, it is important to understand that no matter what a school would like to use that number for, those uses need to be authorised by the secretary of the department. The Secretary of the Department of Education and Early Childhood Development would make those decisions about what that student identification number could be used for. It is important that that is established as part of this debate.

Proposed section 5.3.A.9(5) is also important in the context of talking about privacy issues associated with the student number. It states:

> An authorisation under subsection (1) must not authorise the disclosure of personal information that relates to an individual student.

This will not be a readily accessible bank of information for anybody who wants to know something about a student. The intention of this legislation, and I think the wording of the legislation makes it fairly tight, is that access to and use of those numbers will be fairly well restricted. They will only be used for the purposes for which they are intended.

I want to leave my comments about the Victorian student number and the Victorian register there. As I said at the outset, I can see that this is going to be a useful measure, particularly for administrative purposes, and it will be largely, I would think, restricted to administrative purposes as well.

The next matter I want to talk about is the provisions in clause 5 of the bill which confer new functions on the Victorian Curriculum and Assessment Authority. It will be required to:

> conduct assessments against national standards for measuring and reporting on student performance.

That is one of the new functions being assigned to the Victorian Curriculum and Assessment Authority. Testing against national standards has been an important measure across all Australian schools. It has laudable aims and will be able to give schools and parents an indication of how their students compare against national standards. It is an important measure.

I suppose some would take this opportunity to talk about standards in Victorian schools at present. I noticed that in the debate in the other chamber some members spoke about the Program for International Student Assessment, or PISA, and Victoria's record with respect to some of that international standards testing. I have never been one to can public education in this state, and I do not intend to start now, except to say that in terms of national standards in the areas of mathematics, literacy and some of the other areas that have recently been the subject of national testing, we still have a long way to go, and we can make some significant improvements. I sincerely hope the government's blueprint for education makes some real strides towards improving those standards in Victorian schools.

Mrs Peulich — You believe in fairytales and Easter bunnies, don't you?

Mr HALL — No, I said that I hope it does. That was the stated intention of the blueprint in some ways, and I hope it does achieve that because there is a long way to go. I am sure we all, no matter on what side of politics we sit, would agree that we can do far more to improve the standards of achievement in education in this state.

We should be collectively working together to bring that about.

Clause 5 provides for the other functions now given to the Victorian Curriculum and Assessment Authority. They relate to the change of departmental structure where we now have the Department of Education and Early Childhood Development. New subsections (1)(ab), 2(ib) and 2(ic) relate to new functions being given to the Victorian Curriculum and Assessment Authority which will enable it to work beyond years prep to 12 to the early childhood area. New subsection (1)(ab) says:

> develop policies, criteria and standards for learning, development and assessments, which relate to early childhood;

New subsection (2)(ib) says:

> develop and maintain standards for measuring and reporting on early childhood learning and development;

New subsection (2)(ic) says:

> arrange for other persons, bodies or agencies to conduct assessments against the standards for measuring and reporting on early childhood learning and development;

Again, it will be interesting to see what the Victorian Curriculum and Assessment Authority arrives at in terms of achievement — what it actually does under these new functions being assigned to it. To set learning outcomes for early childhood is going to be interesting but important — I accept that. It will be an interesting development which we will watch as it evolves over the years ahead.

There are a number of other more minor amendments contained in this legislation. For example, clauses 6 and 7 of the bill give some new authorities to the chief executive officer of the Victorian Curriculum and Assessment Authority regarding the ability to reprimand a student for a minor breach of examination rules. New subsection (2)(1) inserted by clause 6 says the chief executive officer may:

> (a) if the report relates to a student's suspected contravention of the examination rules of the Authority, which the chief executive officer considers to be of a minor nature, issue a written reprimand to the student; or
>
> (b) make a request to the Authority that a review committee conduct a hearing into the matter under investigation.

This is a sensible measure. In some cases a breach of examination rules might be more inadvertent than deliberate and in such cases it would be appropriate, I am sure, to reprimand students rather than penalise them to any great degree. The flexibility given to the chief executive officer of the Victorian Curriculum and Assessment Authority is useful in regards to measures outlined in this particular clause.

Clauses 13 to 18 are essentially machinery amendments to the Education and Training Reform Act and I am not going to spend the time of the house detailing those except to say that they are fairly common-sense amendments.

Overall this bill will certainly improve the efficiency, particularly the administrative efficiency, of the way schools operate. The key function of the bill is the assignment of a Victorian student number to all students enrolled in a registered schools program in this state. That is going to be a helpful initiative for administrative purposes. As I said at the outset, the coalition is happy to support the government in this legislation. I know there are some issues that may be raised in the committee debate and I will probably

make some comments on those initiatives as the house goes through that stage at a later point today.

Ms PENNICUIK (Southern Metropolitan) — I am pleased to speak on the Education and Training Reform Amendment Bill. The purposes of the bill as outlined in the explanatory memorandum and the minister's second-reading speech provide for the Victorian Curriculum and Assessment Authority to develop policies, criteria and standards for early childhood learning and development. The bill provides for the VCAA to conduct national testing for Victorian students, to administer assessments and report on assessments conducted against national standards relating to early childhood learning and development. There is also provision for a delegate of the VCAA to issue reprimands to students for minor breaches of exam rules with appeal rights to a nominated member of the appeals committee. The bill provides for the allocation of a Victorian student number to all students aged under 25 and for the creation of the Victorian student register.

We believe the establishment of the curriculum in early childhood education is a major development that recognises the importance of learning for preschoolers. In fact, under the Greens education policy — 3.2.2 — we advocated for the transfer of responsibility for preschoolers from the Department of Human Services to the then Department of Education and Training, so we support the development in this bill.

In regard to national testing, the Greens have not necessarily been supportive of that. Under our policy, we would prefer an integration of assessment and reporting with the learning process rather than competitive accountability methods such as mass testing in primary and secondary schools. However, we recognise that this bill is implementing an agreement between the states and territories to introduce national testing across the school system. We are therefore not going to oppose it — because it is a national agreement between the states and the commonwealth — but in our view this type of testing has limited value in comparison to more localised testing.

The main concerns the Greens have with this bill is the introduction of the Victorian student number, or the Victorian academic number — there seem to be some different terms. I will mention the main concerns we have. We do not believe that the stated aims of the introduction of the number — apart from administrative and functional aims — are going to be achieved by its introduction. We also have concerns about privacy issues, concerns associated with the issuing of any unique identifier number and with the question of how such a number may be used. Certainly there are provisions in the bill that restrict access and disclosure and uses of the number, but in our view, after consultation, we are not convinced that these go far enough.

In the minister's second-reading speech she said that:

> In 2004–05 extensive work undertaken by my department determined that there is a strong case for the implementation of a unique student identifier. The department undertook multiple rounds of consultation with all key stakeholder groups across the school and vocational education and training sectors … and an examination of unique student identifier initiatives across all Australian and leading international jurisdictions.

Incidentally, I thank the departmental advisers, whom I have met with about this bill a couple of times, for their assistance in trying to answer my concerns and questions. As I have said before, the fact that I still have concerns and questions is no reflection on their briefing and their attempts to answer my questions, which they did very well. It is just that I still have the concerns and questions. But when we asked the department to outline who had been consulted and when, the departmental staff were not keen to provide that information. I am not sure why; I think that is important information. If the minister is going to say in her second-reading speech that that has been undertaken, I do not know why it should be a secret.

In any case, we have conducted our own consultations with the major stakeholders about whether they were consulted and what their views were. We would have to say that most of the groups, including the state school secondary principals, the Australian Education Union, Kindergarten Parents Victoria, the Independent Schools Parents and the Independent Education Union of Australia have been consulted at some stage. Some admitted to more extensive consultation than others; some seemed to think that consultation was in the dim, dark past, that they had been consulted but were not really up to speed with the bill; and some were not aware the bill was coming to the Parliament and had not seen it. I accept that consultation has occurred and that in general there have not been huge issues raised, except by the Victorian parents association, which I know has raised privacy concerns with the department, with us and perhaps with other parties in the chamber.

Members should know that, according to the second-reading speech, the Victorian student number will be:

> … a unique student identifier through the requirement that all students in Victoria from prep up to and including age 24 being educated by registered education and training providers are allocated a Victorian student number.

That is, it is a requirement at the end of the day that all students be allocated a number. We have been told that in the first instance it will just be in Victorian state schools, not independent schools or other registered training providers, and there will be a staggered rollout. The fact that it is a requirement is an issue that needs to be raised, because when talking to the department we asked whether this initiative was similar to the initiative for national testing and whether it was a decision by the ministerial council of the states and territories. The answer was no, it was not. There has been no ministerial decision about this. We asked about the model, and it appears that this legislation has been modelled on what is called the national student number in New Zealand. I am talking about the point that the number is required.

I took the trouble to look at the privacy assessment that was done on the New Zealand act and number and there was a phrase that jumped out at me. Paragraph 63 of the assessment states that:

> The allocation of an NSN —

a national student number —

> will be mandatory when a student enrols in school or wishes to claim the —

early childhood education —

> subsidy. There is no alternative for school enrolment as it is a legislative requirement for participation in school from age six years, under section 20 of the Education Act 1989. Parents who do not wish to have an NSN allocated to their three or four-year-old child, can choose to forgo 'free —

early childhood education. If that is not Orwellian language, I do not know what is. The paragraph continues:

> Information will be provided to ensure parents are aware of the purposes and protections to minimise the potential for the —

national student number —

> to be a barrier to participation.

That jumped out at me as a concern, because the bill before the house is modelled on the New Zealand legislation, and the second-reading speech says the number will be a requirement. The New Zealand model has been in operation in secondary schools since 2001 and is now moving into the early childhood area, so New Zealand will have a situation where if three-year-olds and four-year-olds do not have a number, they will not be able to access free childhood education of 20 hours a week, which is provided in New Zealand.

These are the sorts of things that can happen if people are not vigilant about the uses of student numbers. Because the bill is modelled on that bill, a warning should be given to the house that the purpose of the number is not to exclude people from participating in education.

Clause 11 inserts a new part 5.3A into the principal act. Proposed section 5.3A.9 is headed 'Authorisations for use of Victorian student numbers or related information'. Proposed section 5.3A.9(2) provides:

> (2) An authorisation under subsection (1) may authorise the access, use or disclosure of one or more Victorian student numbers or related information for any or all of the following purposes —
>
> (a) monitoring and ensuring student enrolment and attendance;
>
> (b) ensuring education or training providers and students receive appropriate resources;
>
> (c) statistical purposes relating to education or training;
>
> (d) research purposes relating to education or training;
>
> (e) ensuring students' educational records are accurately maintained.

The first, third, fourth and fifth paragraphs are about research, administration and statistics, but the second paragraph is about resources. We asked the department what that means, and the departmental advisers did their best to try to explain to me what it means. The Australian Education Union had asked us what it means, so we asked the department. The first sentence of the department's answer is:

> The Victorian student register will not specifically assist students to receive appropriate resources.

The first question that then has to be asked is: why is that provision in the bill if that is not what it is going to do? The department's explanation goes on:

> … it will assist in detecting students at risk of 'dropping out' of the education and training system prior to completion of year 12 or an equivalent qualification, whether through actual disengagement from the education system or through excessive mobility between different institutions. This will aid the provision of targeted, timely and appropriate support and services for those 'at risk' students, which may involve resources being allocated to an education or training provider.
>
> At a functional level, it will assist in increasing the efficiency of student enrolments and transfers between schools and into the non-school sector …

In relation to student numbers, I am not sure that paragraph (b) of this proposed subsection will achieve the aim explained by the department.

In discussions with departmental advisers, and even with the minister, I have been reassured that I should be relaxed about the student number because its purpose is to identify students who are falling through the cracks, who are disengaged and somehow have been lost through the system. The basic question that needs to be asked about that — and I put it to the department — is: if you are collecting information about students, such as their name, address, gender, their last enrolment and their enrolment history, and you are looking to identify and keep track of disengaged students, who may be disengaged because they have family issues, health issues or truancy or whatever, are those not the very students whose details are not going to be up to date on the Victorian student register?

I put it to the department that the Victorian student register will hold all the data on the students who are engaged with the education system, who have not fallen through the cracks, who have provided to the education department or to their registered education provider their name, address, gender and last known contact, so we will have a vast array of information about students who have not fallen through the cracks. If the justification for the bill and the esoteric justification for this student number and this student register, which has been put to me many times, is to identify students who have fallen through the cracks, I am not sure about it. I have had no argument or justification put to me to tell me how this will be achieved through this mechanism.

Business interrupted pursuant to sessional orders.

QUESTIONS WITHOUT NOTICE

Exports: performance

Mr DALLA-RIVA (Eastern Metropolitan) — My question without notice is for the Minister for Industry and Trade. Can the minister confirm for the house that Victoria was the only state to see its goods exports fall in value in March?

Hon. T. C. THEOPHANOUS (Minister for Industry and Trade) — I thank the member for his question. May I first of all say how pleased we are to see the level of exports continue to rise in Victoria. In fact if the member had been listening yesterday he would have heard an account from me about the level of exports out of this state and how they continue to rise and how we are on track to meet our target, with exports now at $31.4 billion, which is certainly putting us on track for reaching that very important target. I know that the member wants to try and gain political capital from coming in here and talking down the Victorian economy, but the fact of the matter is that he has referred to the monthly goods figures but neglected to mention the services figures. He was not interested in talking about the massive increase in services exports, which I notified the house of yesterday. He does not care about that; that is not part of his thinking. We can have a massive increase in services exports, which is revenue coming into the state, and he wants to ignore that. That is fine; the community does not ignore it and nor do the economic commentators ignore it.

In relation to goods exports, what the member wants to do is pick and choose. He wants to pick one month and say, 'Look, there was a decline in this particular month', and so he finds a small decline in the latest figures, but he forgets to add that the previous month saw a 40 per cent increase. He goes about picking and choosing one month out of a 12-month cycle and wants to try and make some kind of political capital out of it without actually looking at what is the underlying trend in goods exports.

Let me explain to the member how good this story is. Here we are in a situation where the Australian dollar is at record highs, we have a continuing decline in the American economy and we have pressure on economies all around the world, and in this context we have dramatically increased the number of services exports and we have stabilised, with modest increases, goods exports. This is a phenomenal outcome for the Victorian economy. I am happy to stand by our record of moving towards achieving the $35 billion target which this government has set itself. It is a target which will result in additional jobs for Victorians, and that is what this government is on about.

Supplementary question

Mr DALLA-RIVA (Eastern Metropolitan) — I thank the minister for his response. In response to the fact that he commented on my initial question about a month-by-month basis, I now put the question in terms of a broader framework of Australia's goods exports. Can he explain why Victoria's share of those Australian exports has trended below 12 per cent over the last year and is stagnating at or below $20 billion on an annual basis?

Hon. T. C. THEOPHANOUS (Minister for Industry and Trade) — Again, I do not know how to educate the member opposite — it would be a very difficult task! Any sensible person who was thinking about exporting product would think: what are the major exports out of Australia at the moment? They

happen to be in the resources sector. They happen to be a whole lot of coal, a whole lot of gas and a whole lot of resources.

That is why we talk about the resource economy. That is why we talk about the fact that there is a dual economy. That is why we talk about the idea that the resource-rich states are increasing their exports in terms of goods exports. If you want to benchmark Victoria against the resource-rich states — and only on the goods part, not on the services and goods part — maybe you can make out a story about how the resource-rich states are exporting more. No-one would dispute that. But if you want to have a look, for example, at Victoria's export performance as a non-resource state against the other non-resource states, if you want to look at that formula both in the services sector and in the goods sector, compare us to New South Wales and see how the figures stack up.

What I would say to Mr Dalla-Riva is that this dual economy concept, where one part of the economy is being driven by human resources, skills and smart people — which is what is happening in Victoria — is being led by Victoria, but we are not a resource-rich state. We do not export resources in the way that Queensland and Western Australia do. I would say to Mr Dalla-Riva that we are happy to stand by our record in relation to maintaining a strong goods export sector and dramatically increasing the services component of our exports at the same time, on the way to achieving our $35 billion target.

Planning: Geelong

Ms TIERNEY (Western Victoria) — My question is to the Minister for Planning. The minister has often spoken about the increasing population of Melbourne and provincial Victoria and the Brumby Labor government's initiatives that are managing that growth. In particular Geelong is recognised as Australia's largest provincial municipality and is experiencing continuing population growth because of its diversity and lifestyle. I ask the minister to inform the house how the Brumby Labor government's 2008–09 budget will assist in planning for and managing this growth to ensure Geelong's livability is sustained well into the future.

Hon. J. M. MADDEN (Minister for Planning) — I welcome Ms Tierney's interesting question, particularly in relation to issues around Geelong and the issues associated with her region. We are seeing an enormous population boom, which is providing enormous growth. One area where it is providing enormous growth is in the Geelong region, which city was often referred to as 'Sleepy Hollow'. It is not sleepy anymore; it is going absolutely gangbusters.

The census figures indicate that regional Victoria has grown by approximately 50 000 people since the previous census. Geelong grew by more than 11 000 people, which means that about 23 per cent of the growth in regional Victoria is going to Greater Geelong. That is a great story for Geelong.

To complement that, not only is that providing for the prosperity of Geelong but it is also providing for the prosperity of the 240 000 people who live in Geelong and across the Greater Geelong region. We know that a lot of people who live in that area also commute to Geelong and surrounding areas, like the Surf Coast or the Golden Plains shire. We are seeing that growth extending to those regions. As part of that, we are keen to ensure that that strategic planning continues around Geelong, particularly in relation to residential, commercial and retail developments, so that Greater Geelong as well as the heart of the city continues to thrive.

As part of that in last year's budget we contributed $5.8 million for the revitalisation of the Geelong transit city project, which was very much for the planning work. That planning work has led to, in this year's budget, an additional $24.5 million for the Geelong transit city project, and that will see improvements in the railway station precinct and new pedestrian links between the Transport Accident Commission building and the Geelong station. It is also complementing the investment by the TAC in the city of Greater Geelong. As well as that, in this year's budget, a further $7.9 million will be spent over the next four years for complementary planning work for the development of the Geelong future city master plan, and this will also complement the business case for the Geelong Heritage Centre, the proposed redevelopment of the Geelong Performing Arts Centre, and the redevelopment of the heritage-listed Geelong courthouse into a youth arts centre.

As I said when I started, things are going gangbusters down in Geelong: lots is happening and there is more to happen, including significant investment in regional planning initiatives to make sure that Geelong and the rest of Victoria are sharing in the prosperity we are seeing across the state and which the Treasurer talked about earlier this week, making sure that not only Victoria but also Geelong are the best places to live, work and raise a family.

Point Nepean: management

Mr O'DONOHUE (Eastern Victoria) — My question without notice is to the Minister for Environment and Climate Change, Mr Jennings. I refer to the government's policy document for the 2006 Victorian state election entitled *Victoria's National Parks and Biodiversity* and note the promise in it to invest $10 million in the protection of heritage sites at Point Nepean. Given that the transfer of the final 90 hectares from the commonwealth to the state is due to take place in September this year, when can the community expect this important investment to occur?

Mr JENNINGS (Minister for Environment and Climate Change) — A good question from Mr O'Donohue. It is an issue that is obviously very important to the people not only of the Mornington Peninsula but of Victoria generally, and a lot of work has been undertaken in the last few years leading up to the return to the people of Victoria of — —

Mrs Coote — You should have bought Settler's Cove!

Mr JENNINGS — I missed the interjection. I am very disappointed about that, because I would have liked to have the opportunity to respond to it. But this will not be an opportunity missed by the people of Victoria to make sure that this important asset is protected into the future by a coherent management regime that is being worked on in two streams currently. Part of our challenge at the moment is to try to bring those two streams together.

A trust was established under the auspices of the commonwealth government in the last couple of years and charged with the responsibility of dealing with commonwealth assets and an investment plan and an allocation of funds that had come through the commonwealth that particularly related to the quarantine station, which is a very important part of the site. There has also been a management committee, and an advisory committee that has been established by the Victorian government and charged with trying to look at conservation and environmental management over the rest of the landmass of Point Nepean National Park.

Those two streams have, unfortunately, had some schism in terms of bringing those pieces of work together, as they are driven by slightly different imperatives and slightly different agendas being set by the commonwealth government and the Victorian government. It has been my intention, and it was even prior to the change of the federal government, to try to bring those two pieces of work together. With the change of federal government, that piece of work has escalated and the potential to bring those two pieces of work together is higher than it has been for some period of time, as you would expect, and as you would expect from me trying to deliver on it.

In terms of the final delivery of the transition, that will involve some degree of legislative reform, and certainly we are working on that within the Victorian government. It certainly relies on the willingness of the federal government to allow for the transition of both its investment strategies and the management plan functions, and ultimately the transfer of land back to Victoria. We are now working on those issues simultaneously in a more reconciled framework than we had previously.

The intention to resolve all these issues by the end of the year continues to be the intention. It is a very optimistic time frame and an optimistic agenda, but as the house knows is my wont, I am very optimistic about our potential to work through these issues, as complex as they are. I am not deserting the time frame, although I alert the house to the challenges and difficulties embedded in getting that legislative reform for the commonwealth to act in an appropriate fashion to hand over those assets and to prepare its side of the equation. I can be responsible for some part of it, but the commonwealth has to take its share of the responsibility. Hopefully we will meet those expectations of the community to resolve those matters within this year.

Supplementary question

Mr O'DONOHUE (Eastern Victoria) — I note the minister's answer and the alleged schism. Given that the only expenditure identified in this year's budget and the forward estimates is a relatively minor contribution for the construction of walking tracks, can the Victorian community have any confidence that the promises made in relation to Point Nepean will actually be honoured in full?

Mr Lenders interjected.

Mr JENNINGS (Minister for Environment and Climate Change) — My friend the Treasurer, who is actually responsible for the financial aspects of it, encourages me to say yes and nothing else. I can actually say yes. I thank the Treasurer for that degree of support. It is certainly my intention to use that degree of support that was spontaneous and is now on the public record for our collective wellbeing.

Planning: transit cities

Mr ELASMAR (Northern Metropolitan) — My question is to the Minister for Planning. The minister referred to the Geelong transit city project in an earlier answer. I ask the minister to inform the house of how the 2008–09 Brumby Labor government budget will further build on the other transit city initiatives that will assist in preserving Victoria as the best place to live, work and raise a family.

Hon. J. M. MADDEN (Minister for Planning) — I thank the member for his interest in this particular matter and the investment the government is making in his region in particular.

Since 1999 the Brumby government has invested more than $500 million in planning and major transit city revitalisation projects, in particular in Footscray and Dandenong. In Dandenong, to date, we have invested $290 million. This has allowed for an enormous amount of works to take place, but there will still even more works to come, in particular the delivery of the George Street bridge city walk and the public realm improvements that have taken place and will continue to take place across the region. In Footscray we have invested $52.1 million in an initiative that has seen works commence in relation to the Nicholson Street mall and the ongoing streetscape and capital works, as well as the design and documentation of the new station footbridge, which I know members in this chamber are particularly interested in. We look forward to seeing those come to completion before too long.

I want to compliment the City of Greater Dandenong and the City of Maribyrnong on their cooperative partnership with us in relation to these projects. That has certainly assisted in seeing these works and this investment come to fruition sooner rather than later, particularly in relation to public support, community consultation and the establishment of a planning regime which will help facilitate that investment at a much quicker rate.

As part of the 2008–09 state budget we have allocated $51.9 million over four years for transit city programs in Broadmeadows, Dandenong and Geelong. Of this, $19 million has been allocated — it is additional top-up — to revitalising central Dandenong. This funding is for a particularly good project, because it will provide a fit-out of a new 5-star, green-star, A-grade office building of around 13 000 square metres in central Dandenong. This is particularly important because it will be developed by the private sector to co-locate government services, and that will give a regional focus for those services right across the area. This will complement the strategic work and investment that have already taken place in Dandenong.

In Broadmeadows $8.4 million is being allocated over three years, which will provide for the detailed design work — a blueprint — to integrate the future development of the Broadmeadows station precinct. There will be a significant amount of work done on the back of that, no doubt, as well. This will feature the Main Street boulevard. It will be upgraded with new street furniture, landscaping, pavement and lighting, and it will also complement the investment the government has made to date in the learning centre in Broadmeadows.

This is critical to making sure we enhance the livability of these centres, by investing in them, and also being a catalyst for other forms of private investment, whether it is in the Geelong, Dandenong, Broadmeadows or other centres that we look forward to investing in in the not-too-distant future. Once completed, these transit city-orientated hubs will provide safer, inspirational environments which will be well connected to rail and bus services and will feature improved services and employment opportunities in particular, as well as a greater range of housing choices. That is critical so that we can give the people of the community an opportunity to age in place, particularly if they are scaling up or scaling down their lifestyles. That is critical to maintaining a sense of community in the broader area and the livability that people are flocking to Melbourne and Victoria for.

This will really complement the strategic planning work we have done across the city. It will give a focus to those major activity centres and transit cities. This will enhance livability across the suburbs, because it will give even greater focus to many of those regional locations. We will continue that investment to make Victoria the best place to live, work and raise a family.

Budget: traffic fines

Mr D. DAVIS (Southern Metropolitan) — My question is to the Treasurer. How much of the $492 million revenue estimated to be collected by the Victorian government from fines in 2008–09 relates to speeding and other traffic offences?

Mr LENDERS (Treasurer) — I thank David Davis for his question. I am interested in what figure he is actually using, because this is a budget where fees and fines are spread across chapters 4 and 6 of budget paper 4. There are a number of references in those areas. Part of this is because of the change in accounting standards, where we have gone from the

generally accepted accounting practice, or GAAP, and we are now including some of the GFS, or government finance statistics, harmonisation coming in. We have now aggregated in some of these figures what were previously fines out of a court, as opposed to what were specific fines coming from a camera. They have been grouped together, as we are required to do by the new accounting standards.

Similarly, when you go through chapter 6 of budget paper 4 you see the cash reconciliation for some of these fines coming back, again under a new accounting standard. Again we have here fines from courts and fines from speeding cameras. We also have an accrual or cash measure. I am interested in exactly which figure David Davis is using. I am almost asking a question back, which is unusual in question time, but he is pulling out a figure without referring to chapter 4 or chapter 6 of budget paper 4, without referring to whether it is courts or whether it is cameras, without referring to whether it is cash or whether it is accrual and without referring to which accounting standard he is talking to.

I would welcome a conversation with Mr Rich-Phillips, who understands these matters better than his leader and his shadow Treasurer, at the Public Accounts and Estimates Committee meeting on Tuesday. We will have three quality hours for him to ask me that question on Tuesday. But I certainly would, in general response to David Davis, say to him that there is nothing that this government would like more, there is nothing that would make me happier, than to see a zero figure in our budget papers for speeding fines. There is nothing that would make me happier as Treasurer, as a Victorian or as a former minister for the Transport Accident Commission, because if we had a figure of zero against speeding fines we would have a safer Victoria and lower fatalities. We would bring that figure down. We now have one-eighth of the deaths on roads in this state per car than we had in 1970 when the then *Sun* newspaper started its campaign against the road toll. The coupling of speeding laws, seatbelts, safer cars, safer roads and drink-driving and drug-driving measures — a combination of all of these — has brought down by seven-eighths the number of fatalities on roads.

I look forward to David Davis's supplementary question. Hopefully he will assist me as to whether he is referring to chapter 4 of budget paper 4 or chapter 6 of budget paper 4. He could perhaps also say which table in chapter 4 or chapter 6 he is referring to, so I could be of more assistance to him — whether it is the generally accepted accounting principles measure, or GAAP, the government finance statistics measure, or GFS, the cash measure or the accrual measure — whatever he wishes, I will answer him. I say to David Davis that nothing would make me happier than to see a zero figure for speeding fines, because that would mean Victoria was a safer place.

Supplementary question

Mr D. DAVIS (Southern Metropolitan) — I thank the minister for the gobbledegook. In 1999 the Victorian government collected $99 million in fines, predominantly speeding and traffic fines. This figure has increased massively to $492 million, an almost 400 per cent increase. Is it a fact that the Victorian government will collect over $2 billion in fines in the forward estimates period, and will the Treasurer confirm what share of that $2 billion relates to traffic and speeding fines?

Mr LENDERS (Treasurer) — I have answered David Davis's supplementary question in my substantive answer.

Mr D. Davis — On a point of order, President, the Treasurer cannot have answered that question in his answer to the first question.

The PRESIDENT — Order! The minister can choose to answer or not. Whether it is relevant is a matter for him. Whether Mr Davis is happy with the answer is, quite frankly, irrelevant.

Infrastructure: government initiatives

Mr SOMYUREK (South Eastern Metropolitan) — My question is to the Treasurer, Mr Lenders, and I ask: can he inform the house of how the Brumby Labor government is delivering the necessary infrastructure for Victoria?

Mr LENDERS (Treasurer) — I thank Mr Somyurek for his question and interest.

Mr Finn interjected.

Mr LENDERS — Mr Finn looks for simple solutions. There were simple solutions in the Kennett government of which he was such an enthusiastic member. We know he was in Mr Kennett's faction. He loves Mr Kennett; he always liked him and always supported him. We know he supports that abrupt response — and I am saying this tongue in cheek, President. This government does not believe in simple answers. We believe in disciplined, long-term solutions to issues.

Mr Somyurek asked a very pertinent question about what this government is doing to deliver the necessary infrastructure for Victoria. In talking about necessary infrastructure we talk about the infrastructure that will make this state a better place to live, work and raise a family — a better place now, and a better place for our children and grandchildren.

Mr Finn — It is just rhetoric.

Mr LENDERS — Mr Finn says 'just rhetoric'. I say through you, President, to Mr Finn and the house that it is not just rhetoric to invest in 500 schools during the life of this Parliament. If Mr Finn wants to go to rhetoric, this government invests in 500 schools; the government Mr Finn was part of closed 300 schools. Mr Somyurek asked about substance; he asked about what we are doing for infrastructure. We are investing in the things that matter. Victorian working families ask this government, 'What are you going to do for us to bring down the cost of living? What are you going to do to give us jobs?'. I reply — and this is not rhetoric but substance — that in this budget we are making a cash contribution of $150 million to the port of Melbourne.

What does 'needed infrastructure' mean? The contribution goes a portion of the way to that port dealing with the channel deepening project, which means more jobs for young Victorians and more to assist our manufacturing exporters — for whom Mr Theophanous, the Minister for Industry and Trade, is the best spruiker and advocate in the country — by reducing the cost of shipping. It assists disadvantaged people, consumers who are feeling the pinch, by lowering the price of goods through lower import costs. That is but one example of the government's massive infrastructure spend. Mr Somyurek asked about needed infrastructure. It is for hospitals, schools, transport, the ports and water. All these infrastructure areas are necessary to work for the future.

This budget is an action plan to take Victoria through the difficult times ahead. It is a big investment in future infrastructure so that everybody in this house, especially those opposite, can take a new pride in Victoria. Those opposite used to wear little Jeff tags — little Victoria badges — indicating they were proud of Victoria. We show we are proud of Victoria not through spin and the badge but by the actions of investing in people and investing in infrastructure. That is what makes Victoria a better place to live, work and raise a family. That is what this budget is about. Mr Somyurek can take pride in this government's infrastructure investment. I certainly do.

Wilsons Promontory: bushfire response

Mr D. DAVIS (Southern Metropolitan) — My question is for the Minister for Environment and Climate Change. I refer to the fact that Parks Victoria, a statutory authority under the responsibility of the minister, sued the Department of Sustainability and Environment (DSE), the department to which it reports and for which the minister is also responsible, for negligence over the escaped preventive burn undertaken at Wilsons Promontory in 2005. I also refer to the fact that this extraordinary *Yes, Minister*-style action has in equally mysterious circumstances been withdrawn after the involvement of the Victorian Government Solicitor's Office in court record searches.

Mr Jennings — Which part of this equation do you think is the good part and which the bad part?

Mr D. DAVIS — I think the whole thing is bizarre. I ask the minister: what was the value of the settlement achieved by Parks Victoria in its bizarre action against DSE, and is this sufficient to recompense Parks Victoria for DSE's negligence?

Mr JENNINGS (Minister for Environment and Climate Change) — Let me start off by saying that I am not aware of any financial settlement, but I understand at the heart of Mr Davis's question is an implied suggestion that it would have been sensible to find a remedy and sensible to find a harmonious working relationship between the two agencies in the first instance. At the end of the day the starting premise of his question is that the objectives of various parts of government and statutory responsibilities under one minister should be seamlessly reconciled.

I am very pleased that at the end of his question, regardless of whether there is any intrigue in relation to it or the path by which legal advice was obtained or by which that reconciliation occurred, he is satisfied that at the end of the day there has been a reconciliation of effort. I am very pleased to say that from my vantage point in terms of my ministerial responsibility in relation to this matter I have overseen a very successful fuel reduction burning program within the last couple of months at Wilsons Promontory with total cooperation between Parks Victoria and the Department of Sustainability and Environment in the name of achieving both the environmental benefits and the community safety benefits from fuel reduction burning. That is the objective that I bring in an absolutely unswerving fashion to my responsibilities and I would expect the agencies to work together in a very constructive, collaborative fashion to achieve that outcome.

I believe at this point in time there is a high degree of collaboration and professional engagement from those agencies. That is what I would expect from them into the future, and certainly that is what I believe we are delivering. In terms of any elements of the settlement beyond that administrative harmonisation — the policy harmonisation, the practical harmonisation — I am not aware of them. If there are any elements that seem to be relevant to convey to Mr Davis in accordance with the spirit of his question or the public disclosure issues that may be appropriate, I am happy to have a look into that and follow that up.

Supplementary question

Mr D. DAVIS (Southern Metropolitan) — I thank the minister for his answer on this unusual situation. In that spirit I ask the minister: will he confirm for the house that the cost of legal work, including preparation of the writ by DLA Phillips Fox, exceeded $30 000, and is he aware of any environmental projects on which the money could have been better spent?

Mr JENNINGS (Minister for Environment and Climate Change) — It is very tempting to answer that question in the way in which it was asked. It is tempting to do that, but I will stick to the substantive answer that I have given in the first instance. I have the expectation that these agencies will work very closely together in a collaborative and professional fashion. As a general rule I can assure Mr Davis that I see value in providing the maximum correlation between the funds that are available to these agencies and environmental outcomes.

Infrastructure: road and rail

Ms BROAD (Northern Victoria) — My question is to the Treasurer, John Lenders. Can the Treasurer inform the house of how the Brumby Labor government is taking action by responding to road and rail transport needs, including rail freight needs, in metropolitan and regional Victoria?

Mr LENDERS (Treasurer) — I thank Ms Broad for her question and her ongoing interest in matters of infrastructure, particularly rail and particularly in regional Victoria. In this budget the government is investing $794.1 million in the public transport network and rail freight and $769.7 million in building better roads. That is the amount being announced— new money — in this budget. It is important to work out why, and it also builds in a way on the question Mr Somyurek asked me earlier in question time about investment in infrastructure.

Mrs Peulich interjected.

Mr LENDERS — I take up the interjection from Mrs Peulich about a particular station in her electorate, because you cannot have it both ways. There are two policies a government can have. One is that you actually have a plan for the future where you balance around your budget and make priorities. The other option is that you say three conflicting things: one, fewer taxes — bring them back to 1999 levels; more spending on individual projects; and no way of funding it. That method of economics is the voodoo economics of the Leader of the Opposition in the other house, Mr Baillieu.

This government is investing with a plan for the future that is open, transparent and accountable and delivers infrastructure services across the state. If we look at the regional rail in Ms Broad's electorate of Northern Victoria just as an example, what we saw during the time of the Kennett government and in the lead-up to this government taking office was disinvestment in services.

Mr Vogels interjected.

Mr LENDERS — Mr Vogels said it was the last millennium. It was the last millennium mentality as well — the slashing of services. What we have done is restore the services, whereas you had the railway line cut into Gippsland, the railway line cut to Mildura, services slashed, and what was not cut was flogged off!

This government is rebuilding the rail services. The need to rebuild is not coming from me. The case for rebuilding is not coming from me, a minister in this state Labor government. Part of the case for rebuilding comes from, of all people, Tim Fischer, the former National Party Deputy Prime Minister who said we had to catch up on the years of neglect. And who flogged it off? The Kennett Liberal-National government. This reinvestment builds on last year's reacquisition of track.

If we go to areas in Northern Victoria, Ms Broad's electorate, we find that some producers will not even use the rail service because it is so slow. I have been told anecdotally in Mildura that when you put your fragile fruit on the rail service it will be decayed by the time it gets to the port; it is so slow. This government is reinvesting in freight. In regard to the Fischer recommendations on the 'gold lines', we are bringing all of them bar one into this budget, so we are reinvesting in rail, whether it be freight or passenger services, and Ms Broad is a great advocate for rail. Ms Broad has been an advocate from day one, when we built the regional fast rail to Traralgon, which Philip

Davis loves because it means people from his electorate can actually commute further, and Mr Hall loves because it means his constituents can come to Melbourne from further away, and we know that Mr Scheffer and Mr Viney have been advocating for it for years but the benefits are now being reaped by Mr Hall and Mr Davis.

We also know that the fast rail service runs out of Bendigo, out of Ballarat and out of Geelong. Seventeen members of this house laughed, scoffed and criticised and said it was a waste of money and a bad project and, of course, those 17 members are Liberal and Nationals members. What we know now is that regional Victorians are using public transport in record numbers because this Labor government invested in rail so that the services are coming from Traralgon, Ballarat, Bendigo and Geelong, to name but four, whereas previously the services were neglected, run down and flogged off, and regional Victorians were left on their own.

Ms Broad asked about investment. This investment builds on those investments in regional fast rail, and it is these investments that have seen passenger patronage on V/Line go to the highest level in 60 — five dozen — years. Patronage on regional rail is at its highest level for 60 years and it is also at record levels on metropolitan rail. Ms Broad asked a question about infrastructure in a range of areas across the state of Victoria — —

Mr Guy interjected.

Mr LENDERS — Mr Guy says, 'You can't drive anywhere'. I suggest he should actually go to Waurn Ponds, out to the west of Geelong, and get on the road and drive down towards Winchelsea. He will find yet another program where this Labor government has invested in infrastructure. Mr Guy can go to Waurn Ponds and drive out. If he does not know where it is, Ms Tierney will tell him. On her behalf, she will show him where Waurn Ponds is, and he can go forward. We have invested in infrastructure across the state. We are investing in infrastructure, not because we like investing in it but because we know it is an absolute essential to build the economy.

I will conclude by saying: there is a big investment in infrastructure. We are rebuilding the base, which is critical for the growth of regional Victoria, critical for the economy of the state, great for people and great for the environment. It is a triple bottom line; it works out well on all measures. I recommend that Mr Guy get on the road to Waurn Ponds and on the train to Ballarat. I welcome Ms Broad's question.

Honourable members interjecting.

The PRESIDENT — Order! Members may be surprised to know, or disbelieve, that during the course of that interchange I heard an unparliamentary comment from Mr O'Donohue when he referred to the minister directly and said, 'Minister, you lied'. I ask Mr O'Donohue to withdraw.

Mr O'Donohue — I withdraw.

Solar energy: feed-in tariffs

Mr BARBER (Northern Metropolitan) — My question is for the Minister for Environment and Climate Change, and it is in relation to the feed-in tariff announcement. The Premier is on record in the *Age* this morning as saying that the gross metering model was rejected due to the cost. The minister's colleague in the other house Mr Batchelor has released a spreadsheet explaining why the government believes it will add $100 a year to the cost of an average household's electricity bill. Under the assumption that this five-line spreadsheet is not the only advice the government took, what modelling did the government carry out on these various models for a feed-in tariff, and who undertook that modelling?

Mr JENNINGS (Minister for Environment and Climate Change) — If only Mr Barber was in the right place at the right time. He would love to ask the minister who distributed the material what he relied on for the modelling which underpins that piece of paper. In fact my colleague in the other place, the Minister for Energy and Resources, provided that advice in the public domain. Within the realms of the government's considerations there was a range of pieces of analysis and economic modelling propositions because, as members of this chamber and members of the community would be aware, you can try to drive the policy directions and imperatives of the government in a variety of ways, depending upon what aspect of the modelling you want to maximise. It is very important that in trying to achieve a balanced position the government was particularly mindful of what the feed-in tariff may provide as a financial incentive to enable the additional take-up rate of solar panels. That was a key driver of policy imperative.

We are also at the same time trying to be mindful of the appropriate technology for the metering arrangements that underpin the take-up, the installation and the accounting for both the benefit and the tariff return to households. Various assumptions would be made based on those various elements of the model; so assumptions would be made about what the take-up rate would be in

view of those various elements or how successful it would be as an investment stimulant. Once you finally determine that and once you have the cumulative measures of those elements, ultimately driven by the take-up rate, then you make an estimation about how that cost would be disbursed across all energy users in terms of providing a subsidy for that installation.

As members can imagine, because of the way that modelling is created to achieve those imperatives, with the government's overriding intention being to try to maximise those outcomes and at the same time not create an onerous position in relation to the tariff pressures on individual households, there were obvious ways in which that could be constructed. You could actually come up with a thousand different variations on all the assumptions that were embedded within that model. And, yes, within government more than one model was considered to try to achieve those outcomes; and, yes, the proponents of those models relied on industry and accounting firms that operate within the energy sector to provide the economic modelling and justification for the variety of those factors. It is not surprising, given that a number of objectives were to be achieved, that different models were in place provided by different agencies. As popular opinion may have it, I may have been associated with some of them.

But at the end of the day the government has determined a position based upon the combination of the analysis that has been provided and the key features that it ultimately wants to be associated with in terms of the outcome, which is a balance of the take-up of the technology and the greenhouse gas abatement it may actually achieve, trying to provide a stimulus to the sector to maximise the community's understanding and appreciation of this issue and at the same time trying not to drive up tariffs of individual households.

The government has determined a view, and my ministerial colleague is sharing information that is at the heart of the decision that has been determined and his appreciation of the issues on behalf of the government, because at the end of the day it is his legislation that is required to regulate this sector and to provide certainty for the sector and for the community going forward.

Supplementary question

Mr BARBER (Northern Metropolitan) — I thank the minister for his answer. Given that, as he foreshadowed, legislation will be brought before the house and we will all need to make decisions on how we will vote, and given also that he has noted that there is room for argument about the impact of this measure and its cost, will the minister release, for the benefit of members, the advice on which the government has relied so that when we vote on the bill we will have some certainty around both the value of the measure and its cost?

Mr JENNINGS (Minister for Environment and Climate Change) — The way Mr Barber introduced the subject indicates that information has been provided to him and other members of the community about this announcement. In terms of the additional information that may be available in the preparation and distribution of the legislation and the regulatory regime that may attach to it, those decisions will be made within government in collaboration with my colleague. At the end of the day it will be my colleague's legislation that actually comes before the Parliament and the available supporting material will ultimately be a decision for him. But I am very happy, in the spirit of disclosure, to try to share information, as is my wont, and I am sure the government will see the value of sharing the appropriate degree of information with the community and the chamber in terms of getting support for the bill.

Victoria: coastal strategy

Mr VINEY (Eastern Victoria) — My question is to the Minister for Environment and Climate Change. Could the minister inform the house of how the Brumby government is recognising excellence in the management of our coasts?

Mr JENNINGS (Minister for Environment and Climate Change) — I thank Mr Viney for the opportunity — —

Mrs Peulich interjected.

Mr JENNINGS — There is another interjection that I just cannot pick up. It is very disappointing to me, because I would like to bounce off them if I possibly could!

In regard to the member's question, let me say that beyond the recognition of the importance of our coasts, which was measured by a cumulative $9 million allocated in the 2008–09 budget handed down by the Brumby government earlier this week which in part tries to make sure we have an additional capacity to manage our coasts as well as the important ability to measure the effects of climate change and marine conditions on our coasts into the future, earlier in the week my colleague the Treasurer commented on the fact that the — —

An honourable member interjected.

Mr JENNINGS — Absolutely he is! There is no doubt about that. His comment was that the mapping of the coast of Victoria in a detailed fashion can probably be traced as far back as the time of Matthew Flinders. Beyond the quality work of Matthew Flinders in a very small boat, the state of Victoria is commissioning three-dimensional coastal mapping which goes 10 metres above and 10 metres below the water mark.

In terms of using very advanced technology and imaging material we will not only know the aerial and navigational aspects of the Victorian coast but also we will know the quality of the coastal environment above and below the water mark, which will obviously impact on marine circumstances going forward. I have taken the opportunity to refer to that because it is a very important part of the budget and a very important part of our preparation for coastal management in a time of climate change.

But we already have great capacity in the Victorian community in relation to coastal management, and I take the opportunity to talk about a great event I attended last week, hosted by the Victorian Coastal Council, which is currently led by its fantastic chair Libby Mears. There is a great community effort right across the Victorian coastline by people who are engaged in daily activities to support the quality of marine environments, coastal management issues and protecting flora and fauna along Victoria's coasts. These people are quite often the great unsung heroes of the Victorian community. They have been engaged in coast action and coast care programs over many years.

Last week's award ceremony was the ninth in a series which recognises the value of that work. I was very happy to join the Victorian Coastal Council at that event where we gave credit to the great ongoing work by members of the community, such as Margaret MacDonald in south-western Victoria, who received a lifetime achievement award. I was mischievous enough to suggest that it is a very difficult thing for a sea changer to get a lifetime award, but Margaret has been able to achieve a lifetime commitment award which was recognised at the award ceremony last week.

Alf Willder, who has passed away, was an activist renowned in Port Franklin. He was given a posthumous award for his contribution to his local coastal areas. When his son gave testimony of his father's work with great pride, there was not a dry eye in the house. It was a very moving part of the awards ceremony.

Whether it be through individuals such as the two people I have mentioned or whether it be through councils or community organisations, there has been a great proliferation of effort. East Gippsland Shire Council received an award for very wise planning decisions around the Tambo Bluff estate. Community engagement was demonstrated by the Corinella foreshore reserve committee of management. There was an important recognition of the indigenous connection with the coasts, and the Tarerer Gundij Project Association received a cultural engagement award. It is very important for us to be able to recognise the attachment of indigenous communities along our coastline.

Right along the length of the Victorian coast there are community organisations that participate in restoring the life and quality of the vegetation, the environmental opportunities and the infrastructure. A great capacity has already been displayed by members of the Victorian Coastal Council and community organisations. I congratulate them. I am very keen to ensure that we use the budget support this year very wisely to make sure that we can mitigate the worst effects of climate change along our coast, that we plan wisely for the future and that we engage the community in coastal care projects in the years to come.

Sitting suspended 12.55 p.m. until 2.03 p.m.

EDUCATION AND TRAINING REFORM AMENDMENT BILL

Second reading

Debate resumed.

Ms PENNICUIK (Southern Metropolitan) — The aim of re-engaging disengaged youth and following up people who may have fallen through the cracks is laudable. We do not have any issue with that aim. The issue we have is whether the Victorian student number (VSN) will achieve that aim and whether it will be able to keep track of the very students who are likely to fall through the cracks when its centralised database relies on those students keeping the information provided to their local school up to date. It is a questionable assumption that that is the case. We question whether the esoteric aims will be fulfilled.

In a conversation with the minister, the minister said the VSN and the student register were needed so new schools would have records about students and not have to start from scratch in terms of their records. However, so far as this bill is concerned, the Victorian student register will not hold that information. It will hold the number, the name, the date of birth, the gender, the date of enrolment and the date of cancellation of enrolment,

and no other information. There are some anomalies between what is being said that the student number and the student register will do and what they will be able to do. That is a puzzle.

I am happy to concede that the Victorian student number and the Victorian student register will achieve the administrative and bureaucratic aims that are stated in the bill — namely, regarding enrolments, records and statistics. But I am not sure that members of Parliament should be concerned with legislation that makes it easier for bureaucracies to administer things. Our laws should be about improving educational outcomes and ensuring privacy and the rights of individuals. I am not sure that this bill does either of those things.

The Victorian student number and the Victorian student register in the bill will be centrally maintained by the secretary but delegated really to the two statutory authorities mentioned in the bill, the Victorian Curriculum and Assessment Authority and the Victorian Registration and Qualifications Authority. It is debatable as to whether those institutions are close to the ground and what might be the best way of keeping track of students who may fall through the net, which is one of the stated aims of the student register.

The Greens education policy advocates the provision of adequate numbers of teachers and other professionals with specialists skills to undertake early assessment and implement modified or extension programs to accommodate the needs of students — that is, we advocate having staff available in schools to keep up a dialogue and relationship with students at risk of falling through the net. Staff who are in a school should be able to identify them without the need for a student number or student register. It is not clear to us that the stated non-bureaucratic or administrative aims will be met by this. There has been no evidence put forward to us to back up that claim or assertion.

If you look at the department's fact sheet regarding the student number under the heading 'Why do we need a Victorian student number?', you see that it says:

> The VSN has the potential to provide accurate information on a student's movement through the educational system eg, as they move from school to school or leave and reappear within the post-compulsory years.

It will do that if the information is available, and it probably will be available for the vast majority of students, but it is not necessarily going to be available for the students this is targeted at.

The fact sheet asks what information will be required — and we are getting into the privacy issues here. I want to focus now on the privacy ramifications of a number. It says:

> Once a VSN is allocated it can be used by the student to enrol in subsequent education providers.

However, the bill does not provide, require or expect the student to use the number at all; the student is not required to know or to provide the number. I will talk about this later. Why is it in the fact sheet when there is no provision in the bill for students to be required to know or produce their numbers at any time?

The answer to the question on the department fact sheet of who will be responsible for managing the register is:

> The VSR will be governed by a board consisting of senior members of the government and non-government education provider community and will be managed and operated by a Victorian government agency.

Presumably that means the agencies mentioned in the bill and no other agency. This board needs a student or privacy advocate on it as well, and it should not just be a board consisting of education providers. In order to protect privacy and the rights of students there needs to be somebody on that board with that brief or background.

Under the question 'What information will be in the Victorian student register (VSR)?' the answer given is:

> The VSR will not record any information regarding a student's course, contact information, demographic information, achievements, results, health or pastoral information.

Yet the minister has said to me that the reason we need to set this up is so that education providers will have this information when students pass between education providers. That seems to be a contradiction: the bill says there will only be certain very defined pieces of information associated with the Victorian student number (VSN), yet the minister says it is important for all this other information to be transferred between schools when students move schools — but that it will not be associated with the number. It is very difficult to see how that information will be passed on.

The number will apply to all students up until the age of 24. Given that this bill now incorporates early childhood education into the mainstream education system — into the primary, secondary, and post-compulsory sector — anyone under 24 will therefore effectively be anyone aged over three. We know that at the moment there is a rollout and that the number is only going to be in the government primary and secondary system — certainly the minister mentioned from prep up. I have mentioned that the

New Zealand system is now extending the application to the early childhood sector, and kindergarten students will be required to have the number in New Zealand. As I said before, they will not be able to receive early childhood education unless they have the number. The frequently asked questions page on the education department's website, in answer to the question 'Can parents refuse to have a VSN allocated to their child?' says, 'No, all students up to the age of 24 will be required to have a VSN'.

These issues need to be raised in the Parliament, and we need always to be vigilant about what the ramifications of certain legislation are, particularly legislation regarding the allocation of numbers and whether that is going to be, as I mentioned before, a barrier to participation. If a child does not have a number, will they not have an education? I am not saying that is the aim of the bill, but it becomes a problem if people say, 'Well, I do not want my child to have a Victorian student number, but my child has a right to education'.

In regard to the question of what the Victorian privacy commissioner has to say about the number, the government website's answer is:

> Consultation with the Victorian privacy commissioner was undertaken during the early development stages of this initiative.

We have tried to contact the privacy commissioner about the bill, and we have not been able to get any response. It seems the consultations were held in private, which is a bit ironic when they involve a privacy commissioner. I am concerned that this should be public information.

There are privacy issues when you assign a number to people for any purpose. The Australian community tends to be very nervous or wary with such proposals — the Australia card proposal, for example, was very unpopular. The community is wary of having numbers assigned and of the potential for the information held in association with those numbers to be linked to databases held in the public and/or private sector and to build up over time. The issue with these numbers really is the function creep that can come in over time. That is the concern we have with this number.

If such a number were going to be assigned to Victorian adults for some reason, there would probably be more of a public outcry than there is at the moment about assigning one to children of school age — and, as the legislation is implemented over the years, to children in preschool education.

I also asked the department about a program it has in place called CASES21 because I was concerned about whether the Victorian student numbers system and the Victorian student register will fulfil the aims of tracking down students who may be falling out of the education system, and encouraging them to return. I have no issue with that; it is just the issue of whether the system will assist in that regard.

The department was kind enough to send me some information about CASES21, which is a data system that holds a lot more information than the Victorian student numbers system will be associated with. This number is held by schools but linked to the department, so it seems to me that we already have a database with information about students, held by their educational institutions and linked to the department. I wonder why we need to be duplicating that when we already have the information. As I mentioned before, it seems that if you are trying to make sure that students who may be at risk of falling out of secondary school do not fall out, it is best to do it as close to them as possible.

There are privacy issues associated with any unique identifier. This is a number that will be given to every student, and under the bill there will be access to that database by quite a range of people. The government is at pains to say it will not be many, but it will be the two authorities: the Victorian Curriculum and Assessment Authority and the Victorian Registration and Qualification Authority. The clause says 'any education or training provider'. It does not specify the one that the student is enrolled in or the one that the student wishes to be enrolled in, it is just 'any' — and 'any person employed under Part 3 of the Public Administration Act'.

There is also a clause in the bill which does not prevent a student who may know their student number from disclosing that number. There is no requirement in the bill for the student to know the number, but if they do know it, proposed section 5.3A.13 inserted by clause 11 says the student 'may use or disclose' his or her student number.

There is nothing in this bill to prevent anybody from requiring the student to provide the number, and that is one of the main issues that has been pointed out to us in our consultations with Liberty Victoria in particular, which says in a media release put out just this week that the student register is unnecessary and unjustifiable. I would say it has not been justified, except on the administrative record-keeping argument. Liberty Victoria also says:

> … the safeguards outlined in the bill to protect student information from being misused are inadequate …

> … there are no restrictions to stop others from asking for it, effectively allowing authorities to demand the number and join it with other personal information to the detriment of students' privacy.

Brian Walters, SC, from Liberty Victoria is concerned that:

> … authorities will demand the information and it may then be used for a wide variety of purposes currently not sanctioned or foreseen in the legislation.

I noticed that Mr Hall said in his contribution that the secretary of the department can authorise users of the student number, but he was talking about libraries. I am told that the secretary can only authorise users as outlined in the bill, but there is a provision for ministerial discretion down the line, so there are avenues open for this number to be used above and beyond what is in this bill.

The Greens have had some amendments prepared, which go to the issue of the lack of a provision in the bill to protect students from having the number required of them. They also look at proposed section 5.3A.10 inserted by clause 11, which is the main clause that the government is relying upon to protect privacy and limit the use of the student number.

Proposed section 5.3A.10 is headed 'Authorised users must only act in accordance with authorisation' and provides:

> (1) An authorised user must not access, use or disclose the Victorian student number allocated to a student or any related information otherwise than in accordance with an authorisation under section 5.3A.9.
>
> (2) An authorised user, other than a statutory authority, who fails to comply with subsection (1) is guilty of an offence …

After consultation, departmental staff tell me that a statutory authority is exempted from this provision because a statutory authority has a statutory duty to comply. However, I feel that the wording of the bill implies that the statutory authority is not guilty of an offence if it does not comply with this order, so I have asked parliamentary counsel to produce a note. I propose leaving the provision unchanged and providing a clarifying note saying that a statutory authority is required to comply with subsection (1) and this compliance can be enforced through the administrative law, which is what we have been told. It will make it clear in the bill that a statutory authority is not being exempted from this requirement, but in fact is required not to disclose a student number under its statutory duty and the remedy if such a statutory authority fails to comply, and bearing in mind that the remedy occurs after the statutory authority may not have complied. I am happy for my amendments to be circulated. I think most members have probably seen them.

Greens amendments circulated by Ms PENNICUIK (Southern Metropolitan) pursuant to standing orders.

Ms PENNICUIK — The Greens will be moving two further amendments to clause 11, which go to the prevention of a person other than a parent or guardian of the student in question or an authorised user, as provided for in the bill, having access to a student number. As I mentioned earlier, authorised users include departmental staff, staff of the two statutory authorities and educational institutions. Other than those people named in the bill, no person must require a student to disclose their allocated Victorian student number. The reason for this amendment is that once the amendment is enacted and people know that students have student numbers — and despite the government saying a card will not be issued with that number — the fact is that cards will be issued with those numbers in the fullness of time. The government says such a measure would require the legislation to come back to the Parliament, but it may come back to the Parliament under a different government. I am not sure that that is preventing a card from being issued. At that time students will have a card with their student number on it, and other persons in the community in positions of authority over students — such as transit police, the Victoria Police and people from other statutory authorities or from any other organisations — may request a student's number, and that is not the purpose of the number. Such people could then use student numbers for their own purposes, even if that use is prohibited in the bill. To our way of thinking, this amendment makes it very clear that a student number is not to be used for other purposes.

The amendment also provides that, while a student is not even expected to know the number, they should not be expected or required to provide their student number under any circumstances. That is not clear in the bill, and we think it needs to be made clear because, in the main, we are talking about minors. While student numbers will be issued to people under the age of 25 years, the vast majority of them will be under 18 years of age. Some of them could be much younger than that. They could be travelling on public transport or walking in the street and be asked to produce their number. From our point of view that is not acceptable, and the bill should make it clear that it is not acceptable.

Mr SCHEFFER (Eastern Victoria) — I rise to speak in support of the Education and Training Reform

Amendment Bill. As has been said by previous speakers, the bill has two main purposes: clauses 5 to 8 amend the statutory responsibilities and functions of the Victorian Curriculum and Assessment Authority (VCAA); and clause 11, which inserts a new part 5.3, introduces a unique student identifier or student number and sets up a Victorian student register, which will be a central database of information on individual students.

The bill amends the Education and Training Reform Act, which was introduced and passed in this Parliament in 2006. The passage of this legislation was significant because, other than a review of the legislation in 1958, the provisions of the 1872 act had remained fairly well unchanged for about 130 years. The Education and Training Reform Act 2006 updated and replaced some 12 separate pieces of legislation, and it ensures that all Victorians have the right to a quality education. The substantive act also enshrines a commitment to democracy, it promotes greater access to education and, very importantly, it places an obligation on education and training providers to ensure that all young people receive a quality education. The act represents an undertaking by this government to ensure that this state has a legal framework that supports the delivery of quality education.

The responsibilities and functions of the Victorian Curriculum and Assessment Authority are also set out in the act. At present the VCAA develops curriculum for students from prep to year 12, and it assesses student learning and monitors student achievement, with the overall aim of supporting students through these years and into employment and further study. The amendments contained in this bill to expand the functions of the Victorian Curriculum and Assessment Authority result from the government's decision to integrate early childhood services and education services in Victoria. Under the provisions of these amendments the VCAA will be required to develop policies and standards for development and learning relating to early childhood. The VCAA will be required to develop standards relating to measuring and reporting on early childhood development and will report to the minister and to the department. The VCAA is also responsible for making information relating to early childhood development publicly available.

The evidence clearly shows that appropriate nurture and education in the early childhood years has the potential to positively affect a child's education and development into adulthood. It is therefore important to draw together the knowledge and experience that can integrate the approaches to learning and development for both very young children and also older ones. The amendments will enable the VCAA to put in place testing regimes that are consistent with nationally agreed standards and to report the results of this testing to parents, to schools and — subject to the minister's agreement — to educational authorities. This testing will measure student performance in the areas of numeracy, reading, writing, spelling, punctuation and grammar against national benchmarks. These benchmarks are those that were developed through consultations with experts in literacy, numeracy and educational measurement.

Testing is critical to sound educational planning and delivery and, as people who have a background in education and others will know, it has been a controversial issue over many years. The Victorian government, along with the state and territory governments and the commonwealth government, recognises that raising the national standards of students' achievements has to be linked in some way to effective testing.

The amendments contained in the bill also introduce the Victorian student number, called a unique student identifier, and the bill also establishes a Victorian student register to hold the student numbers and related information on individual students. The introduction of the student number and the register will provide a capacity to identify the movement of individual students through the education and training system.

There is a very clear example of the value of this measure in the Gippsland Youth Commitment initiative that I had the privilege of launching in Morwell this week. The Gippsland Youth Commitment document states that the objective is that all Gippsland education and training providers will work collaboratively with youth support agencies to formally track young people through their education and into employment and training. This is an ambitious objective. The real value of the commitment is that it places the imperative to work together at the centre of activity and then maps out practical strategies that are grounded in evidence. The strategy centres on the individual young person, and its cornerstone is a commitment to valuing each and every young person and making sure that they understand that they matter to their families and that they matter to the community. The strategy aims to foster leadership at every organisational and community level and identifies mechanisms to encourage collaborative processes and the development of local partnerships that will be able to track young people through their education, training and employment.

The data presented in the Gippsland Youth Commitment document shows that even though 72 per cent of young people in Gippsland stay at school through to years 10 to 12, this figure is marginally lower than that achieved for the rest of non-metropolitan Victoria, and it is significantly lower than for young people living in metropolitan areas and similarly lower than the state average. The figures for young people in Gippsland completing year 12 show a similar picture, and the participation for children from Aboriginal backgrounds in years 7 to 12 is well below the rates of Gippsland generally. The final figure that I would like to mention from the document is the 10 per cent of students in years 10 to 12 who leave school without a meaningful education, training or employment destination. It is a fairly serious picture that is painted through the document. It is imperative that all children are picked up, particularly those ones who drop through the system.

The Victorian student number, which can be assigned to all students up to the age of 24 enrolled in all schools or vocational education training providers, will be helpful to those involved in the implementation of the Gippsland Youth Commitment. Proposed section 5.3A.7 lists the information that the student register will hold. That has been enumerated previously but it is worth going through again. It is just the student number, the student's name, the date of birth, the gender and the dates of enrolment and cancellation of enrolment with an education or training provider. This will enable useful aggregations of data that will throw light on the cohorts of students as they move through the system, and it will allow the system to follow up students who have dropped out of education or training. That takes it back to the Gippsland Youth Commitment — the necessity of following through each and every student to make sure that they do not drop out and that each of them has an education training plan. I expect that this will be useful to them and will improve the capacity to succeed.

Ms Pennicuik raised issues at some length around the impact on privacy. I expect that these will be picked up during the committee stage so I will not go through them again. My advice and understanding is that the privacy provisions in Victoria will prevent inappropriate uses of the student number occurring. I am confident that there will not be abuses and that that will be covered, but we will see how that unfolds during the committee stage. I think this is sound legislation. I am pleased that it has received support from most quarters in the house, and I wish it speedy passage.

Mrs PEULICH (South Eastern Metropolitan) — I wish to make a few comments in relation to the Education and Training Reform Amendment Bill 2008, the main purposes of which are to provide for students to be allocated with Victorian student numbers; to establish and provide for the maintenance of student register; to enable the chief executive officer of the Victorian Curriculum and Assessment Authority to issue reprimands to students in relation to minor breaches of examination rules; to make changes to the functions of the VCAA relating to early childhood and the testing of students; and to make other amendments to improve the operation of the Education and Training Reform Act 2006.

Clearly, as Mr Hall has already indicated, the coalition will be supporting this piece of legislation. I would like to endorse some of the comments he has made. However, that is not to play down some of the concerns that have been raised by Ms Pennicuik, which hopefully the government will be able to respond to.

Before making any further comments, I would like to thank the department for the briefing and subsequent briefing it provided to my parliamentary colleague the shadow Minister for Education, Martin Dixon, in another place, and Mr Hall. The first briefing of which I was a part was a technical briefing and it was a good briefing, but I must say that it left many questions that I had unanswered and many suspicions unresolved. That is clearly not necessarily the fault or within the purview of departmental officials. In many instances, in terms of the way that this register operates under this legislation that is before us, the prospects for future amendment of the act are in the hands of the government, and it is really from that angle that I think Ms Pennicuik's concerns —

Mr Pakula — In the hands of the Parliament.

Mrs PEULICH — And the Parliament, absolutely, Mr Pakula is right. Hopefully we will still be here to be able to monitor the manner in which that particular new regime is administered. As I have said, I believe the real agenda for the establishment of the Victorian student number and student register is clearly to do with the Rudd education agenda. We have seen over nine years that this government has not had an education agenda. It was elected basically on a promise of reducing class sizes — and that was pretty much it. The government has been getting rid of chartered schools. Many of them are still in place in some ways, but the government watered it down. It has gotten rid of the triennial reviews, and it has diminished accountability and transparency.

The government has failed to deliver improvements in terms of year 12 completion rates. The evidence has been here and members heard the debate that we all took part in a couple of weeks ago about all of the performance indicators on which the government has failed. The government has failed to deliver proper funding for schools maintenance and has failed to deliver a proper program for capital works upgrades. Unfortunately our students, notwithstanding the best efforts of our teachers, continue to register results at levels that are approximately 10 per cent lower than those of the students of our competitors and rivals in Organisation for Economic Cooperation and Development countries in the areas of literacy, numeracy and science. Until recently our teachers were very poorly paid. There is a whole litany of education failures. We are hoping that higher salaries can turn things around in some way.

Now Mr Rudd has been elected as Prime Minister and obviously he and Ms Julia Gillard have some agenda that they wish to pursue. For this government it is an education lifeline because clearly the system has been, in many ways, in drift. Our students — our most precious commodity and a thing that we all, as parents, members of the community, employers, parliamentarians, value — have in my view been compromised in being able to pursue and fulfil their needs, whatever they be. Whether they be struggling, kids with disabilities not being able to access proper support services, or whether they be the gifted students who deserve the very best opportunity to extend and develop their skills, or whether they be in between, every dollar wasted in the system is a dollar that is not directed to improving their education, and so I think the government has a lot to answer for.

So here we have the Rudd agenda, and clearly there is going to be a national curriculum in place sooner rather than later. This government, for eight years, has been kicking and screaming against national testing proposals at years 3, 5, 7 and 9. The government has objected to general testing because it did not want the system — the system that it has the responsibility for administering — to be accountable for what it achieves or what it does not achieve. If it were the highest quality system the government would have no qualms whatsoever in being open and accountable and having anybody reporting and comparing its schools' achievements with the achievements of educational institutions in other jurisdictions.

With those few words, I think we have got to see it in that context. The former federal coalition government, in the small amount of funding that it delivered in preceding years, used various indicators to direct those federal funds. Now I do not necessarily believe that was the right answer. I believe the information about achievements stored on this particular register will be used to direct funding. Who knows? It may well work for the betterment and improvement of the school system. But the government should at least be up-front about what the system is for. According to the departmental briefing, the introduction of this system not just to government schools but to non-government schools will allow the school from which a student falls through the cracks to track that student.

You do not need a student register or a student number to be able to do that. Any good school will be doing that anyway. As I said, the government should be up-front and not deceptive about its educational agenda. That is the government's modus operandi. Let us have a proper debate about where education needs to be in the 21st century.

I fully support national testing regimes. I think there is strong merit in having a debate about national curriculum. However, at the same time there needs to be flexibility within a national curriculum framework to provide for local variations and needs. If decisions are being made in at the meetings of Council of Australian Governments and ministerial meetings with the federal government, and the rest of the community and stakeholders are being excluded, then a fair and open debate is not happening.

This government and the federal government need to allow all stakeholders to take part in those discussions. The government contends that its recent discussion paper, to which submissions are being received until 16 May, is a part of that process, but it is not. Not only that, I think there is only one Melbourne metropolitan consultation forum scheduled, coincidentally, in Dingley, which is in the marginal lower house electorate of Mordialloc.

Mr Pakula — You are so cynical.

Mrs PEULICH — I am cynical, Mr Pakula. I have been around for some time. I have been here for 12 years, including 10 years in the Legislative Assembly; this is my second year in the Legislative Council. Mr Pakula wonders why I am cynical! Mr Pakula will, no doubt, grow to be cynical in this place as the years pass.

Mr Jennings interjected.

Mrs PEULICH — Yes, perpetually young! As long as the trousers do not get any shorter, it will be all right.

Ms Pennicuik raised some concerns about the operations of the student register and student numbers. Again I more than share some of those concerns, because I want to know if there is going to be a student card. Is the student number a backdoor access to the Australia Card? There was a clear failure to introduce identifiers for the whole population, but if someone acquires a lifelong identifier at birth or at three years of age because they need to be able to access preschool or kindergarten, then over a period of time everyone will have an identifier. Let us have some assurances; let us have some guarantees. Is there going to be a card? If there is, the government should be up-front and tell us about it. Let us have a debate.

I have concerns about minors having lifelong identifiers. Obviously if the information that is going to be held by a repository — it may be information from the Department of Justice if someone has fallen foul of the law and so forth — is going to be used or accessed by other parties, then children may be stigmatised for the rest of their lives. There are some provisions in this bill to protect the privacy of individuals. It is imperative that that remains sacrosanct not only now but in the future. We know that many young people make mistakes, but they do not need to have the rest of their lives consigned to the dustbin as the result of mistakes they made earlier in their lives.

A recent piece of, I think, transport legislation allows third-party access to information that personally identifies individuals. I recall it may have been to do with people who are caught speeding in the tunnels. That would be Mr Pakula's shadow portfolio as parliamentary secretary — —

Mr Pakula — Shadow?

Mrs PEULICH — Wishful thinking! It is certainly shadow, because he has not done anything much in there — nothing tangible. Excuse me, there is an association there.

I am concerned that third parties such as the Transport Ticketing Authority may be able to gain access and that the government may be persuaded to give the authority access at a future time.

More importantly, young people over 16 who do not have photo ID often go to great lengths to find it and often there are attempts to procure and find illegal ID — manufactured ID — which shows that they are over 18 so they can get into licensed venues.

Mr Leane — Is that a recent phenomenon?

Mrs PEULICH — No, it is not a recent phenomenon. I am not blaming the government for this. Young people can be very ingenious at circumventing the law, and I am sure it goes back to when Mr Leane was a young man and when I was a young woman — probably not so long ago! For students 18 years of age and above there will be an incentive to use the card — to use the number — to prove that they are of age for licensed venues. There will be a positive reason to use it. That is a motive that can see the more extensive use of this number, especially if there is a card involved. I want to know: is there going to be a card involved?

Mr Hall spoke about how sensible it would be that a whole range of information is housed on the register. In many ways that has some merit in the debate. The department, or the school, or parents, or whatever, with one press of a button can see what progress has been made by the student in their learning and development and, if progress has not be made, why not. That can already happen now. As Ms Pennicuik spoke about it, CASES21 is out there: every school has one. However, I understand that, unfortunately, many schools do not use it to its full capabilities so, as I said, I am not sure that it is intended just for the purposes as stated in the second-reading speech.

I will move on quickly; I will not labour too many points. In relation to the maintenance of the student register, we have some skeleton information listed in the bill, but no doubt that will expand over time. I hope I will be here for long enough to be proved wrong.

In relation to the chief executive officer of the Victorian Curriculum and Assessment Authority being able to issue reprimands, I think that is all common sense. My only concern is that the period allowed for appeal against a process, which I understand is 10 days — and I am glad to see that there is an appeal process — may be the examination time. If a student has inadvertently found himself or herself reprimanded, and unfairly so, and I am glad that there is a review process — say, if it happens during their English exam time, which is first cab off the rank — that the review period of 10 days will be a distraction to them because they are preparing for other exams. I would like it to be considered whether that 10-day period is appropriate.

The purpose of the bill is to make changes to the functions of the VCAA relating to the merger of the two departments and so taking on the responsibility of early childhood and testing of students. I have already mentioned the testing. I support nationwide testing, and I agree with Ms Pennicuik — both she and I are former chalkies — that integrated testing and assessment, evaluation, are very important. No-one knows a child

better than his or her teacher if that teacher is competent, interested, keeps detailed records and regularly assesses work, whether it is written, verbal or otherwise. However, I also hold a view that national testing regimes can add another dimension, which is important. It is a globalised, competitive world and we need to be able to make sure that the important resources of government are deployed and utilised effectively and that every child in whichever school they attend, including in the government system, given how much we spend, deserves the very best education. If it is not happening, it ought to be possible to press a button, identify the schools or the students who are underperforming and make sure there is a system in place to address that and assist them to build on and improve their performance.

Clearly, following the merger, the VCAA needs to take on the early childhood function. However, I hope the philosophy of early childhood — which places a big emphasis on play and social interaction — is not lost. It has been a successful feature of early childhood and kindergarten programs, and it needs to continue.

With those few words, I look forward to having a fair dinkum and comprehensive education debate in this chamber.

An honourable member interjected.

Mrs PEULICH — No; I think education is one of the most important portfolio areas.

Mr Somyurek interjected.

Mrs PEULICH — You say that education is your no. 1 priority, but what you have done or failed to do over nine years shows that to be a big lie. Let the government bring in a ministerial statement or even the discussion paper. Let us have a fair dinkum and open debate and be up-front about what it is the government hopes to achieve, because at the moment it is very piecemeal; it has been in a state of drift. I am not sure that Prime Minister, Kevin Rudd, and the federal Minister for Education, Julia Gillard, will provide all the answers. The student number and register is only a tool, it is only one factor; it will not deliver on the things that we need to deliver. Obviously the system has not been working to date and we really need to provide resources and talent and monitor the system in order to get the very best outcome for schools as well as for students.

Mr PAKULA (Western Metropolitan) — I thank Mrs Peulich for her generous and positive interpretation of the bill. In her contribution she lamented the fact that after 12 years she has become cynical. I will say two things about that: I hope to last 12 years; and I intend to remain starry-eyed and idealistic for as long as I can.

I want to respond to some of the matters raised by Mrs Peulich before I go to the other comments I was planning to make. Mrs Peulich talked about the national testing regime and how the Victorian government had resisted it for so long.

Mrs Peulich — For nine long years.

Mr PAKULA — There is a good reason for the change in attitude. First of all, we now have a federal government that wants to implement a national testing regime cooperatively, through proper cooperative federalism rather than trying to impose a process on the states with which the states have no involvement. We also no longer have to contend with a federal government that wants to impose a national regime which would have had the effect of dumbing down the system we have in place in Victoria — dumbing down school report cards, as Mrs Bishop wanted to do when she was the federal education minister. We now have a chance for proper cooperative federalism and a proper national testing regime brought in with the agreement and cooperation of the states and relevant stakeholders.

Mrs Peulich also asked the government to not be deceptive. I would ask the same of her. She talked about her belief that this would be a state register which would have achievements included and which would then be used as some vehicle to determine funding arrangements. Either the bill has not been properly read or the elements of the bill that go to that have been ignored, because the bill makes it quite clear that absolutely no information about academic achievements will be contained in the register.

Mrs Peulich — Not for now.

Mr PAKULA — Mrs Peulich says, 'Not for now', and that is correct. But if there is to be any change, it has to be done by legislation. As Mrs Peulich knows all too well, that would involve coming back, not just to the Legislative Assembly, where the government has a majority, but also to the Legislative Council, where it does not. We would have the opportunity to have that debate at that time.

Mrs Peulich also raised the question of whether this would involve the introduction of a student card along with a student number. I advised her that the bill does not make any provision whatsoever for the issuing of student cards across the system. As I am sure Mrs Peulich knows, some schools, of their own volition, currently issue their students with student

cards. There is nothing in this bill that will make any change to that.

The last element of Mrs Peulich's contribution that I will touch on relates to the 10-day appeal period. She raised the issue of whether the 10-day period would have the impact of interfering with a student's examinations. The bill provides that the clock for the 10 days starts ticking after the reprimand is issued. The reprimand will only be issued after the process is gone through — that is, after the authority investigates the allegation of misconduct by the student in the examination. It is not 10 days from the examination, but 10 days from the time of the issuing of the reprimand, so I think her concerns can be allayed in that regard.

I do not want to cover the same ground that Mr Scheffer covered in his contribution — he covered it in some detail, as did Mr Hall — but will go to two elements of the bill: the disciplinary breaches and the Victorian student number. As Mrs Peulich indicated, under current Victorian certificate of education exam rules, breaches are referred to an expert review committee, which determines whether there has been a breach and what the penalty should be; in some cases that might be a reduction in the student's examination score. I agree with Mrs Peulich that it makes sense to have a less formal process for less serious breaches. Some examples of less serious breaches include taking a mobile phone into an exam room, but surrendering it before the examination commences; writing after pens down, but only for a second or two; or communicating with other students near the end of an exam, but in a way that is mere silliness — maybe giggling and nodding to one another — rather than any kind of attempt at cheating. The bill provides for the authority issuing a less formal response, like a reprimand, where that is more appropriate. I think the house can agree that in those circumstances a degree of flexibility in the system is a good thing.

In terms of the Victorian student number, as other speakers have said, it is important to be able to detect patterns of student movement through the system and departure from the system. To do that the Victorian student register needs to be established. The government has stated for some time that its aim is to have 95 per cent of students completing year 12 or equivalent by 2010. It is a good, noble objective. At the most recent count the figure was about 86 per cent, so there is some ground to make up. The bill will assist in detecting students who are at risk of falling out of the system and will allow the authority to engage in some more appropriate early intervention when those risks are detected.

I noted that in Ms Pennicuik's contribution she appeared to be unconvinced that that was the purpose and that that would be achieved by the process. I say to Ms Pennicuik that one would need to have a fertile imagination to come up with some other rationale for why the government wants to do this. The reality is we are not storing on the register the kind of information that would allow it to be used for other purposes. It is clearly about tracking students and their participation in schools. The register will install the absolute minimum amount of information needed to properly identify students — that is, their names, their dates of birth, their enrolment histories and the education provider with which they have been enrolled. As I said at the outset, it will not contain academic achievement information, health information or welfare information and, as I indicated earlier, the items that can be held on the register cannot be amended other than by legislative amendment.

The group of authorised persons which can access the register is also deliberately limited and also cannot be changed other than by legislative amendment. The uses and purposes of the student number and the related information cannot be changed other than by legislative amendment. The safeguards that those who have concerns about this seek are contained in the fact that these proposed provisions cannot be changed without the legislation coming back to the Parliament.

Enrolments across state borders will not tracked. The academic performance of individual students or schools cannot be tracked by reference to this register because that information is simply not recorded. Thus the information is not able to be used to influence any funding models. The other thing that I think is worth pointing out is that the Victorian student number/Victorian student register scheme will in the end help simplify data collection at the school level; replace a number of other registers that may be used by schools at the current time; and as a consequence play its role in reducing the overall burden of red tape for schools within the state.

I appreciate why members may have concerns. Whilst the concerns are well intentioned, I think they are not well founded. I think a reading of the bill allays most of those concerns. As Mr Scheffer indicated, hopefully other concerns can be dealt with during the committee stage. The register and VSN system is exactly what it appears to be: no more, no less. I commend the bill to the house.

Ms LOVELL (Northern Victoria) — I wish to make a few brief remarks on the Education and Training Reform Amendment Bill 2008. This is a bill

that seeks to amend the Education and Training Reform Act 2006 to provide the legislative framework for the establishment and maintenance of the Victorian student register.

One of the main provisions in this bill is that it will provide for students to be allocated with a Victorian student number. The reason I wanted to speak on this bill is that, as the shadow minister for early childhood development, I was very pleased that the government adopted the Liberal Party's policy from the last election to bring kindergartens under the education department umbrella, and it is one of over 40 policies that have been adopted by this government.

What I do not understand is why these student numbers are being allocated at the prep level and why we are not allocating them to students when they start at preschool level. If we are really going to keep a history of every child's full education on record, we should be allocating those numbers as soon as they come into a preschool and under the umbrella of the Department of Education and Early Childhood Development.

Another thing that I would like to raise very briefly is the subject of kindergarten teachers' salaries. In this state kindergarten teachers do not have parity with primary school teachers for their salary.

We have just seen teachers given a significant pay rise. This is another one of the Liberal Party's policies that this government has adopted. The Liberal Party came out with that policy over a month ago now, saying that it would make our teachers the highest paid in Australia. That would particularly help my electorate of Northern Victoria region. We have been competing with New South Wales, where teachers have been paid about $10 000 a year more than they are in Victoria, and we were losing many of our good teachers to interstate. But the government has now come on board and said, 'Yes, the government will make the teachers in Victoria the highest paid'. It has adopted that Liberal Party policy. The part of the Liberal Party policy that it did not adopt was to also make kindergarten teachers the highest paid in Australia, and to give them parity with primary school teachers.

The Liberal Party's policy included kindergarten teachers. It would have given them parity with primary school teachers and made them the highest paid kindergarten teachers in Australia. I know kindergarten teachers come under a separate award from the primary and secondary teachers, and that award is up for renegotiation; I think it expires on 30 September. Negotiations will soon be under way to establish a salary package for kindergarten teachers, and I encourage the government took look at it very carefully and to give kindergarten teachers parity with primary school teachers, because the play-based learning that is provided through kindergartens is a very important part of a child's education. The government talked the talk but it does not seem to walk the walk. Government members make all the right noises about early childhood being important, and yet they are not prepared to reward those people who are charged with delivering that early childhood education to our precious young Victorians.

I encourage the government to adopt yet another Liberal Party policy. Let us get it up to 50 before the end of the financial year, so members on this side can have more of a go at the government about how many Liberal Party policies it has had to adopt. The government seems to be a policy-free zone. It does not have any policies of its own. It is adopting Liberal Party policies. The state is very fortunate that the Liberal Party took such good policies to the last state election.

Mr SOMYUREK (South Eastern Metropolitan) — I rise in support of the Education and Training Reform Amendment Bill 2008. The purpose of the bill is to amend the statutory responsibilities and functions of the Victorian Curriculum and Assessment Authority (VCAA); to introduce a unique student identifier, referred to as a Victorian student number; and to establish a Victorian student register as a central repository for student information.

The introduction of the Education and Training Reform Act in 2006 represented an historical milestone. Victoria's education legislation had not been reviewed comprehensively since 1958, and some sections had remained virtually unchanged since the Education Act of 1872.

Members will recall that the Education and Training Reform Act 2006 updated and replaced 12 separate pieces of education and training legislation. In fact, not all members will recall it because I think it was introduced prior to the last election. That legislation provided a platform of diversity, choice, innovation and flexibility in the delivery of quality education. That act represents an undertaking by the government to ensure that Victoria has a robust and modern legislative framework to underpin quality education delivery both now and into the future.

The introduction of this bill is a further example of the government's commitment to strengthening the framework established under the act. The bill expands the functions of the VCAA to support the government's integration of early childhood and education services

with the Department of Education and Early Childhood Development. In doing so the government has responded to the growing body of evidence demonstrating the importance of early learning and development in laying the foundations of improved developmental and educational outcomes into adulthood.

The bill also augments the authority's current role in the testing of Victorian primary and secondary students to reflect national literacy and numeracy testing arrangements agreed upon by the state, territory and commonwealth governments. The authority's participation in national literacy and numeracy testing will enable progress towards the goal of quality education delivery at both state and national levels.

For quite some time now the government has been talking about a target of 90 per cent of young Victorians completing year 12 by the year 2010. My recollection of the figures is that currently that figure is at 86 per cent, so with two years to go we are pretty close to that target.

The introduction of the Victorian student number and the Victorian student register will provide for the first time the capability to accurately detect patterns of student movement through and departure from the education and training system. This will enable the development of more effective intervention strategies for young people at risk of not completing year 12 and will improve the government's ability to evaluate existing education pathways and to develop options that better meet the evolving needs of young Victorians. In other words, this will help the government in taking action at the front end rather than reacting at the other end.

Each of the sections of the current bill builds on the strengths of the previous legislation and reflects the reality of contemporary education and training. It is our responsibility to ensure that the Education and Training Reform Act 2006 remains valid, up to date, accurate and robust within the contemporary context. The importance of the introduction of the Education and Training Reform Amendment Bill 2008 should not be understated. I believe the bill improves an already highly student-focused act. It will assist to ensure that the legislation continues to provide a structure that will serve Victoria's young people for decades to come.

Finally, to go back to the Greens amendments, we do not support those amendments, primarily for two reasons. The first is that we believe there is adequate provision in the Information Privacy Act 2000 to deal with unauthorised requests for the Victorian student number by government organisations or public sector agencies. Indeed the penalties prescribed in that act are greater than the penalties that would apply under the Greens proposed amendments. Secondly, we believe there may be some unintended and indeed unfair consequences of the Greens amendments, such as where an officer in the Department of Education and Early Childhood Development inadvertently asks a student to confirm their student number if they know the number.

Ms Pennicuik also said that the Greens were not provided with a list of organisations that were consulted. I am reliably informed that the Greens were provided with a copy of the privacy impact assessment, which I am informed is available on the website and which I understand contains a list of organisations that were consulted about the introduction of the Victorian student number. With those remarks, I commend the bill to the house.

Motion agreed to.

Read second time.

Committed.

Committee

Clauses 1 to 4 agreed to.

Clause 5

Ms PENNICUIK (Southern Metropolitan) — I have a brief question in regard to clause 5(1), which inserts new section 2.5.3(2)(ab). It provides that the Victorian Curriculum and Assessment Authority develop policies, criteria and standards for learning, development and assessments which relate to early childhood. Can the minister advise whether that is going to formally include advice and input from professional and representative organisations such as kindergartens, Parents Victoria, Kindergarten Parents Victoria and the Australian Education Union?

Mr LENDERS (Treasurer) — The Victorian Curriculum and Assessment Authority will be going through that consultation process.

Clause agreed to; clauses 6 to 10 agreed to.

Clause 11

Ms PENNICUIK (Southern Metropolitan) — I move:

1. Clause 11, page 13, after line 12 insert—

"**Note**

A statutory authority is required to comply with subsection (1) and this compliance can be enforced through the administrative law.".

This amendment is a note to be added to clause 11, page 13, after line 12. That note simply clarifies that a statutory authority is required to comply with new subsection (1), and this compliance can be enforced through the administrative law. I asked the department what 'the administrative law' was and it provided me with an explanation, but I comment that that is compliance being enforced after an offence or a disclosure has occurred. That is an issue which this amendment will not address.

This amendment does not alter the clause at all; it just adds a note that clarifies that clause. At the moment the addition of the words 'other than a statutory authority' implies that the statutory authority is not required to comply, and that needs to be clarified in the bill.

Mr LENDERS (Treasurer) — The government does not support Ms Pennicuik's amendment. Victorian law applies across the board in Victoria, and the inclusion of this note is unnecessary. If we start putting into a particular act of Parliament the requirement for a statutory authority to obey the law, we will be required to put it into every single act. The law applies across the state.

This amendment is unnecessary, and if we were to accept Ms Pennicuik's amendment for this particular legislation, we would start raising complications in every other piece of legislation about whether we need to reinforce the requirement that statutory authorities need to obey the law. For those reasons the government does not support the amendment.

Mr HALL (Eastern Victoria) — I indicate to the house that the coalition will not be supporting this amendment either, for much the same reasons explained by the minister. Essentially this amendment seeks to put an explanatory note alongside a particular clause in a bill. While that never occurs, it does occur in part on some occasions; more often it does not. The inclusion of an explanatory note regarding a statutory authority would certainly add to the length of the legislation if that was done on every clause. I know it is not proposed to be included on every clause but it is included in this particular instance.

What this explanatory note basically says is that a statutory authority is required to comply with the law. That goes without saying.

Ms PENNICUIK (Southern Metropolitan) — The fact is that proposed section 5.3A.10(2) excludes 'other than a statutory authority' by using commas. I would like the minister to clarify why that is the case.

Mr LENDERS (Treasurer) — The distinction there is that essentially statutory corporations, and this particular clause applies to only two, are obliged to comply — they are directable; there is no issue there — whereas others require a stronger sanction, and that could be an individual public servant or a body that comes within one or two statutory authorities. That is why the two commas that Ms Pennicuik asked about are there. The two authorities are obliged to comply; they can be directed to do so. This sanction, then, goes for other bodies that do not have that same obligation.

Ms PENNICUIK (Southern Metropolitan) — The phrase is 'other than a statutory authority'. The proposed subsection does not refer to those particular two statutory authorities; it refers to 'a' statutory authority, which could be any statutory authority. Is that the case?

Mr LENDERS (Treasurer) — In the context of the bill it clearly refers to those two statutory authorities.

Committee divided on amendment:

Ayes, 4

Barber, Mr (*Teller*)	Kavanagh, Mr
Hartland, Ms (*Teller*)	Pennicuik, Ms

Noes, 34

Atkinson, Mr	Madden, Mr
Broad, Ms (*Teller*)	Mikakos, Ms
Coote, Mrs	O'Donohue, Mr
Dalla-Riva, Mr	Pakula, Mr
Davis, Mr D.	Petrovich, Mrs
Davis, Mr P.	Peulich, Mrs
Eideh, Mr	Pulford, Ms
Elasmar, Mr	Rich-Phillips, Mr
Finn, Mr (*Teller*)	Scheffer, Mr
Guy, Mr	Smith, Mr
Hall, Mr	Somyurek, Mr
Jennings, Mr	Tee, Mr
Koch, Mr	Theophanous, Mr
Kronberg, Mrs	Thornley, Mr
Leane, Mr	Tierney, Ms
Lenders, Mr	Viney, Mr
Lovell, Ms	Vogels, Mr

Amendment negatived.

The DEPUTY PRESIDENT — Order! I call Ms Pennicuik to move amendment 2 standing in her name. It is my judgement that amendment 2 is a test for her amendment 3; both are in respect of clause 11.

Ms PENNICUIK (Southern Metropolitan) — I move:

2. Clause 11, page 14, line 17, before "Despite" insert "(1)".

As you said, Deputy President, this amendment is a test of amendment 3, which is the substantial amendment — amendment 2 is just the insertion of one word.

Amendment 3, which is consequential on amendment 2, deals with an important issue. It goes to an issue that I raised in the second-reading debate about the bill not requiring a student to know their number or to supply their number. That is important. I support that provision in the bill.

However, there is nothing in the bill that prevents another person from requiring a student to disclose their number. This provision would mainly be for a person in a position of authority over a student. As I mentioned, it could be a transit police person or it could be a police officer. It could be any other adult who is in a position of authority or perceived authority over a student.

They will become de facto identifiers in cases where a student knows their number or if a person is trying to work out the identity of a student. It is inevitable further down the line that there will be cards associated with this, whether they be cards issued by the secretary or delegate or cards issued by educational institutions with those numbers on them. That is the crux of the issue here. Those de facto identifiers will be held by minors in many cases — people under 18 years who can be intimidated or feel intimidated by adults in real or perceived situations of authority over them. There is nothing in this bill to prevent such a person from requesting or requiring the number of a student.

Originally I wanted that amendment to be very straightforward and to prevent any person, including persons mentioned in the bill, from requesting that number because there is no requirement in the bill for the student to produce or know the number. To protect students there should be a subsequent and concomitant requirement in the bill that nobody request or require that number of the student. That is what I am standing here trying to do — to protect students from intimidation and misuse of what is going to be a de facto identifier of them. It is not my role here to defend the department or to make things easier for its administration. It is the rights of students and their protection that I am interested in.

However, I made an adjustment to my proposed amendment because it was put to me by the department and the minister that they did not want to catch people — for example, parents or the authorised user — in this legislation. The amendment has been amended to accommodate those concerns, but I am not persuaded that there is anybody else other than an authorised user, as set out in the bill, or a parent or guardian of the student who should be exempted from this requirement. I have heard arguments from the department that non-government organisations, which might be assigned by the department to do something, should be protected. They are not an authorised user in the bill, and if we are going to start giving examples of people who are not authorised users under the bill who should be able to require or request the number, then that just emphasises to me the importance of this particular amendment to the bill in order to protect students from being intimidated or asked for their numbers.

I know the department says nobody can do anything with the number, but they can be asked to use it as a quasi-identifier, and that is the concern and is why this protection is needed in the bill. I urge members to reconsider their positions on this amendment, which I commend to the committee.

Mr HALL (Eastern Victoria) — The opposition will not be supporting this amendment. It is hard to frame legislation to accommodate all the future scenarios you can think of. While legislation does its best with what are the most likely things to occur in the future, it is impossible to suggest we can always frame legislation to address every scenario in the future.

With respect to people, other than authorised users, requiring a student number, I do not see the sense in somebody like a member of the Victoria Police or transit officers demanding a student number. As has been explained to all of us by the people who briefed us, there is no purpose in anybody else having that student number because they do not have access to any other record of who that person is who belongs to that number.

Ms Pennicuik — Not yet.

Mr HALL — Ms Pennicuik says, 'Not yet'. We are dealing with the legislation as it stands at the moment and the commitments given by the government as they stand at the moment. I agree that young people should not be subject to intimidation, and I would hope that people would not try to intimidate young people by threatening them to get them to reveal their student number, even though it has no worthwhile purpose. But I will say this to Ms Pennicuik, that if in the years to come this becomes an issue and we identify problems

of young people being intimidated into disclosing their student numbers, then the coalition would be prepared to come back and address the matter at that time.

Mr LENDERS (Treasurer) — The government does not support Ms Pennicuik's amendment. This legislation has gone through the Scrutiny of Acts and Regulations Committee, which is required to report on those issues raised by Ms Pennicuik. I do appreciate Ms Pennicuik is seeking to amend her amendments so as to address the issues raised; I appreciate that as a sign of goodwill. But in response to her argument, what we see here is potentially taking this to the extreme.

It would make things difficult for someone like the Ombudsman, for example, or the privacy commissioner or a Department of Human Services caseworker — who would be precluded by the amendment — let alone someone in the community sector, to which Ms Pennicuik referred. The government believes the safeguards are built into the bill. This is an important piece of legislation as one can see from the objectives of the bill, and the government will not support the amendment.

The DEPUTY PRESIDENT — Order! I propose to put the amendment to the vote. As I have indicated to the committee, Ms Pennicuik's amendment 2 is a test for her amendment 3. As Ms Pennicuik has rightly pointed out in debate, the substantive part of her amendments is actually tied up in her amendment 3.

Committee divided on amendment:

Ayes, 4

Barber, Mr	Kavanagh, Mr (*Teller*)
Hartland, Ms	Pennicuik, Ms (*Teller*)

Noes, 35

Atkinson, Mr	Madden, Mr
Broad, Ms	Mikakos, Ms
Coote, Mrs	O'Donohue, Mr
Dalla-Riva, Mr	Pakula, Mr
Darveniza, Ms	Petrovich, Mrs
Davis, Mr D.	Peulich, Mrs
Davis, Mr P.	Pulford, Ms
Eideh, Mr	Rich-Phillips, Mr
Elasmar, Mr	Scheffer, Mr
Finn, Mr	Smith, Mr
Guy, Mr (*Teller*)	Somyurek, Mr
Hall, Mr	Tee, Mr
Jennings, Mr	Theophanous, Mr
Koch, Mr	Thornley, Mr
Kronberg, Mrs	Tierney, Ms
Leane, Mr	Viney, Mr (*Teller*)
Lenders, Mr	Vogels, Mr
Lovell, Ms	

Amendment negatived.

Committee divided on clause:

Ayes, 35

Atkinson, Mr	Madden, Mr
Broad, Ms	Mikakos, Ms
Coote, Mrs	O'Donohue, Mr
Dalla-Riva, Mr	Pakula, Mr (*Teller*)
Darveniza, Ms	Petrovich, Mrs
Davis, Mr D.	Peulich, Mrs
Davis, Mr P.	Pulford, Ms
Eideh, Mr	Rich-Phillips, Mr
Elasmar, Mr	Scheffer, Mr
Finn, Mr	Smith, Mr
Guy, Mr	Somyurek, Mr
Hall, Mr	Tee, Mr
Jennings, Mr	Theophanous, Mr
Koch, Mr (*Teller*)	Thornley, Mr
Kronberg, Mrs	Tierney, Ms
Leane, Mr	Viney, Mr
Lenders, Mr	Vogels, Mr
Lovell, Ms	

Noes, 4

Barber, Mr (*Teller*)	Kavanagh, Mr
Hartland, Ms (*Teller*)	Pennicuik, Ms

Clause agreed to.

The DEPUTY PRESIDENT — Order! I indicate to the committee that a member crossed the floor in the course of that vote, but I had seen that member on one side and he had been counted, not just by the clerks as part of the administrative aspect of the votes but also by the tellers. In that sense the vote stands where the member was placed when the count was done.

Clauses 12 to 19 agreed to.

Reported to house without amendment.

Third reading

Motion agreed to.

Read third time.

LAND (REVOCATION OF RESERVATIONS) BILL

Second reading

Debate resumed from 17 April; motion of Mr LENDERS (Treasurer).

Mr D. DAVIS (Southern Metropolitan) — I am pleased to rise to make a contribution to debate on this bill, the Land (Revocation of Reservations) Bill 2008. This bill is like many of those revocation bills that come to this house: it provides for a process of changing the arrangements with land, and in this case

there are a number of individual parcels of land. The bill is something the coalition strongly supports.

I will lay out very briefly the purposes of the bill for the chamber. The bill revokes the permanent reservation of certain land at Yarrawonga; it revokes the permanent reservation and related Crown grant of land occupied by the Talbot Free Library; it revokes the permanent reservation of certain land at Marlo; it revokes the permanent reservation of certain land at Boorhaman; it revokes the permanent reservation of certain land at Brimin; and it revokes the permanent reservation of land occupied by the Mount Duneed Primary School. As with most of these sorts of bills, it is supported by all sides of the chamber. This is one of those machinery bills that needs to be introduced from time to time to undertake the changes in land arrangements that are required by various government departments and bodies.

The only point of any contention in this bill is the land in Yarrawonga. I pay tribute with respect to this to my colleague the member for Murray Valley in the other house, Ken Jasper, whose very strong advocacy for his electorate has achieved a useful outcome in this bill. The reality is that the land involved at Yarrawonga is land that will be required by VicRoads for a bridge that is to be built. It needs to be built relatively soon, but it may actually be some time off, given the pace that things move within various departments. I indicate strongly that the coalition supports the building of that bridge. It is necessary for movement economically, socially and in every way for the township and the region around Yarrawonga. I also make the point that there is a police residence currently situated on that land.

The coalition is concerned that that police residence may be peremptorily closed by the government, and we express considerable concerns about that. The government has a policy of closing police residences around the state. We were concerned that this would be yet another one of those residences that would be closed. This policy is a harsh policy. It makes it more difficult to retain quality people in the police force in country Victoria. It is a very useful device to have a residence available for staff.

Mr Koch — Definitely!

Mr D. DAVIS — Mr Koch agrees. I understand many of those police stations that have been targeted are in his electorate — scandalously, 8 out of 45 are in Western Victoria Region. These police stations have been targeted by the department for peremptory closure no matter what the local community thinks. I know my colleagues Ms Lovell, Mr Drum and Mrs Petrovich are also very supportive of the bridge at Yarrawonga but equally are concerned that until the VicRoads decision is made to commence work, the police residence should remain in use.

I am conscious of a commitment that is said to have been given to Mr Jasper by the Minister for Roads and Ports in the other house, Tim Pallas. The web page says:

> Mr Jasper also advised the minister had confirmed that construction of the new bridge will be completed by 2020, and said he would continue his representations for the provision of early funding for the next stage of the bridge process.

I understand Mr Pallas has also belatedly given a commitment that the residence will remain in operation until those construction works are due to begin.

We would like to see a situation where, when that police residence is closed, a new residence is built in the town. I again pay tribute to Mr Jasper for the work he has done in securing a new police station to be built in that town. He is a fierce advocate for his local electorate, as are the other Liberal-National upper house members.

Whilst a police station has been secured, no security has been given that a replacement police residence will be built. There is the ongoing concern that when the bridge process begins the police residence will be closed and the town will be left without that additional capacity to attract quality officers to the town. This is part of the process the government has gone through of winding back many key services in country Victoria. I know Ms Lovell and others will say more about that when the debate on the bill resumes in the next sitting week, because it is unlikely to be passed today, given the hour of the day.

I again indicate my support for the bill, but there is concern that, despite the strong support for the bridge, in the interim period the police station may not be kept open. There is also concern that in the longer term the police residence may not be replaced when it is closed in that town.

Mr BARBER (Northern Metropolitan) — The Greens will support this bill. Given that most of the parcels of land covered in this bill are from areas distant from Melbourne, we appreciate in particular the efforts of those local members who have provided contributions in the lower house in relation to each individual parcel and also for the information about them that they have passed on directly to the Greens.

The ACTING PRESIDENT (Mr Somyurek) — Order! I interrupt the business of the house. The house now stands adjourned.

House adjourned 4.00 p.m. until Tuesday, 27 May.