PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-FOURTH PARLIAMENT

FIRST SESSION

28 November 2001

(extract from Book 9)

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By authority of the Victorian Government Printer

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The Lieutenant-Governor

Lady SOUTHEY, AM

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FIFTY-FOURTH PARLIAMENT — FIRST SESSION

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Hadden, Hon. Dianne Gladys	Ballarat	ALP	Thomson, Hon. Marsha Rose	Melbourne North	ALP

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WEDNESDAY, 28 NOVEMBER 2001

Wednesday, 28 November 2001

The PRESIDENT (Hon. B. A. Chamberlain) took the chair at 10.03 a.m. and read the prayer.

QUESTIONS WITHOUT NOTICE

Waverley Park

Hon. N. B. LUCAS (Eumemmerring) — My question is to the Minister for Sport and Recreation. Given the minister's assurances to this house regarding Waverley Park, what action has he taken since the park was advertised for sale in April to ensure that any development fulfils his commitment to provide the best community outcome?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I welcome the question from the honourable member. Over the course of this government the Labor Party has discussed the issue of Waverley Park with the Australian Football League on many occasions and advocated its policy position. Appreciating that the AFL will no longer play AFL football at Waverley Park, the government is seeking the best community outcome. The government continues to meet with the AFL to advocate that position. I look forward to an outcome that will be beneficial to the community and in particular the local community in that region.

Industrial relations: *Growing Victoria Together*

Hon. E. C. CARBINES (Geelong) — Honourable members would be aware that last week the Bracks government launched *Growing Victoria Together*. Will the Minister for Industrial Relations inform the house of how Industrial Relations Victoria is contributing to the Bracks government's Growing Victoria Together plan?

Hon. M. M. GOULD (Minister for Industrial Relations) — I thank the honourable member for her question. The Bracks government recognises that a positive industrial relations climate is critical to the creation of more jobs and in ensuring that we have thriving and innovative industries across Victoria. A priority for the Bracks government's Growing Victoria Together plan is to improve the business environment through high-performing, cooperative workplaces. As part of the Department of State and Regional Development, Industrial Relations Victoria will contribute to this in a range of ways.

Despite the damage caused by the previous government, Labor has been working hard to restore a positive industrial relations climate to the state. The Kennett government destroyed workers' minimum conditions. It encouraged conflict and destroyed awareness of industrial relations issues. The challenge this government continues to face is to turn around the damage inflicted on Victorians and create and maintain a positive industrial relations climate. The government will provide information about and raise awareness of industrial relations and it will build on this awareness to encourage a cooperative partnership approach to workplace issues in this state.

In respect of the first point, Industrial Relations Victoria now acts as a vital information source for Victorian workers and employers. Its new information unit will focus even more on these issues and will be fully operational in the new year. Industrial Relations Victoria has promoted partnerships in both the public and private sectors. A number of these initiatives such as the regional high performance networks, industry round tables, and the Building Industry Consultative Council encourage open dialogue.

The Bracks government also has an open-door policy. That is something the opposition never had when it was in government. The government is prepared to discuss industrial relations.

Honourable members interjecting.

Hon. M. M. GOULD — We know the opposition has no comprehension of what industrial relations is about; it has absolutely no idea. There is a stark contrast between the way the previous government worked and how the Bracks government operates. The government will continue to listen to Victorians, whether they are employers or employees. I am proud to say that Industrial Relations Victoria's commitment to restoring a positive industrial relations climate to this state will assist to achieve the core values of the Growing Victoria Together plan. It is a great plan for this state. Labor in government will continue to work to grow the whole of the state and to create a caring and innovative Victoria.

ALP: union links

Hon. K. M. SMITH (South Eastern) — I address my question to the Minister for Industrial Relations. Following her last answer I ask: given the federal parliamentary Labor Party's strenuous efforts to distance itself and its new leader from the trade union movement and given the current state of industrial relations in Victoria, will the state government follow suit or will it stay in bed with and be dictated to by its trade union mates?

Hon. M. M. GOULD (Minister for Industrial Relations) — This once again shows quite clearly that the opposition has absolutely no comprehension or understanding of industrial relations. It has no idea what it is about, and it does not understand that employees are entitled to be represented by unions under the laws of this land. As I indicated, this government will continue to speak to all the stakeholders, whether they be employers or employees or their representatives, because it will not shut the door like the opposition did when it was in government. We understand the benefits to this state of working cooperatively with the stakeholders. We have an open-door position.

Mr Smith ought to talk to Mr Forwood, who has a little bit of understanding of industrial relations, because he sure as hell has none! This question indicates that. This government will continue to work with all stakeholders, as I indicated in my previous answer.

Electricity: renewable energy

Hon. G. D. ROMANES (Melbourne) — Will the Minister for Energy and Resources inform the house of what action the Bracks government is taking to develop new opportunities for Victoria's sustainable energy industry locally and internationally?

Hon. C. C. BROAD (Minister for Energy and Resources) — I thank the honourable member for her question and her keen interest in the development of the renewable energy industry in this state. I recently had the pleasure of presenting a keynote address at the Congress of the International Solar Energy Society in Adelaide to some 500 leaders — —

Honourable members interjecting.

The PRESIDENT — Order! I ask both sides of the house to settle down to allow the minister to be heard.

Hon. C. C. BROAD — I recently had the pleasure of presenting a keynote address at the Congress of the International Solar Energy Society in Adelaide, attended by some 500 leaders in the renewable energy industry and research community from more than 50 countries. The congress served to highlight the enormous potential for and the growing interest in renewable energy internationally. This presents a significant opportunity for the renewable energy industry in Victoria to provide and to highlight their technologies and services to the international community.

The recently completed audit of Victorian environmental industries, which was conducted in partnership with industry, identified the renewable energy sector as having substantial and significant growth potential in Victoria. As an example of what is possible, I understand that in what will be an Australian first, solar street lighting in a new housing development in the Shire of Mornington Peninsula will be connected to the electricity grid, delivering both cheaper and more sustainable lighting for local residences in that municipality.

Businesses are increasingly interested in solutions developed to meet their own energy needs and creating new businesses to market these solutions to national and international customers. To help Victorian businesses reach world-class standards in energy use, reduce costs and improve productivity, the Sustainable Energy Authority established by the Victorian government has developed its Energy Smart Business programs, with more than 600 Victorian businesses now participating in programs. There is a substantial potential for Victoria, and indeed Australia, to become a key player in renewable energy technologies throughout South-East Asia by engaging with industry leaders and working cooperatively across jurisdictions.

These initiatives position this government to lead the development of renewable energy within Australia. By facilitating the development of businesses that provide the necessary technologies and services, the Victorian government is supporting the development of the renewable energy industry. The industry will create new jobs, particularly in rural and regional Victoria, to help to grow the whole of the state.

Auctions: bidding

Hon. R. A. BEST (North Western) — My question is to the Minister for Consumer Affairs. Given the minister's illuminating response to my friend and colleague Mr Hallam last week on dummy bids, I now presume that she has apparently ruled out any changes to our livestock sales system. I therefore ask the minister: is she prepared to give the same reassurance in respect of auctions for commercial real estate, farms, clearing sales, charity auctions or even car auctions, or are suburban home buyers the only consumers the minister sees as worthy of protection?

Hon. M. R. THOMSON (Minister for Consumer Affairs) — As I have said in this house before and which I will repeat again for the honourable member, we are looking at the Estate Agents Act; a review has been undertaken by the Estate Agents Council, an advisory group that is representative of the industry and consumers and has other expertise. That body has been working for some time on reviewing the act and ensuring that industry standards are appropriate and that

the legislation meets what consumers expect from the real estate industry.

It is very odd that we have heard nothing from the opposition on its position on dummy bidding or on its position on industry standards, when a number of real estate agents have been out there saying that the time of dummy bidding is over. We will be announcing a comprehensive package for the real estate industry. We will give confidence back into that industry and consumers will be confident that the process is transparent and open.

Schools: fishing program

Hon. JENNY MIKAKOS (Jika Jika) — Will the Minister for Sport and Recreation inform the house how the Bracks government is working successfully with recreation organisations and government agencies to promote recreational participation in schools?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I thank the honourable member for her question. As honourable members would be aware, because I have mentioned it on a number of occasions in the house, each year recreational fishing is enjoyed by hundreds of thousands of Victorians throughout the state. It is a form of recreation popular with all levels of the community. It is one of those activities that often involves people throughout their entire lives and develops into a life-long pursuit, particularly if it is introduced at an early age and an interest is developed early in life.

As part of this government's fishing participation initiative, which aims to increase participation in recreational fishing, I recently launched the schools recreational fishing program at the Milleara Primary School in Avondale Heights. It operates under the title, 'Get hooked — It's fun to fish'. I know that some opposition members enjoy fishing on the odd occasion, although they do not often reel in the big ones! The program introduces primary school children to the art and science of fishing. No doubt opposition members are still learning some of those techniques themselves!

The program is supported by a student and teacher resource book that introduces young people to appropriate regulations, assists in identifying common fish species and provides techniques that may be used to catch them.

The first three sessions are conducted in schools and involve activities and workshops on regulations, fishing skills, safety, and environment and conservation issues. The fourth session involves an excursion to a local waterway to implement newly acquired fishing skills.

One of the great things about this program is it links some of those community organisations and local angling clubs and their members to the schools. Many of the anglers are retirees, and they enjoy the involvement of young people. It gives them added enthusiasm in their lifelong love of angling. The program develops the link between schools and the local community.

The program is one of three key areas. The other program areas include one I announced in some detail last year — and the Honourable Roger Hallam was particularly excited about this initiative — the Victorian recreational fishing small grants scheme. I announced a range of small grants to fishing and angling organisations, and I know the Honourable Roger Hallam took a particular interest in some of those groups.

Other elements of the program include the fishing access feasibility study, which has identified six key fishing locations suitable for the development of infrastructure works to improve access to some of the sport and recreation target groups among which we are looking for increased participation — that is, children, older adults and people with disabilities.

It is a great program that has been enthusiastically received in the community, and it is a great way to endorse community linkages. I acknowledge the cooperation and support of the Department of Natural Resources and Environment, Fisheries Victoria and VRFish in developing these initiatives.

Industrial relations: working hours

Hon. BILL FORWOOD (Templestowe) — I refer the Minister for Industrial Relations to a question asked by the Honourable Kaye Darveniza on 7 November about the research for industrial relations working hours done by the Australian Centre for Industrial Relations Research and Training (ACIRRT). On the same day the minister released a press statement headed 'State government to intervene in reasonable hours test case', which states in part:

> … new research commissioned by the Bracks government that showed —

et cetera. The press release is dated 7 November, and that was a day on which this house sat. I point out that on 18 October the Australian Council of Trade Unions (ACTU) put on its web site an article entitled 'Working time arrangements in Australia' which was a five-page summary of the minister's ACIRRT document. The article states in part:

The Victorian government commissioned ACIRRT …

I ask the minister how much money she paid from the Victorian government coffers to assist the ACTU research?

Hon. M. M. GOULD (Minister for Industrial Relations) — As I indicated to the house, the government supports the Australian Council of Trade Unions (ACTU) claim with respect to the test case before the Australian Industrial Relations Commission, and it undertook research to determine the number of hours a week people have been working in Victoria in excess of between 35 and 45. The government undertook that research. I do not have the exact cost with me, but I am more than happy to get that information and forward it to the honourable member. It is important for the government to clearly understand the number of hours Victorians are working, because the opposition prevented this government from introducing legislation that would have protected Victorian workers from working exorbitant hours and ensured that if they worked in excess of 38 hours they would be able to be paid overtime.

However, the opposition blocked the Fair Employment Bill that would have allowed that to happen. So we have only one recourse, and that is through the Workplace Relations Act and the commission, and we support — —

Hon. Bill Forwood — 'We'? Are you talking about the ACTU or the government?

Hon. M. M. GOULD — We, the Victorian government, support, along with a number of other Labor states — including Queensland, New South Wales, Tasmania and Western Australia — the principle of looking after workers so that they are not forced to work extensive hours, for health and safety reasons among others. The government did the research. As I said to the honourable member, I do not have the cost of that research with me, but I am happy to get the information and give it to the honourable member.

Consumer affairs: Highlander Club

Hon. R. F. SMITH (Chelsea) — Will the Minister for Consumer Affairs provide details on a recent scam targeting Victorian consumers, which is known as the Highlander Club?

Hon. M. R. THOMSON (Minister for Consumer Affairs) — Consumer and Business Affairs Victoria (CBAV) has been aware of the Highlander Club and is currently investigating the matter. The Highlander Club claims to be the world's most profitable and secret club, so secret that you are approved as a member before you even become aware of the existence of the club. In order to maintain that secrecy you have to sign an oath of secrecy.

The material provided by the club promises that you will receive, among other things, secret and proven ways to become wealthy, particularly without needing money or credit, and ways to borrow $25 000 to $75 000 regardless of your credit or debt problems. It can also tell you how to travel anywhere in the world whenever you want using pocket change. It promises things such as debt-free use of government sources, how to buy from government auctions for 10 per cent of the actual value and free cash of $250 each month to help jump-start your business or get you out of debt.

This is another scam that emanates from overseas. Although it is postmarked from America, you send your money to a post office box in Milton, Queensland. The material does not tell you where the club is located, nor is any company or business name registered. In its investigations CBAV has found that the material is registered in the name of Agora Incorporated, which is a foreign company from Maryland in the United States of America and which was deregistered in Australia some two years ago.

CBAV is working with the Office of Fair Trading in Queensland and also with the United States officials and the Australian Competition and Consumer Commission to ensure that these kinds of scams are drummed out of Australia.

Beaches: family friendly

Hon. I. J. COVER (Geelong) — I refer the Minister for Sport and Recreation to an ALP promise made in 1999 — last century — to establish 20 family-friendly beaches in Victoria. With the third summer under the Labor government just three days away, I ask the minister to finally name them.

Honourable members interjecting.

The PRESIDENT — Order! Mr Cover has asked a question, and he must expect an answer delivered in a way that the house can hear it.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I welcome the question from the Honourable Ian Cover. The government has undertaken a number of water safety initiatives. I have already announced a significant number of those in the house, as well as the one mentioned by Mr Cover, which I will refer to in detail. There are a number of initiatives, and I

would like to expand on those as well. At this time the government has engaged experts to ensure those beaches — —

Honourable members interjecting.

Hon. J. M. MADDEN — I hope they swim at the beaches that — —

Hon. B. C. Boardman — We don't know where they are!

Hon. J. M. MADDEN — If honourable members do not want to listen, I am happy to put it in writing.

A number of strategies are being undertaken at the moment. We have engaged experts to scope the extent of family-friendly beaches. That includes the issue of in-water and out-of-water elements and safe water and good shape — —

Honourable members interjecting.

The PRESIDENT — Order! I ask honourable members to settle down and allow the minister's answer to be heard. I think he was about to name the nine beaches.

Hon. J. M. MADDEN — As I mentioned last year in relation to this matter, as well as setting the parameters for what is a family-friendly beach, the government has also undertaken work that the opposition, when in government, was never prepared to undertake. Those sorts of issues relate to the beach signage project, which has been a particular success. That beach signage project, which the government implemented on a trial basis last year, has proved very successful. The government is extending that in conjunction with the Department of Natural Resources and Environment with a $200 000 allocation for beach signage at Victorian beaches to assist in making them family friendly and safe.

The government is also piloting the extension of the lifesaving season this year. The pilot will take place at Lorne, and a number of other sites that will certainly be identified in conjunction with Surf Life Saving Victoria. The government has committed itself to those areas. It is working on areas that the previous government, in its seven years in government, was never prepared to go near.

The other area of aquatic safety that the government is addressing this year is a trial signage project of inland waterways.

Honourable members interjecting.

Hon. J. M. MADDEN — They laugh about it, but it is a serious issue, as I have mentioned in the house previously. Statistics show that more young males between the ages of 16 and 29 drown in inland waters than elsewhere, yet the opposition jokes about the signage.

Hon. Bill Forwood — On a point of order, Mr President, the question asked was about family-friendly beaches. Now the minister is entering into a debate about other issues of water safety. I ask you to have the minister wrap up his answer.

The PRESIDENT — Order! If there had not been interjections the minister would not have been diverted in the way he has. The minister was asked a specific question about 20 family beaches. He gave the name of one, but I am not sure whether the minister intends to give the house the remainder.

Hon. J. M. MADDEN — I thank you for the ruling, Mr President. The government is currently identifying those in relation to a number of strategies. The importance of those strategies for the safety of the Victorian community obviously is lost on the opposition. The government is ensuring the aquatic safety of the Victorian community at beaches and on inland waterways. Those issues no doubt are lost on the opposition now, as they were lost on the opposition when its members were in government.

Walking: Vicfit forum

Hon. T. C. THEOPHANOUS (Jika Jika) — I direct my question to the Minister for Sport and Recreation.

Hon. B. C. Boardman — I hope you have given him the answer.

Hon. T. C. THEOPHANOUS — He is answering the questions very well. In light of the Bracks government's commitment to improving the physical health of Victorians, including those in this chamber, will the minister advise what steps he has taken to promote this outcome?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I thank the honourable member for his question. I am pleased to advise the house that as part of the government's strong commitment to ensuring the promotion of health, fitness and activity in the community I have provided $100 000 to the Victorian Council on Fitness and Health (Vicfit) to undertake a two-day forum with stakeholders in relation to walking. I know some honourable members, while they may not participate in organised or structural recreation, are

keen and active walkers. Walking is a great way of achieving health and fitness. Some walk further than others, and we wish some would just keep walking!

The forum is a result of excellent work done by the lead government agency on physical activity. Walking is often underestimated, but it is a tremendous indicator of community wellbeing in terms of health and fitness, activity, community safety, participation and linkages to the community and also, perhaps surprisingly, economic activity. The more people in the community who are walking, the better off the community is.

That is one of the driving forces behind the forum, which builds on the government initiative I have already announced in the house of the walking bus pilot project to encourage school-aged children to walk and be more active, as well as a number of items to be considered on the day as part of the forum. They include the walk-to-work day, the walking trail strategy, which should interest honourable members, and the travel smart program, which links in with public transport. Another component of the discussion was the metropolitan strategy that is being developed and the walk-and-talk program for older members of the community.

The outcome of the strategy will help the government to formulate a walking action plan to reinforce and enhance the health of members of the community who are actively taking part in walking and who regard walking as a positive benefit rather than a difficulty or an issue to be steered clear of. It is an initiative to be taken across portfolios, and the aim is to increase the number of people who walk and all the associated tangible benefits. I look forward in the near future to providing to the walkers who are members of the house and other honourable members further information about the benefits of walking.

QUESTIONS ON NOTICE

Answers

Hon. M. M. GOULD (Minister for Industrial Relations) — I have answers to the following questions on notice: 2053–4, 2230–31, 2351, 2439, 2447–8.

The PRESIDENT — Order! The Honourable David Davis has written to me seeking my ruling regarding the answer to questions on notice 1992 and 2057 relating to the appointment and secondment of ministerial and other staff. In my opinion part 2 of each question has not been answered, and I therefore direct that those parts be reinstated on the notice paper.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Auditor-General: child protection report

Hon. R. M. HALLAM (Western) presented report, together with appendices and minutes of evidence.

Laid on table.

Ordered that report and appendices be printed.

METROPOLITAN AMBULANCE SERVICE ROYAL COMMISSION

Report

Hon. M. M. GOULD (Minister for Industrial Relations) presented, by command of the Governor, report of November 2001.

The PRESIDENT — Order! I point out to the house that for some reason this house was not given the report at the same time as the Legislative Assembly. There is no reason for that. It is a discourtesy to this house. However, it has happened.

Hon. M. M. Gould interjected.

The PRESIDENT — Order! It was not in evidence earlier this morning. It was not on the papers list. This house was not given notice of it. It is not a problem of the minister; it is someone else's problem, but we want to make sure it does not happen again.

Laid on table.

PAPERS

Laid on table by Clerk:

Auditor-General —

Report on Departmental performance management and reporting, November 2001.

Report on Management of claims by the Victorian Workcover Authority, November 2001.

Statutory Rule under the following Act of Parliament:

Gaming Machine Control Act 1991 — No. 121.

Victorian Institute of Forensic Mental Health — Report, 2000–01.

INFERTILITY TREATMENT (FURTHER AMENDMENT) BILL

Second reading

Hon. BILL FORWOOD (Templestowe) — I move:

That this bill be now read a second time.

The purpose of this bill is to amend the Infertility Treatment Act 1995 by including a new section 4A, which requires a doctor to be satisfied either that a woman has a physical condition preventing pregnancy or that sperm produced by her husband is unlikely to cause a pregnancy before access to assisted reproductive technology is allowed.

The bill is necessary because of the confusion created by guidelines sent to fertility treatment clinics in September, which sought to widen access to assisted reproduction technology (ART) beyond what was determined by the Federal Court of Australia.

In 2000 a case was brought against the state of Victoria in the Federal Court of Australia because the Victorian act precludes access to treatment for single women. A declaration was sought from the Federal Court of Australia that section 8 of the Infertility Treatment Act 1995 is inoperative because it was inconsistent with section 22 of the Commonwealth Sex Discrimination Act 1984.

It was found that the sections of the Infertility Treatment Act (ITA) which were inconsistent with the Sex Discrimination Act 1984 were inoperative.

The Federal Court decision is currently the subject of an appeal in the High Court with a decision not expected before February 2002.

The effect of the Federal Court judgment makes present legislative provisions relating to marital status inoperative. Sections 8(2), (3) and (3)(b) of the Infertility Treatment Act 1995, however, remain operative except where reference is made to a husband. The remainder of the act, including the requirement of a diagnosis of infertility, remains operative.

The September guidelines published by the ITA claimed that 'The Minister for Health has now endorsed these guidelines'.

Guideline 1 stated:

> The requirement for a doctor to be satisfied that a woman is unable to become pregnant other than by a treatment procedure may need to address the condition of those women who are unable to participate in what is considered to be normal heterosexual intercourse. Women who are partners in a lesbian relationship, or women in a heterosexual relationship, whether legally married or not, or single women who have been unable to sustain a heterosexual relationship because of this condition, may all satisfy their treating doctor(s), if appropriate evidence is provided to them.

This guideline is clearly an extension of the criteria for access by recognising 'psychological infertility'. There has been no public debate or parliamentary scrutiny of this executive decision.

The bill makes it clear that psychological infertility is not a criterion for access to ART, and further, emphasises that the title of the act remains a guiding principle for access: it is the Infertility Treatment Act, and therefore only physical conditions preventing pregnancy should be considered by the treating doctor.

This bill makes no statement or judgment on the Federal Court decision, but reinforces the view that this act governs infertility and requires that certain physical conditions resulting in infertility are necessary prerequisites for access to assisted reproductive technologies under the Infertility Treatment Act 1995.

It should be noted that the term 'husband' is defined in section 3 of the act to include a man living with a woman in a de facto relationship.

The new section 4A does not affect the operation of the existing section 8(3)(b), which relates to the situation where the doctor is satisfied that a disease or genetic abnormality may occur by a pregnancy other than through a treatment procedure.

I commend the bill to the house.

Debate adjourned on motion of Hon. G. W. JENNINGS (Melbourne).

Debate adjourned until next day.

BUSINESS OF THE HOUSE

Questions

Hon. BILL FORWOOD (Templestowe) — I move:

That until the end of December 2001, on days when the Council meets other than Tuesday, Wednesday and Thursday, the time appointed for the asking of questions without notice and the giving of answers to questions on notice shall be 10.00 a.m. and government business shall take precedence of all other business thereafter.

If we sit on the Friday this motion will enable the house to take questions without notice at 10.00 a.m.

Motion agreed to.

Concurrent debate

Hon. BILL FORWOOD (Templestowe) — I move:

That this house authorises and requires the Honourable the President to permit the notices of motion standing in the name of the Honourable Bill Forwood relating to business of the house, questions and presentation of committee reports to be moved and debated concurrently.

To ease the procedures of the house the motion changes the way the house operates, and it is appropriate that these matters be dealt with as a whole rather than separately.

Motion agreed to.

Sessional orders

Hon. BILL FORWOOD (Templestowe) — I move:

Business of the house

(a) That the sessional orders relating to the business of the house, adopted by the Council on 4 November 1999, as amended on 31 May 2000, 2 November 2000 and 19 September 2001, be now amended as follows:

1. Omit paragraph (b) and insert:

‘(b) The transaction of government business shall take precedence of all other business, except business governed by standing orders nos 20A, 68A, and 86, from the conclusion of questions on Tuesday; from the conclusion of statements by members on Wednesday; from the conclusion of debate on motions to take note of reports and other papers on Thursday; and from the conclusion of questions on all other sitting days.’.

2. Omit paragraph (c) and insert:

‘(c) The transaction of general business shall take precedence of all other business on Wednesday for 3 hours following questions, excluding any period of suspension of the sitting.’.

3. Omit paragraph (d) and insert:

‘(d) Debate on motions to take note of reports and other papers which have been tabled in the house during the session shall take precedence of all other business on Thursday for a period of 1 hour following questions.

Precedence shall be given to any business under this paragraph in the following order:

(i) a notice of motion to take note of a report of the Auditor-General pursuant to sections 15, 16 and 16A of the Audit Act 1994 or an order of the day for the resumption of the debate on such a motion;

(ii) a notice of motion to take note of a report of a parliamentary committee or an order of the day for the resumption of the debate on such a motion; and

(iii) a notice of motion to take note of any other report or paper or the resumption of the debate on such a motion.

A member may speak for a period not exceeding 10 minutes on any motion under this paragraph.’.

4. Omit paragraph (e) and insert:

‘(e) No new business shall be taken after 9.00 p.m.’.

5. Omit paragraph (f) and insert:

‘(f) The time appointed for the asking of questions without notice, debate on motions to take note of answers to questions without notice and the giving of answers to questions on notice shall be 2.00 p.m. on Tuesday, and 10.00 a.m. on all other sitting days.’.

6. Insert the following new paragraph to follow paragraph (f):

‘(g) At the conclusion of general business on Wednesday and at 2.00 p.m. on Thursday when any business before the house shall be interrupted, members may make statements on any topic of concern and any member may be called by the Chair to make such statement for a period not exceeding 90 seconds. The period allowed for these statements shall not exceed 15 minutes.’.

7. Omit ‘(g)’ and insert ‘(h)’.

(b) That these amendments shall apply from 1 January 2002 and shall have effect until 31 December 2002.’.

I further move:

Questions

That from 1 January 2002 until 31 December 2002, standing order no 71A be suspended and that the procedure to be followed in relation to questions shall be as follows:

Questions without notice

(a) At the time prescribed by the sessional orders members may ask questions without notice.

(b) The asking of each question shall not exceed 1 minute and the answering of each question shall not exceed 4 minutes.

Supplementary questions

(c) At the conclusion of each answer the member may ask a supplementary question of the minister. The asking of each supplementary question shall not exceed 1 minute and the answering of each supplementary question shall not exceed 1 minute.

Motions to take note of answers to questions without notice

(d) After questions without notice have concluded motions may be moved without notice to take note of answers given that day to questions without notice.

(e) A member may speak for not more than 5 minutes on a motion to take note of an answer.

(f) The time for debate on all motions to take note of answers to questions without notice on any day shall not exceed 30 minutes.

Answers to questions on notice

(g) Whenever there are answers to questions on notice the Leader of the Government shall advise the house and circulate a list of the numbers of the questions on notice to which answers are being provided, a copy of the answer shall be given to the member asking the question, and the answer shall be incorporated in *Hansard*.

I further move:

Presentation of committee reports

That from 1 January 2002 until 31 December 2002 standing order no. 212 be suspended and that the procedure upon the presentation of any report of a committee appointed pursuant to the Parliamentary Committees Act 1968, a select committee of the Council or a joint select committee of the Council and the Assembly shall be as follows:

(a) upon the presentation of the report the Council may order that the report be printed with the documents accompanying it.

(b) the Chairman or other member of the committee presenting the report may then move without notice, that the Council take note of the report, and may speak for a period not exceeding 10 minutes on such motion.

(c) the debate on the question shall then be adjourned and the adjourned debate shall become an order of the day for the next Thursday when motions to take note of reports and other papers tabled in the house during the session are considered.

On 18 September we amended the sessional and standing orders of this chamber — that is, our procedures and the way we operate. At that time the changes we made were sunsetted to 31 December this year. In the circumstances it is appropriate that we revisit them now and consider whether we can introduce other mechanisms to make the house work more smoothly.

May is clear about the processes and the business of the house and that we have the capacity to organise our affairs and procedures in the way that best suits the operation of the house. The motions before the house today continue a process that has been going on for time immemorial — namely, that the house periodically looks at the way it behaves and continues to try to function in an appropriate and sensible manner.

It is apparent from *Odgers' Australian Senate Practice*, 10th edition, that standing orders were framed for the purpose of enabling the Senate — and in this case the Legislative Council as well — to be master of its own procedures, recognising the fundamental parliamentary rule that the house should have safeguards against surprise and haste and, after a President's ruling quoted in *Odgers* on page 21, which also applies to this house, that:

> … the Senate may at any time amend its standing orders, and the standing orders have been so amended, or added to, on a number of occasions …

That also applies to sessional orders, as *Odgers* makes clear:

> Sessional orders are orders which have effect only for a session of Parliament.

When I was doing some research on this I noted that on a number of occasions sessional orders were introduced in the Senate that remained sessional orders not just for one session but for quite some time. Some, I noticed, went through from 1992 to 1997.

When the Bracks government came into office it made considerable play of being open and accountable and of improving the democratic operation of the Parliament. In its response to the Independents charter in particular it made a number of comments about how it intended to do that and brought in some changes to sessional orders in the lower house. It also made a requirement that ministers would answer questions and so on.

The role of the Parliament and parliamentarians, as we all know, is very varied. I will not go through all the things honourable members or the Parliament do, but a significant part of the role is dealing with legislation, which comes under government business. I make the point at the outset that, other than the fact that some of the amendments we will be dealing with today make an incursion into the time sometimes allowed for government business, nothing is proposed here that affects the way the government can bring its legislation to the Parliament, the way it will be debated or members' capacity to speak on bills. The opposition is in no way trying to codify issues to do with gags or guillotines or the operation of the other house using

such procedures. The fundamental role of the Parliament in dealing with legislation is not affected by the amendments we are proposing today.

There are, however, among the many other things the Parliament does, these three functions: scrutinising the executive; representing constituents; and informing itself and the wider community about issues of public policy. Amendments to sessional and standing orders proposed today touch on each of those functions: the scrutiny function, the representing function and the informing function.

Item 1(b) of the first motion concerning sessional orders proposes that government business will take place on Tuesdays after questions and motions that take notice of answers to questions, formal questions and formal business; on Wednesdays after general business and members statements; and on Thursdays after motions to take note of reports.

Item 2 will substitute a new paragraph (c) which states:

> The transaction of general business shall take precedence of all other businesses on Wednesday for 3 hours following questions …

It will start after formal business and answers to questions on notice, apart from the fact that we go to lunch.

Item 3 goes into some detail about motions to take note of reports. This is an innovation that was brought in in 1999 and has been used on seven occasions. It is part of the informing function as well as the scrutiny function of the Parliament. It is a practice that is followed in jurisdictions all around the world, including Canberra. In this place we have had half an hour set aside to take note of reports plus an unwritten or verbal agreement that each of the three parties in the house would take 10 minutes each. My motion proposes that that would take place on Thursdays and that the period would be extended by 1 hour. I believe that is a good change.

Honourable members will see there are a number of notices of motion on the notice paper. My anticipation and hope would be that if the time for debating them were extended we would get through more of them.

Honourable members will note that the opposition has given precedence in this motion to reports of the Auditor-General. It is good for Parliament as part of its scrutiny and inform roles to set down a specific time and capacity for Auditor-General reports to be scrutinised. This very day a member of the government, the Honourable Elaine Carbines, moved to take note of an audit report. Under this procedure the effect will be that the debate of that report will take precedence on Thursday, as would debates of other reports under sections 15, 16 and 16A of the Audit Act. I also make the point that the ranking of precedence should also involve motions to take note of parliamentary committee reports or orders of the day for the resumption of motions, and I will deal with that point later in this contribution. There is also the capacity to move a motion on any other report, and as I said there are a number of them on the notice paper at the moment.

Honourable members will note that item 3 concludes:

> A member may speak for a period not exceeding 10 minutes on any motion under this paragraph.

On this side of the house that is known as the ‘friendly Theo clause’. It is not designed in any way to embarrass Mr Theophanous, because last week he gave the house an assurance that he did not know of the agreement between the National Party, the Leader of the Government and me which had been in evidence the six previous times reports have been noted — that is, that each party has 10 minutes to debate reports. I am happy as always to accept Mr Theophanous’s assurance that he did not know there was an agreement that 10 minutes would be allowed for each party to debate reports.

If the house decides to agree to these changes in future there will be no doubt that on Thursday mornings when reports are debated — whether they are reports of the audit office, parliamentary committee reports or motions to take note of any other report or paper — members will only be able to speak for 10 minutes.

Item 4 deals with the issue of new business. I was reflecting on the debate that took place in September when the Labor Party voted against the removal of the 8.00 p.m. rule. The Leader of the Government said I had got it wrong and that I was not in favour of an easing of the way the house would work. I am happy to admit I did get it wrong. For that reason the opposition is happy to reinstate the rule.

In my time in this place the time has changed from 10.00 p.m. to 8.00 p.m. to nothing, and then back to 9.00 p.m. From my experience in Parliament I believe the house needs the capacity to manage the flow of business, particularly given that sometimes the Legislative Assembly is not always as aware as it could be of the way the Legislative Council behaves. The capacity for this chamber to say it will not take new business after 9.00 p.m. is sensible. I make the point again that this side of the house is always willing to operate cooperatively with the minister and the

manager of government business to discuss these issues. If the government has a desire to seek leave to waive the 9.00 p.m. rule, I extend an open invitation for it to come and discuss it with the opposition.

Item 5 deals with the issue of when question time will take place. In September we changed the time for questions to 10.00 a.m. on Wednesdays and Thursdays and left it at 2.00 p.m. on Tuesdays. This item states that the time will remain at 2.00 p.m. on Tuesdays and 10.00 a.m. on any other day we sit. I hope we do not get into the habit of sitting Mondays and Fridays. Parliaments in other jurisdictions, including the federal Parliament, sit on Mondays and Fridays, but I hope we do not. It is certainly not the opposition's intention to do so, but the capacity — —

Hon. T. C. Theophanous — What about this Friday?

Hon. BILL FORWOOD — The capacity to sit this Friday exists. The capacity to ask questions also exists. We will see what comes of it. I guess there will be discussions between the government and opposition on that issue as we try to deal with the flow of business from the other place. All item 5 does is set down the time for asking questions without notice and raising other issues that may follow them.

Item 6 deals with the introduction of members statements. The Leader of the House in the lower house, Mr Batchelor, brought in this procedure in the Legislative Assembly. It goes to the inform and represent categories that I mentioned are part of the roles of the Parliament. This procedure also takes place in Canberra. When Mr Batchelor introduced it on 4 November 1999 he said:

> … a new parliamentary procedure the government will introduce called statements by members.
>
> … the government is offering to provide extra opportunities for members of Parliament.

He went on to say:

> It is a vehicle by which all members can make statements.
>
> A similar procedure is used by the commonwealth Parliament to allow members to make 90-second statements each day on anything relating to their work as members. They can thank people who have made good contributions in their electorates.

So members can talk about electorate issues. He also said:

> The government will provide an opportunity to make contemporaneous statements. It is a free, open form of parliamentary opportunity, and the government believes it will develop into an important part of the parliamentary timetable for individual members.

Although we operate in this place as members of particular political parties we also operate as individuals and we have the capacity to ask questions and raise issues on the adjournment debate. However, the general capacity to come into this place at a set time and make a brief contribution on any matter that concerns us either as members of particular political parties or — more so I hope — as individual parliamentarians representing constituents is a good practice to try.

I hope the government will support it, because after all it introduced it in the Legislative Assembly. Although I know the Honourable Theo Theophanous thinks this is something he can make political capital out of, the intention behind it is to enable the Parliament to be responsive to issues in individual members' electorates and to wider issues across the community and to have the opportunity to come into this place and to raise issues that are not easily raised through government business, opposition business on a Wednesday morning or through taking note of particular reports. Frankly, I believe this is a good amendment and one that enables us, as the Minister for Transport said, to provide opportunities to members. Item 7 is to:

> Omit '(g)' and insert '(h)'.

That is the existing standard provision in the sessional orders which says that:

> … the provisions of the resolution, so far as they are inconsistent with the standing orders and practice of the house, shall have effect notwithstanding anything contained in those standing orders.

Paragraph (b) of the first motion says:

> That these amendments shall apply from 1 January 2002 and shall have effect until 31 December 2002.

We have set aside a sensible period to trial the changes to the sessional or standing orders. Obviously we had to start on 1 January because a number of them expire on 31 December. That does not mean that if they do not work we cannot revisit them. This is about trying to make the house operate under family-friendly hours and cooperatively to make the business flow smoothly and to enable individual members to have the opportunity to contribute in as many ways as they can. That is the reason we are trying that time.

Three things can happen: we can continue to extend the period of the sessional orders; we can change the sessional orders in the period up until that time; or we can one day move that these amendments be put into the standing orders.

I move to the second motion and the change in procedure about the asking of questions in this place. I return to my earlier comment about the Bracks government being an open, honest and accountable government and how the Premier committed his government to supporting the Independents charter in detail and spirit. In his response to the Independents charter the Premier personally said there was a requirement that ministers actually answer questions during question time and said:

> As Premier of the Bracks Labor government I personally commit to the following:
>
> > instructing all ministers to answer questions directly and in a manner that does not waste the time of the Parliament.

I say in jest that I think some ministers in this place could remind themselves of that from time to time. The Premier also said that he would:

> > Lead by example, by answering all questions specifically with the required detail to fully inform members of the Parliament of the issue raised.

We will have a difference of opinion on how successful his ministers have been in following the example set by the Premier! The proposal today is to have a trial period of one year of adopting the standing orders of the Senate on the answering of questions, particularly questions without notice. We are introducing the rules of the Senate. The first of those rules is that the asking of a question should not exceed 1 minute. That of itself would impose a discipline on those who ask questions. Some of our questions are sometimes verbose, and this will enable us to hone our question and answering skills. I hope we get better at it.

Paragraph (b) in the second motion states:

> … the answering of each question shall not exceed 4 minutes.

When researching this matter I found that page 503 of *Odgers' Australian Senate Practice* states:

> … the history of the time limits on questions and answers is of interest.

It is probably of interest to some of us but not to the wider community. It continues:

> On the initiative of the opposition, a special order was agreed to on 14 September 1992 to limit the asking of questions to 1 minute and the answering of questions to 2 minutes during question time. The motion also limited the asking of supplementary questions to 1 minute and answers to them to 2 minutes. The motion further specified that time taken to make and determine a point of order should not be regarded as part of the time for questions and answers. This action was taken after opposition complaints about the length of some ministers' answers, and a general discontent with the conduct of question time.

He then goes on to talk about how the times change, because it originally started at 2 minutes and now it is 4 minutes. At one stage it was limited to 3 minutes and 1 minute respectively. We considered strongly whether 4 minutes was the right time for ministerial answers. The Minister for Sport and Recreation, who is not in the chamber, is a past master at the long answer. I am unsure that 4 minutes is not too long, but when we were considering this matter we in the end thought it was better to trial the Senate system rather than introduce our own time limits. For that reason, we decided that the time taken to answer questions shall not be any longer than 4 minutes. I make the point that we have the capacity to revisit that if we believe the use of ministerial statements might be a more appropriate way of the government using information to inform people.

That leads to the issue of supplementary questions. I refer honourable members to pages 503 and 504 of *Odgers' Australian Senate Practice*. In 1973, nearly 30 years ago, the practice of allowing supplementary questions started. We are proposing that supplementary questions be asked and that questions should not be longer than 1 minute and the answering of a supplementary question should not exceed 1 minute. It states at page 503:

> … in the discretion of the Chair, be called to ask a supplementary question in order to elucidate the reply.

Supplementary questions must be actually and accurately related to the original question and must relate to or arise from the answer. It is not in order to ask a supplementary question of another minister; the purpose is to elucidate additional information on the original question. If the Bracks government believes in the spirit of being open, honest and transparent and in answering questions properly, the capacity for ministers to answer supplementary questions is something the house should at least try.

The sessional orders of the Senate also allow motions to be moved to take note of answers. If that occurs, the honourable member can speak for no more than 5 minutes, and there will be a time limit of half an hour. It is worth a try. At page 513 *Odgers' Australian Senate Practice* says the capacity is there for motions to take note of answers. I suspect this is a practice we will find our way into as time goes by. Such a system puts some rigour into the asking and answering of questions, the capacity to then follow up with supplementary questions on the same topic to elucidate further information and then, if necessary, to have debates about the answers. It is a good system for enabling the

Parliament to scrutinise the executive and to inform the wider community and the Parliament of issues relating to the matter before the house.

Paragraph (g) of the second motion standing in my name deals with the issue of how questions on notice will be answered, for which the sessional order also expires on 31 December. It preserves the capacity for the Leader of the Government not to have to seek leave to enumerate the numbers of the questions being answered, but it does say that a list will be circulated, which is appropriate and sensible.

I turn to the third motion standing in my name, which is listed as item 18 on the notice paper under general business, notices of motion, and deals with the presentation of committee reports. Today the Honourable Roger Hallam tabled the Public Accounts and Estimates Committee report, and as Mr Theophanous and I have both done in the past he could have sought leave to make a brief statement. There are guidelines on how that statement should be made, but standing order 212 provides:

> Upon the presentation of a report no discussion shall take place unless by leave of the Council, but the report may be ordered to be printed …

This proposal suggests that when the report of a parliamentary committee, a select committee of the Council or a joint select committee of the Legislative Council and the Legislative Assembly, is tabled, the person who is tabling the report may, if it is ordered that the report and the documents that accompany it be printed, move without notice that the Council take note of the report and may speak for 10 minutes on the motion.

Hon. T. C. Theophanous — What about a right of reply?

Hon. BILL FORWOOD — This is about the informed function I was talking about earlier and about public policy. Mr Theophanous legitimately raised the issue of a right of reply. At the time of formulating the motions I considered whether we should go down that route. I had a discussion with my colleague the Leader of the National Party about whether or not it would be preferable if, instead of just enabling the person tabling the report to speak for 10 minutes, as is the practice of the house, we should enable the person tabling the report to have 5 minutes and the other two parties represented in the house to have 5 minutes. I did not go down that route because after discussions with colleagues and the Clerks it became apparent that, firstly, we do not want to cut into the time for government business too much, and secondly, as the motion makes clear, the capacity exists for debate to take place on Thursdays.

Hon. T. C. Theophanous — Turn it up! It goes to the bottom of the never-never.

Hon. BILL FORWOOD — Except it can be brought on if we wish. This house has a tradition of operating cooperatively. I make the point that the last time this house did not operate cooperatively was when the government refused leave for the opposition to move a motion on a Wednesday. It is unheard of in this place for the opposition not to do something on a Wednesday. We will continue to try to operate this place on a cooperative basis, and if Mr Theophanous now wants to raise an amendment to the motion I am happy to suggest that paragraph (b) of the motion on the presentation of committee reports could provide for the person tabling the report to speak for 5 minutes and set the time limit for the debate as 15 minutes with each person being able to speak for 5 minutes. That would enable three people to speak for 5 minutes. The opposition would be quite relaxed about that if the government wishes to move it, or it can be moved at some other time.

That brings me to the end of the issues I wish to bring to the house, except to say that when I brought suggestions of change to this place in September I was accused of lack of consultation on the matter, of bringing in changes and discussing them only with my colleagues in the National Party. I remember the Leader of the National Party making the point at the time that the government's only objection to what we were doing was that apparently I had not consulted enough. So on this occasion I went out of my way to consult. Over a week ago through the Clerks I made copies of what we proposed to do available to the Leader of the Government and to the Leader of the National Party. I also, I hope, facilitated their capacity to discuss these issues in detail with the Clerks, who know the rules very well.

I must say that I am disappointed that the government did not take the opportunity at any time to come and discuss these matters with me. Yesterday Mr Theophanous started a conversation with me about the issue of reports, and I am sure he will agree that I was happy to discuss the issue with him. I thought about it and discussed it with the National Party, and we tried to find a way through it. I am disappointed that two months ago Mr Theophanous had a go at me because I was not consulting. When I attempted to consult and made the proposed changes available, not one member of the government came back and discussed them with me. No-one made an effort to

engage us in the process. On this occasion I do not think Mr Theophanous is able to criticise.

I make the point that it would be difficult for the government to now vote against the requirement to bring back the 9 o'clock rule, given that it voted against its removal in the first place, when it was 8 o'clock. That is up to government members. I believe the house always has the capacity to make itself a place that is able to legislate, to scrutinise and to represent the interests of people outside and to inform on public policy. The motions before the house do that.

This is not the end of the world. This is a process the house always goes through, a process of looking at the way it operates. I again make the point that at the moment there is a standing committee looking at the standing orders. With those few words I commend motions 16, 17 and 18 standing in my name to the house.

Hon. T. C. THEOPHANOUS (Jika Jika) — I shall begin my contribution by moving a reasoned amendment. I move:

> That all the words after 'That' (where first occurring) in the motion relating to business of the house be omitted with the view of inserting in place thereof 'the proposals contained in the proposed trial sessional orders relating to business of the house, questions and presentation of committee reports be referred to the independent constitution commission on the reform of the upper house for consideration and in particular whether they provide the best arrangements in the context of the need to reform the procedures and electoral process of the Victorian upper house'.

The ACTING PRESIDENT (Hon. C. A. Strong) — Order! Is Mr Theophanous moving this as an amendment to the first motion, or is this in effect an amendment to those listed as 16, 17 and 18 on the notice paper standing in Mr Forwood's name?

Hon. T. C. THEOPHANOUS — I believe the reasoned amendment affects all three motions. The amendment I have read to the house relates to business of the house, questions and the presentation of committee reports. In that sense it is an amendment that would replace all three motions. However, I understand that it would be moved in the context of the first motion and tested on that motion, and if unsuccessful the government would not pursue it further.

The ACTING PRESIDENT (Hon. C. A. Strong) — Order! To make it clear, this is an amendment to the motion listed as item 16 on the notice paper?

Hon. T. C. THEOPHANOUS — In the initial stage it is an amendment to that motion, and if successful it would be repeated.

I heard the Honourable Bill Forwood say that he had made some sort of attempt to consult with the government on these issues. The truth of the matter is the government was handed a fait accompli. It was handed a list of proposed changes to the sessional orders and told that that was what was going to occur. The government was given these changes in the full knowledge from its point of view that there was no way it could stop them being introduced. In searching for words to describe the actions of the opposition in relation to the changes to sessional orders two words come to my mind — hypocrisy and opportunism.

Hon. C. A. Furletti — You would know about both of those!

Hon. T. C. THEOPHANOUS — You are a master of both those, Mr Furletti. When you, Mr Furletti, were in government not once did I hear you complain from this side of the house about the sessional orders. I did not hear you or any of your colleagues complain when you were on this side of the house that we needed supplementary questions to keep the Kennett government honest.

Hon. C. A. Furletti — Your problem is you're old hat.

Hon. T. C. THEOPHANOUS — Your problem Mr Furletti is you have too many meetings on the balcony.

In another obvious, transparent and hypocritical act the opposition came into the house and tried to tell members that this is part of some sort of new-found desire on its part to reform the processes of this house. The government is happy to take the opposition at its word that this is part of an attempt to reform the processes of the upper house. In that context the government has put up a reasoned amendment which allows the proposed changes to go to the Constitution Commission of Victoria.

Hon. C. A. Furletti — It is a farce; a political stunt.

Hon. T. C. THEOPHANOUS — I know you do not support the independent constitution commission, Mr Furletti. You do not support it because you are worried about your seat. That is your problem, you are worried about keeping your little bit of privilege of coming into this place and sitting in your seat for eight years without any accountability.

Hon. C. A. Furletti — Unlike you.

Hon. T. C. THEOPHANOUS — That is right. I do not respect the process you have set up.

Hon. C. A. Furletti — You are a disgrace.

Hon. T. C. THEOPHANOUS — Mr Furletti can go on for as long as he likes, but the truth of the matter is none of these changes was attempted, discussed, considered by or found anywhere in the neurone structure of opposition members when they were in government. They were not interested in any changes to this house that might have made it more accountable. They were not interested in reforming the upper house or its sessional orders. They were not interested in providing for supplementary questions or talking about committee reports presented in the house — they were not interested in any of that. All members opposite were interested in when they were in government was coming in here and going home. They complained whenever the then opposition got up and wanted to extend the debate and talk about the real issues facing the people of Victoria. All opposition members did was complain about having to sit.

That is about the only thing you did in government, Mr Furletti, and now you get up in opposition and suddenly say you want to change the sessional orders and introduce a Senate-type system. Mr Forwood said he wanted to introduce a Senate-type set of sessional orders. Mr Forwood went into great detail about how he had talked to Mr Hall and they had discussed whether it should be 2 minutes for supplementary questions or 1 minute for answers or what it was going to be. They finally decided that the best way to bring in these sessional orders was to stick to what is currently happening in the Australian Senate.

It is interesting that the opposition should raise the Australian Senate in this house, because I have here an article which appeared in the *Age* and quotes Harry Evans, the Clerk of the Senate. Harry Evans has had enormous experience with the sessional orders and operations of the Senate.

Hon. N. B. Lucas — On a point of order, Mr Deputy President, I believe Mr Theophanous is just about to get right away from the subject of this debate.

Hon. T. C. THEOPHANOUS — You believe I am about to, so I haven't yet.

Hon. N. B. Lucas — The quote he is about to get involved with has nothing to do with the motion. I ask that that be drawn to his attention if he gets into that area.

Hon. T. C. THEOPHANOUS — On the point of order, Mr Deputy President, it is obvious Mr Lucas has not read the reasoned amendment I moved. It relates to reform of the procedures and electoral processes of the upper house. That is precisely what the quote I am about to read concerns.

The DEPUTY PRESIDENT — Order! Mr Theophanous is the lead speaker for the government in this cognate debate, and he is also speaking to the amendment he has moved. I rule that there is no point of order and invite Mr Theophanous to continue.

Hon. T. C. THEOPHANOUS — Shows how dumb you are, Lucas. The article says:

> In a submission to the constitution commission established by the Bracks government to consider upper house reform, Clerk of the Senate Harry Evans says proportional representation is the 'only institution' that will produce a chamber that could scrutinise the government of the day.

Hon. N. B. Lucas — On a point of order, Mr Deputy President, Mr Theophanous is introducing the very situation that I predicted he probably would.

Hon. T. C. THEOPHANOUS — You have already been ruled out of order.

Hon. N. B. Lucas — He is now talking about the method of voting for this house, and that has nothing to do with the sessional orders of the house.

Hon. M. R. Thomson — On the point of order, Mr Deputy President, the amendment as it was moved indicates that the government sees that the sessional orders and the method of election are interlinked, and it is perfectly in order for Mr Theophanous to address those issues.

The DEPUTY PRESIDENT — Order! I have very carefully read the amendment proposed by the Honourable Theo Theophanous, and I believe his contribution is within the bounds of the amendment. He is speaking to motions 16, 17 and 18 on the notice paper, which are being debated cognately.

Hon. T. C. THEOPHANOUS — Thank you, Mr Deputy President. You have showed how dumb you are twice, Lucas. Keep going!

Hon. N. B. Lucas — On a point of order, Mr Deputy President, I find that term offensive and I ask you to ask Mr Theophanous to withdraw.

Hon. T. C. THEOPHANOUS — On the point of order, Mr Deputy President, I suggest that if we were to take exception to the use of the word 'dumb' every time

it was used in this house, we would do nothing other than withdraw.

The DEPUTY PRESIDENT — Order! Mr Theophanous, that cannot be debated. I simply ask you to withdraw.

Hon. T. C. THEOPHANOUS — I withdraw, Mr Deputy President, but I must say that I do not know what you mean by it 'cannot be debated'. When a point of order is taken it can be debated in this house and people can put a point of view on a point of order. If you do not understand the standing orders you should not be the Deputy President.

The DEPUTY PRESIDENT — Order!

Hon. T. C. THEOPHANOUS — Mr Deputy President, I would like to get back to the debate. It is quite clear that the opposition does not want to debate these matters.

The DEPUTY PRESIDENT — Order! Mr Theophanous, Mr Lucas has been personally offended by your remark, and I simply ask you to withdraw. I repeat the request to ask you to withdraw.

Hon. T. C. THEOPHANOUS — I did it.

The DEPUTY PRESIDENT — Order! He has? I am sorry, I missed that.

Hon. T. C. THEOPHANOUS — Maybe I will be able to get on to the debate now.

I will continue to quote the Clerk of the Senate, Harry Evans. It is quite clear the Honourable Neil Lucas does not know what the Clerk of the Senate has said, notwithstanding the fact that his leader came in here and said that these proposed changes to the sessional orders are modelled on the Senate ones. That is what Mr Forwood said. In fact, he went to great pains to explain that he did not want to make any changes because he wanted to test them as they applied in the Australian Senate. The *Age* article reports Harry Evans as saying:

> … proportional representation is the 'only institution' that will produce a chamber that could scrutinise the government of the day.

The article further states:

> But Mr Evans, the procedural minder of the federal upper house who is not aligned to any party, said the root cause of problems was the systemic fault in the Westminster system that allowed 'domination' by executive government.

It goes on to say:

> 'Victoria provided the most striking recent example of this problem in the degree of personal power which Premier Kennett was able to exercise', he said.

So Mr Harry Evans sees the reform of the Victorian upper house as absolutely crucial if this chamber is to function properly as a house of review. The article goes on to say:

> Changing the election method from the present preference-based system to proportional representation, which is used for the Senate and a number of upper houses in other states, could have positive outcomes 'producing a second chamber capable of performing some review, scrutiny and accountability functions' …

He is implicitly saying that this chamber does not perform review scrutiny and accountability functions. As my colleague has pointed out, it is incapable of doing that because it is unrepresentative. It is unrepresentative and undemocratic, and for that reason it cannot function properly. Mr Harry Evans, the Clerk of the Senate, an independent person not aligned to any political party, has basically said that you cannot tinker at the edges and try to change this sessional order or that sessional order; the problem is at the base. The problem is that it is undemocratic and unrepresentative. Until such time as the opposition is prepared to face up to that, it has no credibility.

Honourable Members — None!

Hon. T. C. THEOPHANOUS — No credibility at all. My colleagues on this side who are here get very upset about the fact that this government has a mandate in the lower house and wants to put up its program, but what does it get from the opposition which totally dominates this house? Total obstruction, time and again.

Let me ask this question, because it is very relevant to credibility. When it was in government the then opposition, of which I was a part, put up modifications and moved amendments numbering in the thousands to legislation that came before this house. I remember amendment after amendment being moved on Workcover legislation and a whole host of other legislation — nobbling the Attorney-General and getting rid of common law — all of which were attempts by the then opposition to at least moderate the legislation in some way to try to fix it up. Of the thousands, how many opposition amendments did the then government agree to?

Honourable Members — None!

Hon. T. C. THEOPHANOUS — None, not a single one!

Honourable members interjecting.

The DEPUTY PRESIDENT — Order! Ms Darveniza should cease interjecting. She is not in her seat.

Hon. T. C. THEOPHANOUS — There you have it. This is the hypocrisy. What did the National Party do at that time? Did it support any amendments that were put up? Did it at any time split away from the government? How many times did the National Party — —

Hon. R. A. Best — Who did we vote with yesterday, stupid? Who did we vote with yesterday? You dill!

Hon. T. C. THEOPHANOUS — I am glad you have popped your head up, Mr Best, because you were one of the great hypocrites back then and now. Because not once during that time did you get up — —

Hon. R. A. Best interjected.

Hon. T. C. THEOPHANOUS — I did not hear you once criticise Jeff Kennett.

Hon. R. A. Best interjected.

Hon. T. C. THEOPHANOUS — Not once did you criticise — —

The DEPUTY PRESIDENT — Order! Through the Chair, Mr Theophanous.

Hon. T. C. THEOPHANOUS — Not once did you criticise Jeff Kennett, not once.

The DEPUTY PRESIDENT — Order! Through the Chair.

Hon. T. C. THEOPHANOUS — The current opposition has no credibility in this house. All it does is use its numbers to try to scratch away.

What is the measurement of the credibility of this house? It is whether this house is taken any notice of. It is not a question of how many amendments can be pushed through the house but of who takes any notice.

Hon. R. F. Smith — Who cares?

Hon. T. C. THEOPHANOUS — In the words of Bob Smith, who cares? Who is it who cares? The fact is that since the election of this government the opposition has hardly been able to raise the interests of journalists to come into this house. They are not interested in a house that is dominated by an opposition — —

Hon. M. R. Thomson — Stacked.

Hon. T. C. THEOPHANOUS — It is stacked by an opposition which is somehow pretending it has a new-found idea that it wants reform of the upper house. What did we have? The current government decided that it should set up the Constitution Commission of Victoria, an independent commission.

Hon. C. A. Furletti interjected.

Hon. T. C. THEOPHANOUS — I am — —

Hon. C. A. Furletti — They handed out how-to-vote cards!

Hon. T. C. THEOPHANOUS — The deputy leader laughs when I say, an independent commission.

Hon. C. A. Furletti — And so does most of Victoria.

Hon. T. C. THEOPHANOUS — I am glad you are laughing, Mr Furletti, because I am not quite sure what you mean. There are two former Liberals on the committee. Is the honourable member suggesting that the commission is stacked too heavily in favour of the Liberal Party? Is that what you are saying? I do not think it is. What you are trying to say is that people like Alan Hunt, who is a former President of this chamber — —

Hon. R. F. Smith interjected.

Hon. T. C. THEOPHANOUS — I am reminded by my colleague that Alan Hunt's son, Greg, has recently been elected.

Hon. C. A. Furletti — We are not talking about Greg Hunt.

Hon. T. C. THEOPHANOUS — You have no problem with Greg Hunt?

Hon. C. A. Furletti — Not at all. Do you have a problem with your brother?

Hon. T. C. THEOPHANOUS — No problem with Greg Hunt, that is interesting, Mr Furletti.

The DEPUTY PRESIDENT — Order! Through the Chair, Mr Theophanous.

Hon. T. C. THEOPHANOUS — I am sure Greg Hunt will be interested to know the things you say about his father, because Alan Hunt was the Leader of the Government in this house and he was President of the Legislative Council, clearly an experienced person for such a job. The other member, Ian Macphee, again somebody who has been maligned — —

Hon. P. R. Hall — On a point of order, Mr Deputy President, just because the reasoned amendment contains the words 'constitution commission', it does not give the right to the mover of the reasoned amendment to canvass all issues that will be canvassed by the Constitution Commission of Victoria. It is appropriate that Mr Theophanous explain to the house why the motions moved by the Leader of the Opposition would be better referred to the constitution commission, but I advocate in the strongest terms that it does not give the mover of this reasoned amendment the right to canvass every issue that the commission will consider.

For the past 15 minutes I have listened to every word spoken by the Honourable Theo Theophanous. The matters he raises are matters that should be considered by the constitution commission, but they are not relevant to the debate before the chamber, which is a restricted debate on motions that have been moved by the Leader of the Opposition. The simple fact that the amendment contains the words 'constitution commission' does not give the mover the licence to rove as broadly as he has in his contribution to the debate. I submit he is out of order and should be directed back to the motion and the reasoned amendment.

Hon. T. C. THEOPHANOUS — On the point of order, Mr Deputy President, I am happy to have these points of order raised. However, the Chair has accepted the reasoned amendment that I moved for debate in this chamber. I put it equally as strongly as the Honourable Peter Hall has put it, that it is specifically about referring all these matters to the independent constitution commission. It is absolutely appropriate for me in arguing the appropriateness of referring the matters to that commission, given that the commission has come under attack, to argue the propriety and independence of that commission as part of my contribution.

Hon. C. A. Furletti — Further on the point of order, Mr Deputy President, I take issue with the argument of Mr Theophanous, and I point out that the commission has been established. This morning nobody in this chamber questioned the integrity of the commission until Mr Theophanous raised the names of the individuals. Mr Theophanous has failed to point out that when referring to it as an independent commission the other parties were not given an opportunity to consult and participate in the establishment of the commission, which members of the Liberal Party on a number of occasions indicated they would do.

Mr Theophanous referred to the former Liberal members, one of whom has proclaimed he is pro-proportional representation and is therefore biased, and the other has proclaimed — —

Honourable members interjecting.

The DEPUTY PRESIDENT — Order! The Honourable Carlo Furletti is now debating the issue. Mr Theophanous is the lead speaker for the government. It is a cognate debate and he is also speaking to his reasoned amendment. I am sure in the balance of his contribution he will move on to other things relative to his position as lead speaker for the government. I invite Mr Theophanous to continue.

Hon. T. C. THEOPHANOUS — Thank you for your ruling, Mr Deputy President. I am appalled by the comment just made by the Deputy Leader of the Opposition. To attack the independent commissioners in that way is an appalling thing to do.

Hon. C. A. Furletti — I am correcting the record, Mr Theophanous.

Hon. T. C. THEOPHANOUS — I am sure those commissioners will be very interested to read what the Honourable Carlo Furletti had to say about them. There has been a lot of discussion about the reform of the upper house, and I do not intend to devote my contribution entirely to that. However, I make the point that opposition members do not like Ian Macphee, they do not like Alan Hunt and they do not like the chair of the constitution commission. They have attacked all three members, including George Hampel, whose integrity is beyond question.

The DEPUTY PRESIDENT — Order! Mr Theophanous should use the chairman's correct title.

Hon. T. C. THEOPHANOUS — Thank you, Mr Deputy President. It was interesting to note that even the former Liberal Premier, Sir Rupert Hamer, has supported reform of the upper house. I do not know whether opposition members will also attack Sir Rupert Hamer. I am a bit surprised, because some of them were very upset about the bust of Sir Rupert Hamer being moved in the halls of Parliament House recently. However, they are not so concerned to listen to what he

has to say when he puts his weight behind changes to this house and about making this a house that is more representative.

It is not just Sir Rupert, it is also the press — for instance, the *Age* on many occasions has referred to the problems with the upper house. The editorial in the *Age* of 26 October 2000 states:

> The decision to grant the state's 44 MLCs such long periods of incumbency was a misjudgment that has been costly to Victoria, lumbering the state with an unrepresentative, inflexible upper house. The chamber demonstrated just how out of touch it is on Tuesday night when Liberal and National Party MLCs, with a 30–14 majority over the ALP and most of whom were elected a political lifetime ago in the second Kennett landslide of March 1996, rejected the Bracks government's electoral reform proposals.

The community has no confidence in this chamber. People of standing in the community, including former leaders of the Liberal Party, have had the courage to make a point about the need for reform of the upper house. Unfortunately, that point is falling on deaf ears because 30 honourable members of this house want to retain vested privilege; they want to retain their cushy jobs. I feel somewhat sorry for the Honourable Bill Forwood because he has tried for ages to put on a front by suggesting that somehow this house can be defended by changing the sessional orders in some way and making the place different.

However, Mr Forwood will not go the next step and Mr Birrell, when Leader of the Opposition, was not prepared to go the next step. No Liberal Party leader in this place has been prepared to go the further step and say, 'We should look at especially electoral reform of the upper house of the Victorian Parliament'. Forgive us if the government does not believe Mr Forwood!

The opposition comes here with a set of changes to sessional orders that seek to do nothing other than gain political advantage when nobody is listening to this house anyhow. The public will not line up to listen to what happens in this house just because the sessional orders are changed so that supplementary questions without notice can be asked. They will not rush in here!

I understand why the Liberal Party has moved a motion all about changing the procedure for questions without notice to allow for 1-minute questions and 4-minute answers, with 1-minute supplementary questions and further 1-minute answers. Mr Forwood says that has been the procedure in the Senate for a number of years. However, I cannot help but again make the point that the Liberal Party or the National Party, when in government, did not think that procedure had much value.

I refer to the proposed changes to the committee system, particularly so that the chairman or a member of a committee presenting a report may move without notice that the Council take note of the report and then speak for no more than 10 minutes on his or her motion. That would be particularly destructive to the procedures and processes of the house.

Hon. Bill Forwood — Why didn't you discuss it with us?

Hon. T. C. THEOPHANOUS — We did. I am happy to take up the interjection because I did discuss it with the Leader of the Opposition. I told him I was unhappy with it. I said it was inappropriate that somebody could speak for 10 minutes but that no other honourable member would have a right of reply. The effect of his motion is that nobody other than the honourable member tabling the report could comment on it.

Under the present procedures a person can make a short statement, by leave, but conditions are attached to the granting of leave. Essentially the convention is that the person can table a report and, by leave, make a few comments in the form of thanking committee members, saying how much work the staff have contributed in the compilation of the report, and general comments of that nature.

This motion will allow a full-scale political debate so that an honourable member can present a report and speak to it for 10 minutes, during which time they can bag their colleagues on the committee.

Hon. Bill Forwood — Only you would do that.

Hon. T. C. THEOPHANOUS — I would not want to go into the record of some of the people on your side, Mr Forwood.

The DEPUTY PRESIDENT — Order!
Mr Theophanous, through the Chair.

Hon. T. C. THEOPHANOUS — The honourable member presenting the report could proceed to bag the report, the opposition, sections of the report or whoever they wanted. They could debate what is in the report or make a political statement if it suits them. One way or another for 10 minutes they can talk in detail about the report.

That is fine and I have no problem with that except for one thing: nobody else can speak about the report. The Leader of the Opposition says, 'Don't worry, it will be listed as an item of business on the following Thursday'. Sure, it may be listed but it would go to the

bottom of what is generally a long list. It may never come to the top of the list. The house could go through whole sittings with honourable members who want to, but cannot, take exception to what the lead speaker has said about a committee report; or, if they can make their comments, that would happen so much further down the track the comments would be hardly appropriate or would hardly have the sort of impact the honourable member may want them to have.

This part of the motion is about one-sided debates on committee reports. Mr Forwood says, 'Why don't you move an amendment and make it three lots of 5 minutes?'. That shows the Honourable Bill Forwood has not thought through the implications of what he has moved. During his contribution to the debate he said, 'Why don't you move an amendment to my motion?'. If Mr Forwood is so concerned about and unhappy with his motion, why doesn't he have one of his members move an amendment to it?

Hon. M. A. Birrell — We could refer it to Lex Lasry.

Hon. T. C. THEOPHANOUS — I am glad Mr Birrell is in the house because he never wanted to change sessional orders or democratise this house.

For the first time in my memory, if this motion passes, action will be taken by committees to identify who will table reports in this house. For example, the Honourable Neil Lucas could try to use Economic Development Committee reports to have a shot at the government. He could have a go but the government would not be able to respond.

The Honourable Neil Lucas will insist on his right because he is the chairman of the committee. He will not allow another member of the committee to table and speak on the report. He will not say to his committee members, 'You table this report and I will table the next'. He will table all the reports and speak for 10 minutes on each. That will create the temptation for the committees controlled by the government to insist on a government member tabling the report and for committees controlled by the opposition to insist on an opposition member tabling the report. It will be a dog's breakfast.

The motion moved by the Honourable Bill Forwood will compromise the committee system. It is another example of the opposition's lack of commitment to the committee system, something I have spoken about before on a number of occasions in this house. This flawed motion should go to the Constitution Commission of Victoria so it can be fully considered. Mr Forwood's motion has a grandfather clause. He believes it should be a trial and the trial should end in December next year. Constitutionally, around that time an election can be called. You can bet your life that in the unfortunate circumstances that the opposition were ever to come into government again, the first thing that would happen is that nothing would happen. The sessional order would never see the light of day again. Honourable members can be certain of that. That is why the grandfather clause is there.

Hon. Bill Forwood — I will remind you of that.

Hon. T. C. THEOPHANOUS — You will not have to remind me of that, because the opposition has not a hope of winning the next election. This motion typifies the sorts of things Mr Forwood and the opposition do in this chamber. I am happy for the opposition to give an assurance that the proposed sessional orders will remain in force, but I have not heard that so far.

This is an attempt to introduce sessional orders from the Australian Senate without introducing other important reforms that the Senate has introduced and continues to be involved in. This house is an embarrassment to the people of Victoria, because it is not structured properly. It does not represent the people of Victoria in the way it should. It ought to be reformed. The government has no problem reforming the sessional orders if, at the same time, the opposition is prepared to commit to reforming the electoral process that brings members into this place. If the opposition agrees to reform the electoral process to introduce into this chamber a system of proportional representation to allow it to be vaguely representative of the people of Victoria, the government would support the changes Mr Forwood or other honourable members may wish to introduce.

I conclude my remarks by quoting from the discussion paper entitled 'The house of review' issued by the Constitution Commission of Victoria. On page 10, under the heading 'What is "good governance"?' the commission states:

> Good governance means governance in which people are satisfied with the way the system of government performs: how it uses taxpayers' resources and how it exercises political power on their behalf.

For that to occur the electoral process, the way in which governments are formed and confidence of the people in the democratic process is required. The commission goes on to state:

> The origins of democracy lie in the city-states of ancient Greece in the 4th and 5th century's BC, where every citizen had the right to take a direct and active part in the processes of

government. Direct involvement was possible as the number of citizens within a city-state was much less than the population of a modern state.

I am sure Socrates, Plato and Aristotle would turn in their graves at the idea not only that there was not direct democracy and the citizens were not consulted in the way they should be, but that we have elections every eight years. They would see that as contrary to and not supporting the principles of democracy. This house will not have credibility and the opposition will not have credibility until it is prepared to support democracy and proportional representation.

Hon. P. R. HALL (Gippsland) — I welcome the opportunity to comment on the motions moved by the Leader of the Opposition and the reasoned amendment moved by Mr Theophanous. The honourable member is right — at times this house is an absolute embarrassment and the times when it is an embarrassment are like the last three quarters of an hour when honourable members have had to listen to Mr Theophanous. If I had guests in the gallery or I had to refer the *Hansard* report of the speech of Mr Theophanous to anyone I would be embarrassed to be part of the house because of that sort of contribution.

It was frivolous, illogical and largely irrelevant. The motions are about the sessional orders; they are not about the Constitutional Commission of Victoria. The house had a debate about that issue when the government introduced legislation to reform the house. I dare say we will have another debate in the future, but it was not scheduled for debate today. Mr Theophanous has abused the privileges of the house by introducing irrelevant matters. His contribution was frivolous and embarrassing.

I refer now to the reasoned amendment moved by Mr Theophanous. He spoke about the Constitutional Commission of Victoria. I attended one of the public meetings of the commission that was held in Bairnsdale. The commission received good press leading up to the meeting and when I turned up to hear what its members had to say and to make my contribution, I found that eight other people had attended. Of the nine present, the honourable member for Gippsland East and I constituted two; an electorate officer of another member of Parliament was present; two councillors from the East Gippsland shire, which hosted the venue, were present; and four members of the public. Obviously there was a great clamour for change in East Gippsland — four members of the public attended the function. I enjoyed the debate with the commissioners and I hope they take my contributions on board.

One of the things said to me during the course of the meeting was, 'Why has the Legislative Council not made changes that reflect its role as a house of review? There are ways you can do it'. Well, what are we doing here now? We are adopting changes to sessional orders to improve the operation of the house to make it a true house of review.

I say that despite the fact that I do not support the notion that the house does not already act as a house of review. I explained that earlier and gave the example of the message about the Victorian Environmental Assessment Council Bill that came from the Assembly. We do act as a house of review, and the amendments put forward by the Leader of the Opposition further refine and improve the ability of the house to truly act as a house of review. Yet we heard Mr Theophanous today say, 'When you were in opposition why didn't you implement those changes?'. I can throw the same question back to him.

Hon. T. C. Theophanous interjected.

Hon. P. R. HALL — When you were in opposition did you ever put forward a motion of this type to change the standing orders of the house? No, never. Mr Theophanous also said that this was just a hypocritical and opportunist exercise — but he never said it was wrong!

Hon. T. C. Theophanous interjected.

Hon. P. R. HALL — You can call it opportunist and hypocritical but you have not said it is wrong. You have not criticised the changes proposed today or said they do not represent a positive move toward changing the way we do business in this house. All you have said is that it is a good thing but should be part of a bigger package.

Let us take it one step at a time. If the Constitutional Commission of Victoria makes recommendations for changes to the house, realistically that will not be until after at least another 12 months. Do we sit on our backsides and do nothing about the operation of the house for 12 months? Should we just let it be when we believe there are ways to improve it? I say we should not; we should do something constructive, and that is what we are doing today. We are proposing a constructive measure to improve the operation of the house so that it can better carry out its functions.

The reasoned amendment moved by the Honourable Theo Theophanous is a lot of nonsense and was moved purely to give him the opportunity to canvass a range of other issues irrelevant to the subject we are talking

about today. I firmly disagree with him and will be voting against his reasoned amendment.

The motions before us do three things: they reform question time in the house; they introduce members statements; and they broaden the role the house can play in the discussion of various reports. With regard to the first, I believe question time is the most unproductive period we spend in this chamber. It has become just a shouting match between members of the government and members of the opposition. It is one of those really embarrassing periods of time and it is the most unproductive use of honourable members' time. It is a farce we have to suffer each day. Why does it develop into a shouting match between the two sides of the chamber? Simply because when a question is asked, ministers try to avoid direct answers because they might embarrass the government. Then opposition and National Party members interject and say, 'Answer the question! Answer the question! That is not what we asked you'.

The form in which we ask questions without notice is an ineffective method of getting a responsive answer back to the person asking the question. There is no harm in trying a different form of questioning, and the one suggested might serve to improve the behaviour of members in the chamber. If, for example, I am required to ask a question of a minister and have the opportunity of a follow-up question I need to listen fairly carefully to the minister's answer knowing I will have an opportunity to come back at the minister and ask a supplementary question. I will be saying to my colleagues, 'Be quiet! I want to listen to what the minister is saying'. The reform proposed for question time that would allow a follow-up question will impose self-discipline on the members in the chamber to act more responsibly and to listen to the answers given. It could well become a more productive use of question time. That is why I am more than prepared to give it a go. It is a sensible change.

Time for members statements would provide better opportunities for members to raise issues of importance to their electorates. National Party members take full opportunity in the adjournment debate to raise matters concerning the people in the regions we represent and almost every night all six of us are on our feet raising matters of concern. We would welcome the extra opportunities that members statements would give us to raise additional matters.

The motions moved by the Leader of the Opposition would also allow opportunities to debate a broader range of reports on Thursday mornings in this chamber. I welcome that. To date we have trialled discussion of departmental annual reports for only a short period of time but that has been useful and could be better. The more critical reports that honourable members may wish to discuss are the Auditor-General's reports, which are given priority in one of the proposed amendments, along with reports coming from all-party parliamentary committees. Such reports are frequently of greater value to the Parliament than mere annual reports of departments. I would welcome discussion on a broader range of reports.

Mr Theophanous says honourable members will not get the opportunity to debate all those reports because the time will not be apportioned fairly between the political parties in the chamber; but that, in my view, is up to honourable members themselves. This chamber, as Mr Forwood said in his contribution, has always worked on a degree of goodwill and if we can maintain that goodwill between the three parties there is absolutely no reason why each party cannot contribute equally to a discussion on reports or on any business that takes place in this house.

In fact Mr Theophanous wanted to discuss a report last week. The Liberal and National parties could have used their numbers to prevent discussion of that report, but did we? No, we willingly gave a backbench member of the government the opportunity to speak on a motion to discuss a report that was standing in his name. These proposed changes will work if goodwill is maintained among the three existing parties in this chamber. It is up to us to make them work.

I will make a few general comments about the proposed changes. It has been suggested to me that they will eat into the time that this chamber sits — it will reduce the length of time available to discuss government and opposition business by a factor of perhaps half an hour to an hour and a quarter a day, depending on the day of the week. That is not a serious intrusion into the sitting time of this Parliament, particularly early in the sittings when we are often short of business. We can make more productive use of our time by taking on some of the measures suggested in the motions before us.

These proposed changes will also impose more discipline on the government to improve its business program. Given the amount of time we have and the requirement to get legislation through the house, these proposed changes, which I expect will be passed this morning, are needed to impose discipline on the government to ensure that its business program is structured so it can get the legislation it wants through the house.

Having listened to the contribution of the Honourable Theo Theophanous, I am not confident that the proposed changes will have the maximum benefit they could have had to improve the operation of this house. If Mr Theophanous's views reflect those of all government members, I am disappointed that they demonstrate a lack of goodwill to make these proposed changes work. Unless there is cooperation and goodwill among the three parties, no changes, whatever they are, will ever be totally effective.

As I listened to the debate I was reminded of the situation in the House of Lords in London where — is it the Lord Chancellor? — sits in the Chair without making any rulings, because the house organises itself completely: from the order of the speakers to the order of the business program. The house is totally organised without any intervention by the Chair at all. The members of that chamber organise themselves very well. Why? Because there is goodwill and cooperation among them. These proposed changes could be largely futile unless we have that goodwill and cooperation among all members and parties in this chamber. I fervently hope I am wrong and that Mr Theophanous's view is not the general view of the government, and I hope there is more goodwill than has been demonstrated by government members so far to make these proposed changes work.

It is important for us to undertake a trial over the next 12 months, because the proposed changes have the potential to improve the operation of the house. That is why the Liberal and National parties are prepared to support them, and I hope the government is also prepared to support them. More importantly, I hope the government is prepared to demonstrate goodwill and cooperation to make them effective.

Hon. G. W. JENNINGS (Melbourne) — The motions before the Legislative Council will have the effect of varying a number of ways in which this house operates. There are mooted changes to the way question time operates — with supplementary questions being asked during question time and the ability to take notice of the questions asked of ministers — and opportunities for members to make 90-second statements, which is a feature of the Legislative Assembly that moves beyond the opportunity for members to speak in the adjournment debate. There are also changes to the way reports are considered by the Legislative Council.

In its response to the motions the government has said that these suggestions may be reasonable, that they may enhance the operations of the Legislative Council and that they may prove to have a positive role in improving the degree of accountability that is brought to bear on the executive government through the operations of the Legislative Council. All those issues are acknowledged by the government, but it has moved an amendment to put these reforms in the context of the broader picture — that is, the appropriate position this chamber takes both in the practices it adopts in its structure and in the way it is constituted, duly elected and operates in the name of protecting the interests of the Victorian community.

That is the context the opposition parties have a great deal of difficulty coming to terms with. In their contributions both through debate and through interjection they have said they do not agree with the government's perspective that the best way to deal with changes to standing and sessional orders in this house is to put them in the context of the role the chamber plays within the Parliament and subject them to the scrutiny the government wants to bring to bear on the role and functions of the Legislative Council.

As members of the Victorian community would be aware, during the election campaign in 1999 the Bracks Labor Party put forward proposals to amend the electoral structure and method of election to the Legislative Council and reforms to introduce opportunities for the increased scrutiny of this chamber. Following the election the Bracks Labor government introduced legislation to implement that undertaking made to the people.

As all members of the Victorian community who take note of the result of parliamentary debate would know, that bill was spectacularly and comprehensively sent down by the Legislative Council. In the government's view, members of this chamber acted in accord with self-interest that was way out of proportion to the interests of the Victorian community. Because of that, the Bracks government introduced a body to undertake an independent review of the way in which the Legislative Council is constituted, the role that it plays and the operating procedures that occur within this chamber.

This morning the government is maintaining its consistency of approach by saying, 'Yes, we are prepared to review ourselves; yes, we are prepared to be more accountable in the way this chamber operates; and yes, we are prepared to enhance the role that this chamber plays about scrutiny of the executive government in protecting the interest of the Victorian community'. We agree with those things, but we are saying that it should only take place within the context of the work that is being undertaken by the Constitution Commission of Victoria and that that commission is currently undertaking public consultations with the

community and is due to report back to the Victorian people about the middle of next year.

The government is concerned to ensure that any reforms that are made to sessional orders and the way this place operates are effective. There is a degree of consistency in the way in which the house operates. It is in that context that I alert the house to the recent history of changes to sessional and standing orders that have taken place within this current sitting, and alert the house and the Victorian community to the concern that, on average, once a month the opposition seeks to change sessional and standing orders during the course of the current sitting, despite what occurred on the last day of sitting of the autumn session where an agreement was struck by the government and the opposition parties on the way in which we would in a considered fashion review the standing orders and procedures of this place.

On that day, 20 June 2001, the motion that had been on the notice paper for a number of weeks was finally agreed to by the government and the opposition parties to ensure there was an appropriate and considered establishment of a term of reference to the Standing Orders Committee of this chamber to examine those procedures. But on the first day back of this sitting, what happened? Unannounced, the Leader of the Opposition moved measures to amend sessional orders the following day, and we debated changes to sessional orders in this chamber on Wednesday, 19 September.

On Wednesday, 18 October, we again debated a motion to establish a select committee of this chamber which on the way through amended a number of standing orders of the house to enable a select committee to be established. Today, 28 November, we are debating substantive changes to sessional orders that have been moved yet again by the Leader of the Opposition. On average, once a month, the Leader of the Opposition during the spring sitting is amending significantly the sessional orders that affect the practices of this chamber.

The government is saying to the opposition and the Victorian community, 'Hold your horses for some period to ensure that we have some confidence in the changes to sessional orders that you are moving. Put them in the context of the constitutional review that the government has instigated to ensure there is appropriate stability in the operations of this chamber in the way in which we move forward into the future'.

That significant point has been comprehensively ignored by members of the opposition parties in their contributions today. No undertaking has been given by the opposition that it will not proceed to come into this place each and every week, let alone every month, and amend the sessional orders in the name of asserting its preferred way of dealing with reform of this chamber.

The government believes it is appropriate to reform the practices of the chamber and the nature in which it applies scrutiny through a number of committees and measures to increase accountability. That is why the Constitution Commission of Victoria has been established, but we believe that is only part of the story. The essential component to balance those new roles and functions would be reform of the electoral model that underpins the structure of this chamber.

The opposition in its contribution today has indicated that the changes in the sessional orders are by design modelled on practices of the Australian Senate. I direct attention to the view of the Clerk of the Australian Senate in a submission to the Constitution Commission of Victoria, once he was requested to make a contribution, reported in the *Age* of Monday, 19 November. He states:

> … proportional representation is the 'only institution' that will produce a chamber that could scrutinise the government of the day.

He goes on to refer to the 'real problem of the system of government'. The article states that the constitution commission:

> … should consider the legislative powers of the chamber, its right to initiate inquiries and a separate committee system, where the council can establish committees.

The article continues:

> Changing the election method from the present preference-based system to proportional representation, which is used for the Senate and a number of upper houses in other states, could have positive outcomes 'producing a second chamber capable of performing some review, scrutiny and accountability functions', Mr Evans said.

Harry Evans is certainly no shrinking violet. In fact, in his contribution to the Constitution Commission of Victoria he gave a comprehensive whack to what he believed were limited terms of reference of the commission. I am not defending the commission or its methods from the appropriate scrutiny that learned Clerks of the Senate, or Australian citizens for that matter, may draw to the attention of the commission itself.

It was an interesting contribution because the Clerk of the Senate is advocating a position that he believes upper houses should play a stronger role within Australian parliaments, certainly not a weakened one.

Harry Evans argued that under Australian parliamentary models one of the major failings of upper houses throughout the country has been that they have the capacity to perform the functions of rubber stamping if the government of the day has a majority in both houses.

In his submission Mr Evans goes on to say:

> Scrutiny of government, according to the discussion paper, must never be based on partisan considerations … If that is so, there is no acceptable parliamentary scrutiny at all. Anything a house of the Parliament does to scrutinise government could be dismissed as partisan. Any extra-parliamentary scrutiny could also be dismissed on that basis. This is not only seeking to take politics out of Parliament, and to take politics out of politics, but to avoid virtually any critical examination of governments.

It is a strong point made by Harry Evans, in that it goes beyond the question of what serves the interests of the executive government of the day and what serves the interests of parliamentary parties that are either in government or in opposition.

Mr Evans puts forward an argument about the appropriate role of the chamber, and he is very strident in his advice to the committee that it should not shirk its responsibility of defending the legislative powers of the upper house and should not make it merely a token house of review or a rubber stamp. Mr Evans states:

> A house which is to review the activities of government must have legislative powers, otherwise its reviews will simply be sidelined and ignored by the government. Ultimately, the only way in which such a house may compel a government to take any notice of its reviews is to amend or reject government legislation. Without that power, it becomes a mere debating society, and the government can limit its resources and even its ability to communicate with the public.

In his contribution Harry Evans is certainly seeking to enhance the powers of this place, not diminish them, as had been argued by the opposition on numerous occasions in its response to the government's legislation and in the public domain in the Victorian community time and again.

The opposition says the government's agenda is to diminish the role of this place. That is not so. The government agrees that this house has an appropriate role to play in the scrutiny of the executive government and protecting the interests of the public, but the government firmly believes that could be achieved only through proportional representation being the method by which members of this place are elected. The Clerk of the Senate, Harry Evans, agrees, and in his submission he states:

> In the so-called Westminster system, particularly as practised in Australia, proportional representation is the only institution which has been shown to work in producing a second chamber capable of performing some review, scrutiny and accountability functions.

I will not outline to the house in great detail the way Harry Evans believes the second chamber in a Parliament may provide the appropriate degree of scrutiny to executive government, but I indicate to honourable members and any avid readers of *Hansard* that they should look at the Australian Senate paper no. 34 of 1999, which sets out at greater length the argument that underpins the submission Harry Evans made to the committee and outlines at some length measures that were introduced into the Senate as far back as 1932 to increase the accountability measures and improve the performance of the Senate. The concluding remarks of the 1999 article restate the same point:

> Lower houses elected by single-member constituencies, with an executive dependent on control of those houses, provide relatively stable and strong executive governments, while upper houses possessing legislative powers and elected by proportional representation provide a better reflection of the voters' opinion, a democratic quality control on legislation and a means of ensuring that governments do not entirely avoid public accountability.

That is the firm contention of the government in its intended reform of the upper house in this state, and it is clearly the point that needs to be put on the public record today in terms of the government's position on these motions. The motions say, 'Let us amend our internal practices to make executive government more accountable'. The government is saying, 'Yes, we are prepared to accept that proposition, but only in the context of the appropriate evaluation of the roles, functions and electoral system of this place'.

I have found some interesting allies of that argument, and I draw to the attention of the house historical contributions by former prominent members of the Liberal Party in this state. I refer to the recent contribution by Sir Rupert Hamer as reported in the *Age* of Wednesday, 29 August this year, which indicates in part that in his submission on the upper house Sir Rupert advocates proportional representation, which he says would allow a voice to any substantial minority views. The article states:

> At the moment, the Liberals hold 24 of the 44 seats in the Council, and object to proportional representation, which is used in the Senate and most other upper houses in Australia.

The article goes on to refer to a contribution by Dr Napthine on this issue and states:

> Dr Napthine backed Sir Rupert's latter recommendation, but questioned whether his views on proportional representation were appropriate, particularly given that his submission did not specify details.

The approach of Dr Napthine is consistent with the approach adopted by the opposition in the Council today, which is to say, 'Yes, we are prepared to look at one half of the equation but not the whole picture'. It is the government's contention that these proposals have a shelf life perhaps not as long as the Myer Christmas windows. Based on the track record of these sittings, it is possible that the Leader of the Opposition may come in in the next sitting week and move further amendments to sessional orders on a whim and a fancy. That is something the government is concerned about, and it alerts the house and the people of Victoria.

I turn to an historical reference in support of the reforms of this place, and particularly reform of the electoral system. I refer to a figure from the halcyon days of the Liberal Party in Victoria, the Honourable Mark Birrell. An article written by this august figure in the *Age* of 25 March 1980 states in part:

> Immediate action must also be taken in the field of electoral reform.
>
> In some areas our electoral system is not as equitable as it should be, while in others it is simply antiquated. The state government must institute reforms that eliminate any possibility of gerrymandered electorates and streamline the way people vote.
>
> The government should appoint a permanent state electoral commission whose terms of reference would include the setting of boundaries and the maintenance of electoral rolls.
>
> The commission would ensure that no single electorate had a voting strength that varied by no more or less than 10 per cent from any other.

That is a revolutionary proposal by the Honourable Mark Birrell in his idealistic and obviously ultra-democratic phase, from which perhaps he has moved on. However, I applaud the Honourable Mark Birrell for his commitment to electoral reform, and I remind the opposition that there is a reservoir of support within the Liberal Party for looking at the whole picture, not just part of it. It is quite extraordinary that the last sitting day of autumn, 20 June, when the house agreed to a review of the Standing Orders Committee, was the day that the Leader of the Opposition chose in the depths of night in his contribution to the budget debate to tip a bucket on a number of members of the commission.

I do not think this hides the fact that the Leader of the Opposition had ample opportunity on any number of occasions to discuss this issue but chose that occasion and that device to comprehensively dismiss the opportunity the constitution commission provides to the Parliament and the people of Victoria to make appropriate recommendations of reform. If there were any capacity for the committee to work cooperatively with the Liberal Party, on that night the now Leader of the Opposition used his best endeavours to ensure that that was impossible.

The motions before the house today and the response of the opposition to the view of the government that these issues should be roped in to the work of the commission indicate that the Liberal Party in this place is not prepared to engage in open, independent scrutiny of the way this chamber should operate, and it is extremely fearful of that scrutiny by the commission and the people of Victoria.

As I have indicated, the government is not at all defensive about the measures built into the motions. In fact, the government notes that they are modelled on the practices of the Senate. However, I would like to draw to the attention of the house the consequences of these motions on the business of the Legislative Council of Victoria. One of the significant differences it will make concerns the allocation of time. In an average week of sitting Tuesday, Wednesday and Thursday the house sits for approximately 24 hours, and approximately 10 of those hours are for issues outside government business. Those 10 hours are made up of 2 hours of question time, 3 hours of general business, 4.5 hours on the adjournment, and half an hour on reports on a Thursday. The net effect of these changes could increase that time to 14 hours in an average sitting week.

Each opportunity in question time could last 7 minutes, with 1 minute for the original question, 4 minutes for the answer, 1 minute for the supplementary question and 1 minute for the supplementary answer.

Hon. Bill Forwood — If one is asked.

Hon. G. W. JENNINGS — Yes. I am alerting the house to the potential consequences of the changes.

Hon. Bill Forwood — You are not suggesting that every question would have a supplementary?

Hon. G. W. JENNINGS — The issue of whether it would or would not has not been resolved between the government and the opposition, but by applying these time constraints question time could go to 70 minutes. At the end of question time there is an opportunity for ministers' answers to be taken note of for a further 30 minutes. In theory there is a capacity for question

time to operate for 100 minutes each and every sitting day. That is an increase from 2 hours to 5 hours a week.

In terms of the adjournment, if all members of the opposition took up the opportunity to speak for their 3 minutes, that would take 1.5 hours each day. That would be maintained.

Honourable members interjecting.

The DEPUTY PRESIDENT — Order! The cross-chamber conversation will cease.

Hon. M. M. Gould interjected.

The DEPUTY PRESIDENT — Order! The Leader of the Government!

Hon. G. W. JENNINGS — This would be enhanced by the opportunity to make 90-second statements. Giving all members the opportunity to make a 90-second statement would add half an hour to the time set aside for individual members.

Hon. Bill Forwood — No, it has a time limit on it.

Hon. G. W. JENNINGS — Is it a 15-minute time limit? Okay. On that basis the opportunity for non-government business in the sitting week will increase from 10 hours to 14 hours.

The government is not defensive about that issue. If we can get a better result for the people of Victoria, the government is happy to look at the consequences of that. The government is happy to look at how that time could best be accommodated. However, the critical issue is the way access to that time will be shared and how it will be operated by the parties in this chamber. Those elements are not features of the motions, with the exception of the way we will deal with committee reports, where there is a specific allocation of 10 minutes per speaker and 1 hour in total for the scrutiny of reports. Underpinning these changes to sessional orders is a requirement that, from the government's perspective, we look at ways to restore the optimum degree of goodwill and cooperation that applies in this place and appropriate time sharing of those various elements if and when they are introduced.

On that basis I restate that the government is not defensive about this proposition. The government is more than willing to look at how there can be appropriate scrutiny of executive government in this Parliament which will be accountable to the Parliament and the people of Victoria. The only issue the government has with the opposition's resolution is the need to look at the big picture — the way this place operates, the role the community expects of it and the recommendations that will be coming from the Standing Orders Committee of this place and more importantly from the Constitution Commission of Victoria that has been established to provide the people of Victoria with recommendations on how we can work better.

That is why I support the reasoned amendment to the motions moved by the Leader of the Opposition. I encourage all members of the house to reflect on the best way we can move forward and improve our contribution to the Parliament and the people of Victoria.

Hon. JENNY MIKAKOS (Jika Jika) — I rise to make a brief contribution on the cognate debate and the amendment proposed by the Honourable Theo Theophanous. I concur with the sentiment expressed by the Honourable Gavin Jennings, that the government is prepared to look at ways of making this house work more effectively and to see it truly operate as a house of review taking on board the interests and concerns of the Victorian public.

The opposition has put forward a number of procedural changes to the operations of this house which I believe would be better considered by an independent body such as the Constitution Commission of Victoria. Nonetheless, I must say that I will welcome an opportunity to rise in this house and make a contribution through the 90-second statement procedure. I understand it has worked very well in the Assembly since it was introduced by the Leader of the House in the Legislative Assembly a couple of years ago. Those kinds of procedural changes can make a positive contribution to how this house operates, and I look forward to that opportunity.

However, I must say that I view the proposed procedural changes as representing a limited conversion to representative democracy on the part of the opposition parties. I say it is a limited conversion because they have only been prepared to introduce these changes on a limited time basis — until the end of next year. The opposition parties have only been prepared to give the presenter of a parliamentary committee report the ability to make a 10-minute speech with no right of reply for other members of the parliamentary committee, who could be members of the government or members of the National Party. In addition, they have made a significant encroachment on the time available for government business and the detailed consideration of complex legislation by this house.

There are some flaws with the procedural changes proposed by the Liberal Party today. It would be in the interests of attaining truly democratic operations in this house if these procedural proposals were considered by the constitution commission. It would have the opportunity to take on board considerable expertise and advice from around the country as to how other parliaments operate in this respect and make changes that would benefit this house by making it a truly democratic organisation.

For that reason I urge the Liberal Party to take on board the comments made by members of the government and support the proposed amendment.

Hon. K. M. SMITH (South Eastern) — I intend to amend the third motion, which is listed on the notice paper as item 18. I move:

1. That the words 'report, and may speak for a period not exceeding 10 minutes on such motion' in presentation of committee reports in paragraph (b), be omitted with the view of inserting in place thereof 'report. A member may speak for not more than 5 minutes on such a motion and the debate at the stage of presenting the report shall not exceed 15 minutes'.

2. That the word 'shall' in paragraph (c) be omitted with the view of inserting in place thereof 'may'.

I understand there is general agreement between the parties to make it far easier to implement.

Sitting suspended 1.00 p.m. until 2.07 p.m.

Hon. BILL FORWOOD (Templestowe) — I would like to make three brief points to sum up this debate on the change to sessional orders. The first is that Mr Ken Smith moved an amendment allowing for honourable members speaking on motions to take note of reports to now be for 5 minutes, 5 minutes and 5 minutes. I am happy with that situation, and I understand the National Party and the government are happy as well. I make the point that we circulated these proposals over a week ago and I think it is very sad that no member of the government got back to us. No-one has given us any rational or reasonable reason why they were not prepared to discuss that issue so that rather than the amendments being put through now they could have been agreed on beforehand.

The second point I wish to make relates to the reasoned amendment moved by the Honourable Theo Theophanous, which went into some lengths proposing that the proposals be sent to the Constitution Commission of Victoria. His proposal was both ignorant and ill conceived. It is absolutely inappropriate that an outside body like that should concern itself with the internal forms of the house. *May* and *Odgers' Australian Senate Practice* make it very clear that those issues are the business of this house. This is a nonsense.

On my final point I turn to the following issue. In Mr Theophanous's reasoned amendment he referred to 'the independent constitutional commission'. It is a nonsense to assert that this commission is in any way, shape or form independent. I remind honourable members that the Premier suggested that he would commit a Bracks Labor government to:

> Adopting a proportional representation system —

and that he said he would:

> Actively campaign for the introduction of proportional representation in the upper house until such time as it is achieved.

On 3 August I wrote to the Constitution Commission of Victoria inviting it to make:

> … an immediate public statement that each of the commissioners has an open mind on the future of the upper house; that they have not already formed an opinion on whether a new or amended electoral system is needed; and, that any previously stated conclusions by any of them on the upper house are now disregarded.

I did that because Mr Hunt is already on the record as saying he supports proportional representation. I received an inappropriate response from Fiona Hanlon dated 21 August, and on 24 August I wrote back, saying:

> Given that lack of response, given also that the Premier, who selected and appointed the commissioners, is on the record committing his government to adopting a proportional representation system and, finally, given that Mr Hunt is on the record accepting 'the principle of moving to proportional representation in the Legislative Council', I believe that the people of Victoria have little choice but to conclude that the Constitution Commission Victoria is simply designed to achieve the outcome that the Premier wants.

Then Friday last week on the *Stateline* television program in relation to a question about the introduction of proportional representation the Premier of this state said:

> One is to make it a very important central plank of the election campaign —

and then he said —

> We'll do it with the full force of a constitution commission recommendation to say we need proportional representation because we want a true house of review …

The Premier pre-empted the outcome of the commission — before the submissions had even closed! The Premier is on the record pre-empting the outcome.

In the circumstances the Premier has, on the record, pre-empted the findings, and Mr Theophanous has used the word 'independent', when we know from the *Australian Financial Review* that at the last election Mr Macphee handed out how-to-vote cards against David Kemp and campaigned against the Howard government. We know that on Friday last week Mr Macphee said that the upper house was simply a replica of the lower house — an ignorant statement at the best of times. He also said that the government, which did not control this house, would have huge difficulties getting legislation through. We know that that is not true. This house has stopped only four bills in two years.

The Premier has pre-empted the findings of the commission. I say to the house that in these circumstances, given the Premier has pre-empted its outcomes, if the constitution commission had any integrity at all, the commissioners would resign.

Hon. T. C. Theophanous — On a point of order, Mr President, I ask you to rule on the following point of order. I believe the honourable member has challenged the integrity of the independent commission, and in a most cowardly way has challenged the integrity of — —

Hon. BILL FORWOOD — You brought the amendment in here!

Hon. T. C. Theophanous — People who are members of that independent commission. I ask you whether it is appropriate to give the opportunity, through forms of the house, to honourable members to respond directly, through you, to the slanderous accusations by the Leader of the Opposition.

The PRESIDENT — Order! There is no provision in our standing orders or in our practice for me to uphold the point of order. But in relation to the issue, implicit in that is that certainly we have a right of reply, which this house brought in itself. There are published procedures on how that works, and any member of the public who feels they need a right of reply can use those provisions.

The question is that the words proposed by Mr Theophanous to be omitted from the first motion moved by Mr Forwood stand part of the motion.

House divided on omission (members in favour vote no):

Ayes, 28

Ashman, Mr
Atkinson, Mr
Baxter, Mr
Best, Mr
Bishop, Mr
Boardman, Mr
Bowden, Mr
Brideson, Mr
Coote, Mrs (*Teller*)
Cover, Mr (*Teller*)
Craige, Mr
Davis, Mr D. McL.
Davis, Mr P. R.
Forwood, Mr
Furletti, Mr
Hall, Mr
Hallam, Mr
Katsambanis, Mr
Lucas, Mr
Luckins, Ms
Olexander, Mr
Powell, Mrs
Rich-Phillips, Mr
Ross, Dr
Smith, Mr K. M.
Smith, Ms
Stoney, Mr
Strong, Mr

Noes, 14

Broad, Ms
Carbines, Mrs
Darveniza, Ms (*Teller*)
Gould, Ms
Hadden, Ms
Jennings, Mr
McQuilten, Mr
Madden, Mr
Mikakos, Ms
Nguyen, Mr
Romanes, Ms
Smith, Mr R. F.
Theophanous, Mr (*Teller*)
Thomson, Ms

Amendment negatived.

The PRESIDENT — Order! The question is that the first motion moved by the Honourable Bill Forwood, notice of motion 16 printed on the notice paper, be agreed to.

Motion agreed to.

The PRESIDENT — Order! The question is that the second motion moved by the Honourable Bill Forwood, notice of motion 17 on the notice paper, be agreed to.

Motion agreed to.

The PRESIDENT — Order! In relation to the third motion moved by the Honourable Bill Forwood, notice of motion 18 on the notice paper, dealing with the presentation of committee reports, the Honourable Ken Smith has moved amendments to omit certain words and insert other words in paragraphs (b) and (c).

Omissions agreed to.

Insertions agreed to.

Amended motion agreed to.

RAIL: REGIONAL LINKS

Hon. R. A. BEST (North Western) — I move:

That this house calls on the government to substantiate its claim that benefits, including improved travel time for all rail users along the identified rail corridors, increased population growth, greater rail patronage and greater employment opportunities, will be an outcome of the fast rail links project and questions whether the expenditure of $800 million could be better directed on other projects that would deliver more beneficial outcomes to all country Victorians.

The motion is not only important to country Victoria, but also calls on the government to substantiate the many claims it is making about the fast rail links project. Since the announcement by the Premier on 19 December 1999 I have been extremely interested to see what the government proposes and how it will deliver on its promises for the projects, particularly for rail users along the Bendigo–Melbourne corridor.

The 19 December 1999 statement by the Premier announced feasibility studies designed to investigate the four rail corridors. The studies were to look at reducing travel times by up to 45 minutes, with the government providing some $80 million to upgrade the rail services to Bendigo, Ballarat, Geelong and Traralgon. The feasibility studies were to be completed by March 2000. I am sure all honourable members representing country Victoria were eager to see what the government proposed. With great anticipation I awaited the outcomes of the feasibility study, particularly to hear what the government would announce and how it would proceed with the projects.

In a press statement of 5 September 2000 — some six months after the feasibility studies had been announced — the Premier announced a $550 million injection into the Victorian rail infrastructure for high-speed rail services to the regional centres of Bendigo, Geelong, Ballarat and Traralgon. That project was also to be known as a PPP project — that is, a private-public partnership — with major work to be under way by late 2001.

Since the December 1999 press statement I have had the opportunity to read through every one of the 24 press statements issued by the government through the Minister for Transport, the Premier, the Treasurer and even the Minister for Planning. Highlighted in the 24 media statements was the desperate measures used by so many who were eager to get involved and make assertions about the benefits of the project. The media statements talk about how many jobs would be created not only during the construction stage but through regionalisation, increased regional population, tourist benefits, reduced travelling times, the increase in population that will be gained because of the opening up of the corridors to faster rail linkages, and many other identified benefits. About the only thing not claimed in the press statements on the project was a guarantee that Collingwood would win the Australian Football League flag next year! The Australian Labor Party is certainly pinning its hopes on the fact that regional Victorians will be convinced that the benefits will be as significant as the ALP claims.

Later I will quote from the ACIL Consulting report. It sets out a number of questions that need to be answered. My motion calls on government members to substantiate the claims of the government and to answer the questions raised within the ACIL report. I turn to the report to the National Party of Victoria by ACIL Consulting, an independent consultancy firm with offices in Canberra, Sydney, Brisbane, Melbourne and Perth.

Hon. P. R. Hall interjected.

Hon. R. A. BEST — Yes, Mr Hall, the report can be found on the web site. In no way is the National Party keeping the report secret. The more it is distributed, the better opportunity there will be for people to analyse the findings in the ACIL report and therefore, raise legitimate questions with the government about the claims made and about what will finally be the type of service country Victorians will be able to enjoy. The executive summary on page 4 of the ACIL report states:

> In February 2000 the Victorian government announced its Linking Victoria program, which it described as providing a blueprint for generating more than $1.5 billion of vital transport infrastructure. The largest single item in the program was the Fast Rail Links Project (FRLP), to reduce passenger train times between Melbourne and the four regional centres of Ballarat, Bendigo, Traralgon and Geelong.
>
> …
>
> The relevant study put the full cost to meet the government's targets at $810 million plus or minus 30 per cent. After further scoping work the government confirmed the cost at $800 million. It announced it would contribute $550 million and that it would seek the remaining $250 million from the private sector.
>
> …
>
> In May 2001 the National Party of Victoria commissioned ACIL to undertake an independent economic analysis of the FRLP, and to examine possible alternative uses of the funds that might provide better benefits for rural and regional Victorians.
>
> … ACIL examined as alternatives:
>
> other — freight — rail infrastructure projects
>
> non-rail infrastructure projects — principally water industry
>
> a payroll tax cut in non-metropolitan Victoria.
>
> Some important details relevant to the FLRP have not been made available publicly.

I remind the house I am quoting from the executive summary. It further states:

> Neither the detailed composition of the estimated capital costs nor information on operating costs appear to be available. As well as these data deficiencies, several of the key assumptions

> on which the government's consultants would have based their cost-benefit analysis were not available.
>
> ACIL is concerned at the lack of public transparency for a project involving such a large amount of public funds.
>
> …
>
> On the evidence available to it ACIL has serious doubts about the value of the FRLP to regional and country Victoria. The government says that the project will benefit the full length of the four corridors. However, to meet the government's target times the faster trains will have to travel express in the Ballarat and Bendigo corridors, have only one intermediate stop (at Dandenong) in the Traralgon corridor and only two (at North Geelong and North Melbourne) in the Geelong corridor. The faster trains therefore will be available only to those passengers who travel the full length of the corridor. With the exception of the Geelong corridor only a very small proportion of passengers travel the full length.
>
> This would also appear to mean that the development benefits the government envisages for centres along the corridor are unlikely to eventuate.

The executive summary concludes on page 7 with:

> ACIL stresses the need for as full transparency as possible by the government — within the legitimate constraints of commercial confidentiality — with respect to the use of public funds. This requirement is particularly important when the amount of funds involved is very large, as is the case of the FRLP. ACIL is concerned that not all the assumptions on which the benefits of the FRLP are based have been made publicly available.

That is a fairly damning conclusion to the evidence that ACIL had been able to gain access. Unfortunately, that view is supported by people in our local communities who question many of the claims being made by the government, particularly on the issues of level of service and the service for the whole of the Bendigo–Melbourne corridor. The questions raised following the release of the ACIL report are: is this the best use of $550 million of taxpayer funds? Doubts have been cast over the government's cost-benefit analysis. Is the cost of $6.8 million per minute of time saved expensive? Only 0.28 per cent more commuters would use the fast train. Regional development predictions for the rail corridors are very questionable based on the evidence provided to the ACIL consultants.

Finally, the project is questionable because of the lack of publicly available information to scrutinise it and assess whether it is value for money. Is the state getting value for money — a bang for its buck? I want government members to substantiate that and the questions associated with the cost of the project, time savings by travellers, population projections and rural development opportunities that will flow from it.

Mr President, I seek leave to incorporate in *Hansard* a table from page 8 of the ACIL Consulting report setting out an analysis of the government's feasibility studies.

Leave granted; see page 1446

Hon. R. A. BEST — The table examines the proposed transit times on the four corridors: Ballarat, Bendigo, Traralgon and Geelong. It sets out the cost of the projects and the times the trains will take. I will refer to the Melbourne–Bendigo route as an example.

The current transit time for trains travelling from Bendigo to Melbourne is from 100 to 125 minutes. The partial delivery of the government's targets for the four corridors, estimated to cost $500 million, would mean a train would need to run express from Bendigo to Melbourne in 90 minutes and require a $140 million investment. The full delivery of government targets at an investment cost of $810 million, which invites private investors to make a $250 million contribution towards the project, requires $270 million to be expended on the rail corridor and track from Melbourne to Bendigo to achieve the 80 minute express service. To achieve the outcomes the Greater Bendigo City Council wants — a 60 minute express service from Melbourne to Bendigo and for the return — requires the government to expend $1.75 billion, of which $670 million would have to be spent on the Melbourne–Bendigo rail corridor.

How much is the government prepared to spend on this development? Originally it said it would spend $810 million, then it was reduced to $800 million, and we have now heard that because of the lack of interest from the private sector the total estimated cost has been reduced to $550 million. The Premier announced last week that the $55 million paid to National Express as part of its franchise agreement will reduce the government's cost of the project to $495 million. I will refer to that issue later in my contribution.

The chart sets out the various alternatives for the government. The community has every right to question the government about what level of funding the government will provide to meet the community's expectations of fast rail travel. It has been suggested that the costs associated with the upgrading of the track will not provide the reduction in travel times claimed by the government. The table clearly demonstrates that the government has grossly underestimated the costs associated with meeting the proposed travel times

PROPOSED TRANSIT TIMES — BALLARAT, BENDIGO, TRARALGON AND GEELONG

3.1.5 Costs

The Government's publication Feasibility Studies: Final Report included the following Table 2 summarising the options arising from the various feasibility studies:

Table 2: Summary of Options

	Ballarat	**Bendigo**	**Traralgon**	**Geelong**
Current transit times	85–104 mins	100–125 mins	115–145 mins	53–67 mins
Partial delivery of Government targets	70 minutes (express)	90 minutes (express)	100 minutes (stopping at Dandenong only)	
Total estimated cost: 500m***	– 160 kph – country works only – $170m	– 140 kph – country works only – $140m	– 140 kph – country works only – $100m	
Full delivery of Government targets	60 minutes (express)	80 minutes (express)	90 minutes* (stopping at Dandenong only)	45 minutes (stopping at North Geelong and North Melbourne only)
Total estimated cost $810m	– 160 kph – extensive works – $300m	– 180 kph – extensive works – $270m**	– 160 kph – extensive works – $150m	– 130 kph – extensive works – $90m
Full delivery of targets preferred by Regions	55 minutes (express)	60 minutes (express)	60 minutes (stopping at Dandenong only)	
Total estimated cost: >$1750m	– 225 kph – extensive works – $390m	– 225 kph – extensive works – >670m	– 225 kph – extensive works – >600m	

* No Government target originally set. 90 minutes agreed by Minister and Reference Group as equivalent to Ballarat and Bendigo targets.
** Excludes $19m cost of third track between Sunshine and Footscray already included in Ballarat corridor.
*** Includes costs of 45 minute service to Geelong.

According to this summary, the Government's targets could be met in full in each of four corridors at an estimated total cost of $810 m.

- Ballarat $300m
- Bendigo $270m
- Traralgon $150m
- Geelong $90m

These costs include the cost of infrastructure upgrading in each of the corridors and the purchase of higher performance rolling stock.

As mentioned above (3.1.3), in May 2001 the Government announced that further scoping work it had undertaken had confirmed a project cost of $800 m.

This cost, when measured in terms of cost per minute of time saved, appears very high. Taking the four corridors together, the cost to achieve the Government's target times would be around $6.8 m for each minute saved.

Source: Victorian Fast Rail Links Project, ACIL Consulting

originally identified in 1999 by the Premier in consultation with many of the councils. For example, Bendigo people have long aspired to a 60 minute rail service to provide them with access to the metropolitan area and for people in the metropolitan area to have access to Bendigo. To achieve that target the government will have to expend in excess of $1.75 billion. Not only are the train travel times questionable, but the cost of the investment is yet to be totally committed by the government.

I also question the regional development outcomes. Given that the trains will not stop at all stations along the corridor, there is little potential for economic development along the corridor. The table proves that the trains will run express not just from Bendigo, but from Ballarat, where it is proposed to have a 70-minute express service based on a $500 million total investment. The towns along the Bendigo corridor will have little opportunity to develop further. A potential shift in population from Melbourne to Kyneton, Castlemaine or Bendigo is even more questionable.

One of the concerns I have with the current proposal is that the government seems to be forgetting the people of Castlemaine.

Hon. W. R. Baxter — It is leaving them on the platform.

Hon. R. A. BEST — I am about to come to that. Surely the government is not suggesting that the people of Castlemaine, 25 minutes south of Bendigo, should drive 25 minutes north to catch an express train from Bendigo to Melbourne.

Hon. P. R. Hall — My mother and father would not do that.

Hon. R. A. BEST — I am sure many people in Castlemaine would not do that. It is impractical. Because the train will not stop at Castlemaine — —

Hon. D. G. Hadden — They will be faster trains.

Hon. R. A. BEST — I will take up Ms Hadden's interjection and address the issue shortly, but I ask for her patience.

If the government is serious about regional development, why is there a concentration of services that assist access to the Melbourne metropolitan area? The first train from Melbourne to Bendigo will arrive at 10.35 a.m.? What potential is there for people from Woodend, Kyneton or Castlemaine and the stations in between to get to Bendigo before 9 o'clock? The answer is none. The opportunity to develop Bendigo as a regional centre will be limited because the service concentrates on getting people to Melbourne more quickly. The Bendigo employment options for people from the south are limited by access to public transport, as are access to university and TAFE courses. People south of Bendigo in the major centres of Castlemaine, Kyneton and Woodend will have little or no option other than to head south to the metropolitan area.

The government announced a feasibility study into the relocation of the Rural Finance Corporation to Bendigo. Because of the lack of public transport there would be little opportunity for people who work for the corporation and currently live in Melbourne to use public transport to get to offices in Bendigo by 9 o'clock if the proposed relocation occurred.

The claim that the government is promoting regional development and that regions will be major beneficiaries under this proposal is misleading. If the government is really serious about regional development why are the current services so heavily slanted towards access to the metropolitan area?

There are other consequences that need to be considered. The project will not only make it easier for people to get to the metropolitan area, but it will also potentially impact on jobs in our regional centres, so there is the potential for leakage of the retail dollar. That has been identified by the government, but it is something we should acknowledge here. As honourable members know, many of our rural and regional centres are very fragile when it comes to retail spending, particularly given the proximity to those centres of rural municipalities and people from the rural sector. Bendigo is a major regional centre with a very large surrounding population. If there is faster access to the metropolitan area there is the potential for substantial leakage of the retail dollar to the metropolitan area.

Some local people are saying that if the project is not going to be completed until 2006 there will be no reason to travel by train when the Calder Highway will be duplicated to provide a dual carriageway all the way to the metropolitan area by 2006. Why would I get on a train that will deliver me only to the centre of the metropolitan area when if I travel by car I would have the flexibility to travel around the whole metropolitan area? That argument has been put and I understand the basis of it. The government is looking at investing in a project that will come to fruition in five or six years, by which time people living in Bendigo and surrounding areas like Castlemaine and Kyneton will be enjoying a dual-carriageway entrance to the metropolitan area.

People who have been involved in the railway industry for a considerable time have said that the rail project is a feel-good project, that the government has made a lot of motherhood statements that sound terrific and that the political rhetoric is comforting. However, because of the focus of governments over the last 20 to 30 years funding has been directed towards our road infrastructure and rail has missed out. This project is merely redirecting maintenance money that should have been spent on rail over the past 20 to 30 years. Regardless of which political party has been in power — Liberal, then Labor, then Liberal again and now another Labor government — successive governments have seen fit to provide more money for road infrastructure than for rail infrastructure.

People quite rightly say that the regional fast rail project will not provide the fast rail linkages being described by the government. Rather, it will purely provide an upgrade of the rail line to take faster Sprinter trains and shorter travel times without meeting the government's objectives, and at the cost of a large slice of taxpayers' funds totalling $550 million or, as I am putting forward in this submission, potentially $495 million.

The communities of Castlemaine, Kyneton, Woodend and all the stations in between have the expectation of much faster rail services. They see the low minutes of time travelled being quoted as becoming available to them in the future. They are not aware that they are not going to be able to catch the fast rail services that link Bendigo to Melbourne or Melbourne to Bendigo. Based on the current estimates, maybe 5 or 10 minutes on travel times at best will be saved between those centres.

I have already alluded to concerns about the reduction of funding to the track upgrades project so that faster trains can be carried. One of the major concerns regards the quality and alignment of the track. If trains are going to travel faster the quality and safety of the track must be ensured so it is capable of carrying faster trains. The house should note that I am not talking about very fast trains (VFTs) but about faster trains. Apparently we have Sprinters on our rail service between Bendigo and Melbourne now that can travel up to 130 kilometres an hour. We are looking at the introduction of a new rail car that is capable of travelling up to 160 kilometres an hour, so we need tracks that can handle them.

One of the cruel hoaxes perpetrated on the community by the Bracks government occurred last weekend when it was announced in a government media release of 22 November that:

> Up to 860 jobs will be created under a $410 million contract to build and maintain 29 high speed trains for the regional fast rail project, Premier Steve Bracks announced today.

The press release goes on to talk about job creation and about local content. Importantly, however, at the bottom of the statement it says:

> Transport minister, Peter Batchelor, said the government was supporting the purchase of the trains by National Express through the existing franchise agreement.

The interesting part of that statement is that the V/Line Passenger franchise deal was negotiated with National Express by the previous government and included a commitment by National Express to buy 58 high-speed diesel multiple units (DMUs) to supplement the existing 21 Sprinter cars. Last week's announcement of 29 new two-car trains — that is, new 58 cars — was nothing but an acknowledgment of the previous Kennett government agreement with National Express of August 1999. The recent press statement says the new cars are to be:

> … capable of travelling at 160 kilometres per hour …

That is exactly the speed envisaged in the franchise deal.

Debate interrupted pursuant to sessional orders.

The PRESIDENT — Order! I am required by sessional orders to stop the honourable member at this stage. He has a right to resume his contribution when the house next debates general business.

SCOTCH COLLEGE COMMON FUNDS BILL

Introduction and first reading

Received from Assembly.

Read first time on motion of Hon. C. A. FURLETTI (Templestowe).

ACCIDENT COMPENSATION (AMENDMENT) BILL

Second reading

Hon. M. M. GOULD (Minister assisting the Minister for Workcover) — I move:

> That this bill be now read a second time.

Voluntary settlements

The prime purpose of the bill is to implement commitments in relation to voluntary Workcover settlements made by the government in April last year

during debate on the Accident Compensation (Common Law and Benefits) Act 2000.

The government is committed to a system of weekly benefit payments for workers compensation, which focuses on creating strong incentives for rehabilitation. It believes that, for the vast majority of injured workers, an indexed weekly payment is the most appropriate compensation for economic loss. Of paramount importance is the fact that no eligible injured worker will be forced to take any settlement, and may instead choose to receive an indexed weekly payment for as long as he or she remains entitled to one.

The current settlements provisions of the Accident Compensation Act 1985 are unduly restrictive as they do not enable the calculation of different settlement amounts to differentiate between categories of applicants by reference to particular injury dates. In addition, they do not establish sufficiently clear and robust administrative processes for settlements. Legal advice has also reinforced concerns that the existing section 115 may expose the Workcover scheme to considerable and unintended financial loss.

In these circumstances, the government has decided to legislate specifically for a limited range of the voluntary settlements provisions.

ICRP claimants

First, the government honours its April 2000 commitment to make voluntary settlements available to certain workers injured during the non-common-law period. These workers are those who were seriously injured between 12 November 1997, when access to common law was removed by the Kennett government, and 19 October 1999, after which access was restored by this government under the Accident Compensation (Common Law and Benefits) Act 2000.

As announced by the government in April last year, the intensive case review program (ICRP) was established to assist these workers to ensure they received the maximum benefits to which they were entitled. It was originally intended to use the existing settlement provisions in the act. However, as outlined above, legal advice suggested that this would be problematic given the rigidity of the existing act. The advice was to the effect that specific amending provisions should be adopted — which is the purpose of this bill. As common-law access was reinstated for serious injuries from October 1999, many workers in this ICRP period have now been on weekly benefits for more than two years.

As per the government's commitment in autumn last year, the amendments in the bill will make voluntary settlements available to those ICRP workers who:

are assessed as having a whole person impairment of 30 per cent or more using the AMA Guides fourth edition; and

have been on weekly payments for at least 104 weeks; and

who are assessed as having no current work capacity indefinitely.

Workcare claimants

In addition, the government has decided to legislate to allow VWA to make voluntary settlements available to workers who were injured before 1 December 1992 and so did not generally have access to common-law damages for economic loss. This allows for some policy consistency regarding injuries during periods when common-law benefits were not available. Again, this will only be relevant to those injured workers who choose not to exercise their right to continue receiving weekly payments. The Governor in Council is empowered to determine a suitable payments table for this group within six months of the commencement of the new legislation with such determination being made on the advice of the VWA board.

Should such a payments table be introduced, then under these arrangements a worker will be entitled to apply for a voluntary settlement in respect of a work-related injury if he or she:

suffered the injury between 31 August 1985 and 1 December 1992;

was receiving weekly payments at the date of submitting an expression of interest;

is assessed either as having no current work capacity indefinitely, or as having a serious injury for the purposes of receiving weekly payments; and

as at 3 September 2001, was receiving weekly payments and had received them for a total of at least 104 weeks.

The bill includes a table of settlement payments for ICRP claimants. This table has been calculated based on actuarial advice, as envisaged by the government in April last year. Consistent with the government's concern to ensure the financial viability of Workcover, the table delivers benefits that are reasonable and do not put the scheme at risk, even if all eligible workers took

up their entitlement. The table is actuarially determined, as envisaged in autumn last year.

Current claimants

Certain ICRP and Workcare claimants have applied to VWA since 4 November 2000 or to a self-insurer since 28 November 2000 for settlements under section 115 of the act. Those claimants whose applications are pending may request VWA or the self-insurer to defer consideration of their application until the new provisions come into operation, as the ICRP and (if acted upon) Workcare-specific settlement tables may be more generous than the existing section 115 table.

Again, I emphasise that all settlements are voluntary and the injured worker will have the right to continue to receive his or her current indexed weekly payment, subject of course to continuing to meet the relevant criteria, or to choose a settlement.

Other voluntary settlements claimants

In addition, existing opportunities to apply for voluntary settlements will remain for some claimants. However, the bill removes the existing requirement for some applicants to show that they require the settlement for an income-producing project. The existing power to extend opportunities to offer settlements by regulation is retained.

Administrative procedures for voluntary settlements

The bill also introduces certain formal administrative procedures into the act relating to making and processing of settlements applications and, in order to avoid disputes, settlement amounts will be calculated in accordance with set formulae. Workers' rights will also be protected by requiring them to obtain independent legal and financial advice on any settlement amount advised to them by VWA or a self-insurer prior to making any decision. VWA or a self-insurer will pay the reasonable costs of obtaining such legal and financial advice, up to a maximum amount to be set by ministerial direction. VWA or the self-insurer will also retain a limited discretion to refuse to offer any settlement.

Taxation status of voluntary settlements

The Australian Taxation Office has advised VWA that it currently treats lump sum payments such as the settlements provided for in this bill as not constituting assessable income. For this reason, the bill uses the net-of-tax amount of weekly payments as the basis for the settlement calculation.

The ATO has indicated that this policy is currently under review. The state government does not support such a change in commonwealth tax policy, and believes that it would severely disadvantage injured workers. It would also be inconsistent with the policy recently announced by the commonwealth in respect of structured settlements.

However, should the commonwealth change its current tax policy in such an outrageous and unfair way, the Victorian government is determined to ensure that injured workers do not suffer a financial penalty. The bill takes this possibility into account and gives options for the government to assist affected workers.

I now turn to the other provisions of the bill.

Conciliation service

The role of conciliation officers has been very important in handling disputes between parties in relation to workers compensation claims in a sensible manner. However, the conciliation service itself has had an ambiguous structure since its inception. Conciliation officers are currently engaged by VWA on the nomination of the minister, but are not subject to direction by VWA. The senior conciliation officer is responsible for allocating cases to conciliation officers, but has no administrative authority for the service.

In keeping with the government's election commitment to an independent dispute resolution process, this bill establishes the conciliation service, for the first time, on a clearly independent basis. The bill creates the Accident Compensation Conciliation Service as a body corporate, separate from VWA. The senior conciliation officer, as the sole member of that body corporate, is given the necessary powers to run the conciliation service. All conciliation officers will now be appointed by the Governor in Council, on terms and conditions agreed by the minister. The conciliation officers retain their independence in carrying out their duties in providing conciliation services, and are immune from any liability for acts done or omitted to be done in good faith in the exercise of their duties, with any such liability attaching to the service and not to the conciliation officer.

The bill provides for the removal or suspension of a conciliation officer by the Governor in Council for a serious breach of his or her duties. The government received legal advice that under the present act, such a removal could only be effected through the very public and dramatic process of a resolution of both houses of this parliament. While it would be hoped that these new provisions will never have to be used, they have been

carefully drafted to ensure that natural justice will be required to be followed if any such case should unfortunately arise.

The bill also removes the requirement for compulsory conciliation of claims for compensation for the death of a worker. As these tragic claims must be determined by the County Court, such conciliation achieves nothing but a delay.

Part 5 of the bill: I. R. Cootes and SBA Foods litigation

On 6 June 2001, the Court of Appeal handed down its decision in the case of the *Victorian Workcover Authority v. I. R. Cootes Pty Ltd*. In that case, the court read down a number of key provisions in the Accident Compensation (Workcover Insurance) Act 1993 and the premiums order made under that act. In effect, the Court of Appeal determined that VWA cannot recover recalculated employer premium prior to the current policy year, except in very limited circumstances.

The full extent of the decision is unclear, but even on a conservative reading it has widespread implications for Workcover funding, for VWA's practices, and for employers. Since 1993, Workcover premiums have been determined by employers self-assessing their industry classification with VWA using an audit system at the conclusion of policy years to determine if the correct premium has been paid or whether an adjustment is necessary.

Further uncertainty about the extent of the decision in Cootes arises from the later decision of the Supreme Court of Victoria in *SBA Foods v. Victorian Workcover Authority* where Justice Gillard found that VWA did have sufficient statutory power to recalculate and recover employer premiums in respect of past policy years.

VWA's legal advice was that the Cootes and SBA Foods decisions are incompatible and leave the law on these points uncertain. This situation would be ultimately detrimental to the interests of VWA and of most employers. Although VWA has sought special leave to appeal the Cootes decision to the High Court, it could be at least two years before this is resolved.

In the meantime, VWA and employers are likely to be engaged in protracted and expensive litigation.

Further, VWA will be required at least to double its audit program of employers, if it is to prevent revenue leakage arising from the Cootes decision. This is part of the fiduciary duties of the board requiring it to take the most cautious approach, given the unresolved nature of this issue. If VWA did not do this, the lost revenue would eventually have to be recouped across all employers, not just those employers whose industry classifications were incorrect. The shorter the period in which incorrect premium can be collected, the more intense the VWA audit program has to be, as would be expected.

The government seeks to avert a massive rise in the number of audits and wants to avoid an unnecessary increase in premium for those employers whose industry classification is correct.

Consistent with its desire to stabilise the operation of the Workcover scheme, the government would prefer to be proactive and provide definitive rules for the determination of premiums, rather than enter into a two-year period of uncertainty and extended litigation.

In these circumstances, the government seeks to clarify the law by including appropriate amendments in this bill. Part 5 of the bill effectively reinstates the practices that have operated since 1993, but with some adjustments, which include limiting the power of the VWA to recover past premiums. This limitation of period is four years, rather than six years.

The amendments seek to entrench in a fair and even-handed way the rights of both VWA and employers under the act in relation to the recalculation of premium from past policy years. The reasons for entrenching VWA's rights are best summed up in the following extract from the Supreme Court decision of Justice Gillard in the SBA Foods case:

> In the end, under the scheme, employers must provide the funds to meet the obligations on the statutory fund, and if employers fail to pay the proper premium in accordance with the premiums order, the burden is thrown upon other employers. Clearly, it is in the interests of all participants in the Workcover scheme that each employer pay the premium which is payable pursuant to the premiums order … If errors are made, wrong facts are relied upon, decisions are made contrary to the facts, which result in the wrong premium being calculated and paid, the legislative scheme is in danger of collapsing.

The government appreciates the various views provided by VECCI, AIG, VACC and other peak employer groups in assessing the impact of the Cootes decision. The government appreciates that there is a variety of views around this issue. The government wants to provide certainty, and avoid the massive increase in audits that would otherwise result.

In addition to providing certainty, the government makes concessions to employers, such as reducing from six years to four years the period over which the VWA

can recoup underpaid premium. The government believes that this is a more sensible provision.

The government is not just moving on the legislative front to assist employers. Employer associations have advised that many employers would appreciate the opportunity to have their premium calculations checked by Workcover, without the risk of significant amounts of adjusted premiums and penalties being collected for past years. VWA accepts that a moratorium for past premium years would assist employers, claims agents and the Workcover system.

To this end, VWA will initiate a moratorium, other than where fraud is involved, on collection of incorrectly calculated premiums and penalties for prior years. The moratorium will run from the date of passage of this bill in the spring 2001 session until at least 30 May 2002.

Following the I. R. Cootes decision, Workcover retained Pricewaterhousecoopers to review the employer audit program and the management by claims agents of the workplace industry classification system. Workcover will be seeking the active involvement of employer associations in the review and their contribution to the revised program. It is hoped that this will decrease the number of incorrect workplace industry classifications.

Consistent with the government's desire not to penalise employers who are doing the right thing, the bill also gives, as part of this package, a discretion for VWA to apply reduced penalties, or no penalty, in some circumstances where a heavy penalty is currently mandatory. One example is of an employer who becomes incorporated, fails to notify their agent of the change, continues to pay a premium for the old entity, and fails to take out coverage for the new entity. In such a case there may be no increased insurance risk to VWA, but without a discretion at present VWA is obliged to charge a 200 per cent premium penalty for the failure of the new entity to be insured.

Other amendments

At present, the OHS act does not apply in licensed mines where the Mineral Resources Development Act covers occupational health and safety matters. This bill extends OHS act coverage to mines and quarries, and provides for DNRE staff to have power to enforce these provisions, thereby contributing to improved safety in these often dangerous workplaces.

The bill also extends regulation-making powers under the OHS act and the Dangerous Goods Act. While these extended powers are not limited to any particular materials, they will now be available to allow the government to provide for the licensing of asbestos removal firms, and to prohibit the manufacture and use of products containing asbestos.

The bill implements some recommendations from the government's review of business taxation to harmonise the definitions of the remuneration bases on which payroll tax and workers compensation insurance premiums are calculated. Bringing these definitions closer together will reduce the administrative burden on employers.

The bill extends from 12 months to 3 years the term for which a hearing loss examiner is approved. This will remove an unnecessary administrative burden in renewing approvals every year.

The bill also extends the discretion for VWA to permit a common-law action for damages to be commenced outside the time limits under the act thereby enabling some cases to proceed to a damages hearing when previously they could not. This provision will relieve the hardship suffered by those cases whom VWA previously had no power to help. The exercise of this discretion rests with VWA alone. I can assure the house that this provision will not enable cupboards full of long-delayed actions to be revived.

The bill delivers on important commitments and effects other changes in a way that is both responsible and affordable.

I commend the bill to the house.

Debate adjourned on motion of
Hon. P. A. KATSAMBANIS (Monash).

Debate adjourned until next day.

ANIMALS LEGISLATION (RESPONSIBLE OWNERSHIP) BILL

Second reading

Hon. C. C. BROAD (Minister for Energy and Resources) — I move:

That this bill be now read a second time.

The Animal Welfare Advisory Committee is an advisory group that provides advice to the Minister for Agriculture on animal welfare policy, strategies and programs to facilitate effective application of legislation that affects the welfare of animals. The committee has made recommendations for amendments to the Prevention of Cruelty to Animals Act 1986 and the Domestic (Feral and Nuisance) Animals Act 1994.

A public discussion paper calling for public comment was released as a result of those recommendations and legislative amendment of both acts is considered to be necessary to resolve problems with enforcement of the acts and to improve animal welfare.

I will now deal briefly with some significant features of the bill.

The following comments relate to proposed amendments to the Prevention of Cruelty to Animals Act 1986.

Regulations prohibiting the possession of certain implements or their use on animals and to prohibit certain procedures used on animals

The bill will allow regulations to be made to prohibit the procedure of the pin firing of horses. This is an antiquated procedure where hot irons are used to burn a horse's skin in a pattern that increases blood supply to areas near joint or tendon injuries, and immobilises the horse due to pain. There is no support in the veterinary profession for this procedure.

The bill will allow regulations to be made to prohibit or regulate the use of pronged dog collars and electronic dog training collars. It is anticipated that the use of these devices will only be permitted under the supervision of appropriately qualified experts. Cruelty resulting from the use of implements or conduct of procedures could still be prosecuted under the general provisions of the act.

The bill will also allow regulations to be made which prohibit the possession of cock or dog-fighting implements.

Attendance at animal fights

There are currently severe penalties, $12 000 or 12 months jail, for providing premises for animal fights and for being the owner of an animal that is injured by an organised fight. There is currently no penalty for attending an animal fight. Given that attendance at an animal fight encourages such activities to take place, the bill will make it an offence to attend an animal fight.

Entry to a person's dwelling to investigate animal cruelty

Inspectors appointed under the Prevention of Cruelty to Animals Act can currently enter premises, other than personal dwellings, to provide assistance to animals and to inspect for cruelty. Situations arise in urban areas where such animals may be inside a house that is used as a personal dwelling and no action can be undertaken by inspectors. The bill enables inspectors to enter a person's dwelling if there is a reasonable suspicion of cruelty but only after obtaining a warrant from a court.

Notice to comply

Inspectors are frequently faced with a situation where they provide reasonable advice to an owner of an animal which is at risk, but this advice is ignored or poorly implemented. The situation then declines such that animal cruelty develops or an animal's suffering continues. Currently, a court can make orders for an owner to comply but only if the owner has already been convicted of a cruelty offence. This results in many situations where an inspector cannot take timely action to prevent a cruelty situation arising if the owner is not cooperative.

The bill will allow an inspector to issue a notice to a person that requires the person to comply with specific written instructions to alleviate cruelty to an animal or to prevent a situation in which cruelty is likely to occur. It will be an offence not to comply with the notice.

Warrants to seize animals

The act currently includes a process whereby the minister can order a specialist inspector to seize and dispose of animals. Usually the animals remain on the property until disposal is arranged. In practical terms, this process is intended to cover farm livestock situations that are protracted and unlikely to be resolved by the owner. Currently, inspectors, as opposed to specialist inspectors, can provide assistance, feed, water and treatment to animals on site but cannot remove animals to place them in care.

The bill will allow an inspector, with the written permission of the secretary, to apply to a magistrate to seize an animal from premises, including a dwelling if the inspector believes on reasonable grounds that the welfare of the animal is at immediate risk.

I will now comment on the proposals in the bill which relate to amendments to the Domestic (Feral and Nuisance) Animals Act 1994.

Increased penalties for dog attacks

The current penalty for a dog attack on a person or for setting a dog to attack is $500. An owner is also liable for any damage caused by an attack if convicted. A magistrate can also order the destruction of the dog. The bill increases the maximum court penalties for dog attacks in response to public concern over publicised dog attack cases and the perception that current

penalties are not an adequate deterrent. The increases are significantly higher for dog attacks that result from a deliberate human action such as urging a dog to attack and for an attack by a dangerous dog that has a history of attack or attack training.

Restricted breeds

The bill will align commonwealth and state legislation regarding pit bull terriers by introducing restrictions to be placed on restricted breed dogs. Restricted breed dogs have been defined to mean those dogs prohibited from being imported by the Commonwealth Customs (Prohibited Imports) Regulations 1956 and includes pit bull terriers. Defining restricted breed dogs in this manner will ensure consistency with the relevant commonwealth legislation.

The controls on restricted breeds include limiting the number of restricted breed dogs that can be owned without a permit to two, defining housing requirements and warning signage on the premises, controls when the dog is off the premises, permanent identification, compulsory notification upon the sale of an animal and in the event of escape, death or change of ownership of the dog. The proposed amendments will prevent ownership of a restricted breed dog by a minor.

The restrictions proposed in the bill are consistent with responsible pet ownership requirements, are generally consistent with the restrictions placed on owners of dangerous dogs and address concerns expressed by the community over these breeds of dog.

The bill ensures that the welfare of animals is protected and that enforcement agencies are better equipped to enforce the respective legislation. It also responds to community concerns over the keeping of animals that are likely to attack.

I commend the bill to the house.

Debate adjourned for Hon. PHILIP DAVIS (Gippsland) on motion of Hon. K. M. Smith.

Debate adjourned until next day.

TRANSPORT (ALCOHOL AND DRUG CONTROLS) BILL

Second reading

Hon. C. C. BROAD (Minister for Energy and Resources) — I move:

That this bill be now read a second time.

The main purpose of the bill is to strengthen the rail safety provisions of Victoria's transport legislation.

The bill provides that it is an offence for rail safety workers to be impaired by drugs whilst undertaking rail safety work. In this context 'rail' refers to both tram and train operations and a rail safety worker is a person working in a transport operations role, in particular on or near tram or train tracks.

The relevant drugs will be specified by gazette and initially will be the same as those specified under the recent changes to the Road Safety Act and will include prescription drugs.

The bill further provides that it is a condition of rail safety accreditation that an accredited company must ensure that their workers do not perform safety work after consuming alcohol or while being impaired by any other drug. The bill also creates a new offence with substantial penalties, if an accredited rail organisation fails to comply with that new condition.

The bill provides for a testing regime where authorised officers, nominated by the accredited organisations, will be able to conduct preliminary drug assessment tests to complement their existing ability to conduct preliminary breath tests on rail safety workers. Under these changes drug tests will be authorised where there is a reasonable belief that a rail worker's ability to perform safety work has been impaired by a specified drug. Where that belief exists, the test may be performed before a worker commences safety work, while performing such work or up to 3 hours after completing safety work.

Police officers will also be authorised to perform drug impairment tests following an accident or following a rail operations incident which involves a breach of tram or train safety rules or operating procedures and the tram or train operator specifically request the police to conduct the test. A positive drug test by police following an accident may result in a prosecution.

The chief aim of these new provisions is the prevention of accidents — not the prosecution and punishment of workers. The purpose of the legislation is to provide an impetus for a significant cultural change to the rail industry as the bill addresses the control of prescription medication and over-the-counter medication. Rail safety workers will be under a positive duty to ensure that their medication does not impair their ability to perform safety work.

Currently, accredited rail operators are required to have processes in place to deal with the problem of drugs in the work place. Under these arrangements rail workers

are already subject to drug and alcohol testing in the workplace in appropriate circumstances and are subject to disciplinary processes in the event of a positive reading. Accordingly, prosecution of the new offences to be introduced in the bill will primarily be used where there has been a rail accident or incident rather than where the presence of drugs is detected during safety work generally.

In the event of an accident or incident the causes will be investigated by the accredited organisation involved, the Department of Infrastructure and possibly the police. In those cases it may be appropriate to prosecute an individual worker if it can be shown that alcohol and/or drugs were contributing factors and where the train or tram company should have guarded against this risk by adequately ensuring compliance with their safety management system relating to use of drugs and alcohol.

This bill does not seek to introduce significant changes to the procedures already in place in the rail organisations as it is already a condition of accreditation that organisations have in place a safety management system that deals with drug and alcohol controls. This bill provides a formal legal framework, including relevant offences, for those existing processes.

These reforms implement recommendations of inquiries into rail accidents at Ararat and Holmesglen which emphasised the need for improved alcohol and drug controls in the rail industry particularly with respect to prescription drugs.

The staff of the Department of Infrastructure responsible for rail safety accreditation have already undertaken, and will continue to undertake, a wide consultation and education program covering the rail industry as well as health professionals and the pharmacy industry. This program will ensure that there is a widespread awareness of these new provisions and the need for rail workers to be aware of the legal requirements.

Rail safety workers will be particularly targeted for the education programs and, because of the high proportion of non-English-speaking workers in the industry, the material will be available in several languages. This part of the program will be especially important because, unlike the similar road safety provisions, this bill does not provide a defence to a drug impairment charge if the worker was following medical advice. This important difference is appropriate because of the substantial public safety ramifications of train and tram operations.

The bill contains procedural provisions relating to the carrying out of drug testing and these generally mirror those in the recent road safety legislation.

I wish to make a statement under section 85(5) of the Constitution Act 1975.

Clause 21 of the bill inserts a new section 255D into the Transport Act which states that it is the intention of section 96B(5) of the Transport Act (as inserted by clause 10 of the bill) to alter or vary section 85 of the Constitution Act 1975.

The effect of proposed sections 255D and 96B(5) is to confer an immunity on registered medical practitioners and approved health professionals (defined to include registered nurses) to prevent legal proceedings being brought against them in the Supreme Court for taking blood samples and/or being furnished with urine samples from safety workers suspected of being impaired by a drug while carrying out, or about to carry out, safety work.

These provisions have the same effect as similar provisions inserted into the Road Safety Act by the Road Safety (Amendment) Act 2000 which introduced the offence of driving a vehicle while impaired by a drug and the procedures for assessing whether a driver was, while driving, impaired by a drug.

The reason for the variation of the Supreme Court's jurisdiction is that the immunity is necessary to ensure that the drug control measures proposed by this bill are workable by enabling registered medical practitioners and approved health professionals to carry out the procedures to take blood samples and/or to be furnished with urine samples, which are necessary to detect drugs in the body of a safety worker, without the fear of litigation by safety workers disgruntled at being tested.

I commend the bill to the house.

Debate adjourned for Hon. G. B. ASHMAN (Koonung) on motion of Hon. K. M. Smith.

Debate adjourned until next day.

ROAD SAFETY (FURTHER AMENDMENT) BILL

Second reading

Hon. C. C. BROAD (Minister for Energy and Resources) — I move:

That this bill be now read a second time.

This bill proposes a range of amendments to the Road Safety Act 1986 and other acts dealing with road transport. One of the principal measures is the establishment of a register of written-off vehicles, which will make it harder to trade stolen vehicles. The bill also proposes a number of improvements to drink-driving laws, in particular by establishing more consistent principles governing when a first offender should lose his or her drivers licence.

Motor vehicle thefts in Victoria are at an unacceptable level. When a vehicle is stolen, it causes hardship to the victim and higher insurance premiums for all. The National Motor Vehicle Theft Reduction Council estimates that professional car thieves carry out around 20 per cent of vehicle thefts, representing about 55 per cent of the cost of vehicle theft to the community through higher premiums.

To sell a stolen car, professional thieves frequently replace its vehicle identifiers with those of a damaged car and then pass it off as a repaired vehicle. This scam is known as rebirthing. It is estimated that each year around 2000 stolen vehicles are rebirthed, at a cost to the Australian community of over $30 million. This bill proposes measures intended to curtail this trade in stolen cars.

The register of written-off vehicles will be maintained by Vicroads and will form part of a national network of such registers. The bill will authorise regulations to be made that will make it mandatory to report written-off vehicles to Vicroads in specified circumstances. When it receives a notification, Vicroads must list the vehicle's identifier on the register. Vehicle identification numbers are unique identifiers required by the Australian design rules. Once an identification number is listed, the bill will limit the circumstances in which a vehicle with that number can be registered for use on public roads.

The bill divides written-off vehicles into two classes, statutory and repairable. Basically, a statutory write-off is one that is assessed as being so badly damaged that it cannot be safely repaired. Where a vehicle has been listed as a statutory write-off, the bill will prohibit any vehicle with that vehicle's identification number from being registered for use.

In contrast, a repairable write-off is a vehicle that could be safely repaired but is written off by an insurer or self-insurer because the cost of repair would be more than the vehicle is worth. In these cases, regulations will require that the vehicle pass an identity inspection before it can be registered for use on public roads. The usual requirement for a roadworthy inspection will also apply.

New South Wales and South Australia have already established registers of written-off vehicles. However, to be fully effective, registers need to be established in each state and territory and linked into a national network. Otherwise, professional car thieves will simply sell the vehicle in the jurisdiction with the weakest safeguards. There is evidence that vehicles stolen in other states are being resold in Victoria.

It is not possible to know precisely what savings the establishment of a register of written-off vehicles would achieve. But it will be a significant addition to the range of measures available to combat vehicle theft. The effect of the proposed register in reducing the rate of vehicle theft would be greatest in relation to high-value vehicles most at risk of rebirthing.

The bill proposes changes to drink-driving laws designed to prevent and deter drink-driving and to ensure that, where drink-drivers' licences are cancelled, it will be done in accordance with a consistent set of principles.

The dangers of drink-driving cannot be overemphasised. On average, only 1 in 300 drivers tested at police booze buses is a drink-driver. Yet about 1 in 4 driver fatalities are drivers who had a blood alcohol concentration of .05 or more. Put bluntly, and it needs to be put bluntly, a person who drinks and drives is not fit to hold a driver's licence until he or she reforms. They are a danger to themselves and to others.

When a drink-driver's licence is cancelled, the person concerned naturally sees it as a punishment. But punishment is not the real purpose. Rather, the main purpose is to save lives by removing a danger from the roads, by providing an opportunity for rehabilitation and by deterring others.

For these reasons, the Road Safety Act requires that drink-drivers' licences be cancelled in most cases. And the period of disqualification reflects the seriousness of the offence. The higher a driver's blood alcohol content, the longer the period the person must be disqualified from driving.

Drink-driving infringement notices issued to first offenders impose a cancellation of licence whenever the reading is .05 or more. In contrast, where first offenders with readings of less than .10 choose to go to court, more than half keep their licences.

The concept of an infringement notice is that it allows a person to accept a fixed, but normally a lesser, penalty

than would be likely if a court found the person guilty. It is anomalous in principle that persons who receive infringement notices should generally suffer more severe penalties than those found guilty by a court. This bill seeks to address that problem.

The bill does this by fixing .07 as the reading at which drink-drivers must lose their licences, irrespective of whether they accept an infringement notice or are found guilty by a court. Instead, first-time drink-drivers whose blood alcohol reading is between .05 and .07 will receive 10 demerit points. In the case of persons who are subject to a zero blood alcohol condition, such as probationary drivers and truck drivers, their licences will be cancelled if their reading is .05 or more.

This will mean that first-time drink-drivers with good driving records and whose reading is just above the legal limit will not necessarily lose their licences. But they will be put on notice not to re-offend. A person who accrues 12 or more demerit points within three years risks licence suspension, with the period of suspension varying according to the number of points. Even where a driver exceeds 12 demerit points, the driver may choose to retain his or her licence by opting to risk suspension for double the period if he or she incurs any further points in the next 12 months.

Thus, the bill endeavours to balance a number of competing considerations. It reinforces the message that drink-driving is totally irresponsible and that drink-drivers should expect to lose their privilege to drive. It retains a measure of leniency for first offenders who are just over the limit and who have previous good driving records. But it puts those persons on notice to drive responsibly in future and provides an incentive for them to do so. Finally, it will be fairer in that first offenders who accept infringement notices will no longer be treated more harshly than the majority of those who go to court.

The bill also proposes a number of miscellaneous amendments, and I will now outline these to the house.

The bill will allow alcohol breath tests to be administered in places other than police stations and booze buses, such as police cars and hospitals. The present restrictions on where breath tests may be administered cast an unnecessary burden on both police and motorists in rural and remote areas. In remote areas, the requirement to take the person to a police station can delay the testing process by several hours. By allowing testing in police cars or other places, the test can be completed as soon as practicable and the motorist would be free to go. In Melbourne and regional cities it is expected that most breath tests will continue to be conducted at police stations or booze buses.

The bill will make driving instructors and persons steering towed vehicles subject to all the duties of a driver.

More and more individuals are trying to evade detection and prosecution by attaching wrong numberplates to a vehicle. Methods include swapping plates between vehicles, using stolen plates or using personalised plates to which the rights have been sold but which Vicroads has not assigned to a vehicle.

The bill will address this problem by amending the owner-onus provisions. Presently, owner-onus makes the registered operator of a vehicle liable for parking, traffic camera and tolling infringements unless and until the registered operator nominates the person who was actually driving. The bill extends the owner-onus principle so that it will also treat as an owner the person who was responsible for the numberplates actually displayed on a vehicle, whether or not those plates were assigned to that vehicle. Say, for example, a vehicle involved in a hit-and-run accident was displaying the wrong plates at the time of the accident. In that case, the person who last held those plates would be under a duty to assist police to identify the driver, in the same way as vehicle owners are currently required to assist police in hit-and-run cases.

The bill will also authorise police to confiscate numberplates displayed on unregistered vehicles, but only if the registration renewal period has expired.

The minimum age for a motorcycle learner permit in Victoria is 17 years 9 months and the minimum age for both a driver and motorcycle licence is 18 years. As motorcycle learners can ride unsupervised, the current arrangements allow a person to ride a motorcycle solo at an earlier age than to drive a car solo.

Motorcyclists in urban environments have a risk of injury per kilometre travelled that is about 17 times the risk for car drivers. Licensing data for 1996–2000 shows that about 0.9 per cent to 1.8 per cent of motorcycle learner permit-holders are 17 years old. However, analysis of data on vehicle accidents for the period 1995–99 shows that 8 per cent of motorcycle learner permit holders who were killed or seriously injured were aged 17 years.

The bill proposes to raise the minimum age for obtaining a motorcycle learners permit to 18, so that the age at which novice motorcycle riders and novice car drivers may ride or drive solo will be the same.

The bill clarifies that infringement notices and enforcement orders may be recorded and counted for the purposes of Victorian and interstate schemes for suspending the registration of heavy vehicles that are repeatedly involved in speeding offences as well as for the purposes of the licence demerit points scheme. The bill will also make several machinery amendments to the provisions governing the use of digital technology and of Vicroads registration and licensing records in traffic camera enforcement.

To sum up, the bill proposes an important measure to combat the rising rate of vehicle theft. It will tighten drink-driving laws while at the same time making those laws fairer for first offenders whose blood alcohol is just above the legal limit. And it will make a range of minor and machinery measures designed to close loopholes in existing laws. Taken together, the bill represents a significant package of measures that should improve the safety of all road users.

I commend the bill to the house.

Debate adjourned for Hon. G. D. ASHMAN (Koonung) on motion of Hon. K. M. Smith.

Debate adjourned until next day.

MARINE (HIRE AND DRIVE VESSELS) BILL

Second reading

Hon. C. C. BROAD (Minister for Ports) — I move:

That this bill be now read a second time.

The bill provides for improved marine safety in Victoria by:

- requiring operators of some hire-and-drive vessels to hold an operator licence; and
- providing specific regulation-making powers to improve the safety for all operators of hire-and-drive vessels.

The bill also implements the government's explicit commitment to introduce separate regulatory arrangements for operators of hire-and-drive vessels, which maintain the safety objectives of licensing.

In November 2000, the government announced new licensing arrangements to improve safety on Victorian waters by ensuring that operators of registered recreational boats have a basic knowledge of waterway rules and safe boat operation. Licensing is consistent with the government's objective for a safer marine environment through improved operator competencies and related safety measures.

Whilst hire-and-drive vessels are predominantly used for recreational purposes, they are classified as commercial vessels. They are surveyed annually by officers of the Marine Board of Victoria but not registered like recreational vessels. As such, they do not come within the scope of the new recreational boat operator licensing system.

The uncontrolled use of hire-and-drive vessels by unlicensed operators gives rise to obvious safety concerns but restricting their use to licensed operators only would have an unintended adverse impact on the industry.

Having regard to this, the government gave two further commitments:

- firstly, the hire-and-drive industry would be closely consulted in the development of the new regulatory arrangements; and
- secondly, to address the hiring of personal watercraft (commonly known as PWCs or jet skis) when licensing is introduced for operators of registered recreational PWCs.

The government is now delivering on those commitments.

The Marine Board of Victoria conducted a survey of 120 hire-and-drive businesses in Victoria to gauge their response to various options for regulation of operators of their vessels. Eighty businesses responded and some participated further in a number of focus groups.

The industry feedback confirmed the need to improve safety and competencies of operators of hire-and-drive vessels to be consistent with the objectives of licensing. However, it also confirmed the government's view that a balance needs to be struck between improving boat operators' knowledge and skills and ensuring that improved regulation of operators of hire-and-drive vessels does not unduly impact on small business and local tourism.

Licensing requirements

The bill provides that new licensing for operators of registered recreational boats will also apply to:

- operators of hire-and-drive PWCs;
- operators of mechanically powered hire-and-drive vessels capable of 10 knots or more;

operators of prescribed classes of hire-and-drive vessels; and

young persons aged 12 years and less than 16 years, who hire mechanically powered vessels.

The licensing requirements for operators of PWCs and young persons will be introduced during the 2001–02 boating season. The licensing requirements for operators of hire-and-drive vessels capable of 10 knots or more will be introduced during the 2002–03 boating season.

This staged implementation is consistent with the arrangements for the introduction of licensing for operators of privately owned and registered recreational boats.

The bill also establishes an appropriate offence and penalty regime to ensure that safety requirements are maintained.

Persons who have been disqualified from obtaining an operator licence either in Victoria or interstate, will not be allowed to hire a mechanically powered vessel during the period of that disqualification. The same will apply to persons whose operator licences are suspended or cancelled for medical reasons.

Additional regulation-making powers

The bill also provides additional regulation-making powers to better manage the use and operation of hire-and-drive vessels.

These powers will also allow the instructions given to the vessel operator by the vessel owner to be improved. Current arrangements for regulating the operation of hire-and-drive vessels are limited to a requirement in the Marine Regulations 1999 that a person who hires out a vessel must ensure that the operator is competent to take charge of that vessel within any specified geographical limits. Although the regulations require the operator of the vessel to sign a statement indicating that he or she fully understands the instructions given, there is no prescribed form as to how this is to be achieved or documented for audit or enforcement purposes.

It is proposed to introduce an improved comprehensive pre-trip safety briefing and safety checklist to substantially improve the existing regulations for the instructions of operators of hire-and-drive vessels. A similar system operates in NSW and Canada.

The additional regulation-making powers will also improve the records to be maintained for the hire-and-drive vessels and require them to be made available for inspection and audit purposes.

Other regulation powers cover information to be displayed on hire-and-drive vessels, such as safety and waterway rules information, additional requirements for the issue of a certificate of survey for a vessel, such as safety management plans, and the information intending operators of hire-and-drive vessels must give to the vessel owner in relation to any operator licence they hold or have held.

The consultation already undertaken with the hire-and-drive industry indicates general support for the improved safety measures to be provided by the additional regulation-making powers. However, the industry will be further consulted in the development of the regulations and given sufficient time to meet the new arrangements.

I commend the bill to the house.

Debate adjourned for Hon. PHILIP DAVIS (Gippsland) on motion of Hon. K. M. Smith.

Debate adjourned until next day.

VICTORIAN INSTITUTE OF TEACHING BILL

Second reading

Debate resumed from 27 November; motion of Hon. J. M. MADDEN (Minister for Sport and Recreation).

Hon. ANDREW BRIDESON (Waverley) — I am pleased to speak on the Victorian Institute of Teaching Bill. It is somewhat ironic that a Labor government is enshrining in legislation something I have advocated since I began a teaching career nearly 35 years ago.

I have always advocated that the status of teachers should be raised; that their professionalism should be recognised; that their work should be better recognised in the wider community; and that a code of teacher ethics be developed. Although the bill does not advocate the establishment of a code of ethics, I hope once the Victorian Institute of Teaching (VIT) is up and running that may be one of its priorities.

The Liberal Party does not oppose the bill. It will move some amendments during the committee stage to make the VIT more independent than what is advocated in the bill and to make it more representative. The bill was debated at length in the Legislative Assembly. The Liberal Party opposition in this house does not wish to

go through every specific clause but will concentrate on the amendments to be moved during the committee stage.

It is important to place on the record a brief history of the bill. I note from the Australian Labor Party's 1999 election policy document that it intended to establish:

> … an independent and representative professional body to advise on standards, qualifications and professional development.

This bill is legislation on which the ALP went to the people of Victoria and is one of its election commitments that will be fulfilled at the end of the day. Its policy was not all that different from that of the Liberal Party, which believes the status of the teaching profession should be given higher community recognition and support. It basically believes in the functions and powers I will outline briefly later. Perhaps the only difference between Liberal Party and Labor Party policies prior to the last election was that the Liberal Party probably had the same end result in mind but it would have achieved the same outcome by enhancing teaching profession standards through a different vehicle.

On 25 May last year the Minister for Education in the other place established a ministerial advisory committee for the VIT. That representative committee comprised people from various education sectors, universities and employer and employee groups. That committee produced and distributed a document that was well compiled; its title is 'Teachers and school communities: have your say on the proposed Victorian Institute of Teaching'. It outlines 29 proposals. The discussion paper was distributed widely to teachers, who were invited to comment. Consequently the bill is before the house today.

The development of the bill saw the functions of the Standards Council of the Teaching Profession incorporated into it. That council ceased to exist on 31 December 1999; it did not meet beyond that date, and its work was done by the ministerial advisory committee for the VIT.

Despite all the rhetoric surrounding the introduction of the bill into Parliament, it is not a new, whiz-bang, state-of-the-art idea. This sort of legislation has been implemented in various jurisdictions around Australia and throughout the world. I note that Queensland has a Board of Teacher Registration that essentially covers many aspects of this bill. South Australia has a Teacher Registration Board, as does Tasmania. I also note that Scotland has a general teaching council which has similar powers and functions to the VIT. In the limited time available for research, given that the bill was introduced into the house at about 10.00 p.m. yesterday, I conducted a quick search on the Internet and found that California has a similar institute to the VIT and that the state of Ontario in Canada also has a similar board.

The board will not be unique to Victoria. I have seen it evolve over my years of experience in education in Victoria. That is a potted history of the bill, and in about 10 years I will be interested to observe the attitude of teachers and the teaching profession to the VIT.

I turn to the purposes of the bill, which were clearly stated in the second-reading speech. The main purpose of the bill, as set out in clause 1, is:

> … to recognise, promote and regulate the teaching profession by —
>
> (a) providing for the registration of teachers in schools in Victoria;
>
> (b) regulating the conduct of those teachers;
>
> (c) providing a procedure for handling complaints about teachers registered or permitted to teach under this Act;
>
> (d) establishing the Victorian Institute of Teaching.

I shall concentrate on part 2 of the bill, which establishes the Victorian Institute of Teaching. Clause 4 sets out the establishment of the institute. Clause 5 sets out the functions of the institute, which are numerous. They are listed in paragraphs (a) to (o). I will not read them to the house, as they are covered in the second-reading speech. Clause 6 deals with the powers of the VIT. Clause 7 concerns ministerial advice and states:

> The Institute must give due regard to any advice given by the Minister in relation to the exercise of its powers and the performance of its functions.

The clause differs somewhat from the standards council proposal, which was that the council had to give advice to the minister. It is the other way around in this bill. I hope there will be two-way communications between the minister and the VIT.

Clause 8 sets out the membership of the council. I will have more to say about that, because it goes to the heart of the amendments the Liberal Party will move. Earlier I said the Liberal Party is concerned that the institute be truly independent and truly representative.

The second-reading speech states that the bill fulfils the government's election commitment to:

> … establish an independent and representative professional body to advise on standards, qualifications and professional development.

The opposition believes the proposed membership of the Victorian Institute of Teaching council is not as independent as it could be. It should be seen to be independent. The government cannot just say that it will be independent and therefore it is independent. On a quick reading of the bill I did not find the word 'independent'. I would like government members to indicate where the word 'independent' is mentioned in the clauses of the bill. To see what 'independent' means I referred to the third edition of the *Macquarie Dictionary*. It states:

1. not influenced by others in matters of opinion, conduct, etc; thinking or acting for oneself: *an independent person*.
2. not subject to another's authority or jurisdiction; autonomous; free.
3. not influenced by the thought or action of others: *independent research*.
4. not dependent; not depending or contingent on something else for existence, operation, etc.
5. not relying on another or others for aid or support.
6. declining others' aid or support; refusing to be under obligation to others.

It has numerous other definitions. The definitions I have read out make it apparent that the minister's influence on the operation of the council could be profound, and the opposition does not believe the legislation will allow the council to be truly independent.

The Department of Education, Employment and Training web site contains answers to frequently asked questions relating to the bill. One of the answers to frequently asked questions resulting from the working paper distributed to schools to which I referred earlier is:

> If teachers were directly elected to the governing body rather than nominated or appointed the independence of the institute would be enhanced.

It is obvious from a reading of the bill and the answers to the questions on the Department of Education, Employment and Training web site that the independence of the institute would be enhanced if members were directly elected.

The Australian College of Educators (ACE) is the new name of the Australian College of Education. It is an excellent organisation. I downloaded a copy of the work it has done on this bill. The college was so concerned that it made a submission to the government on the 29 proposals. In relation to proposals 22 to 25 and 27, which relate to governance, the college was concerned about the independence of the institute. The college states:

> The actual and perceived independence is essential if the VIT is to have credibility.

It was concerned about the public perception of the independence of the council and believed its independence could be called into question if the minister appointed the chairperson in the first instance and if the composition of the board did not truly reflect the profession's interest. It also said that the ministerial appointment of stakeholder representatives would be inappropriate. It is not just the opposition that questions the independence of the institute, but other professional organisations as well.

It should be noted that the government amended the bill in the Legislative Assembly. The amendments were made either as a direct result of negotiations between the shadow minister and the minister or as a result of the amendments introduced into the Legislative Assembly. I give some credit to the government for acknowledging that the bill could be improved. I know the government amended clause 8(5), which made the council more representative. It also amended clause 59, dealing with the election of members, to enable written statements from candidates to be circulated by the Victorian Electoral Commission, which will conduct the elections under the act.

It is timely, as copies of the proposed amendments have been provided for government members to read, to state what the opposition's amendments will do. The opposition wants to increase the size of the Victorian Institute of Teaching council to 22 members from the 19 proposed in the bill. The opposition believes that the majority of representatives ought to be elected; that 12 members ought to be elected as opposed to 9 being elected as in the government's proposition; and that there should be 10 appointees, the same number as the government proposes. The opposition believes its foreshadowed amendments will mean much wider representation.

I refer briefly to the effects of the amendments I have foreshadowed. The opposition proposes that three teachers be elected from the government primary sector and one from the Catholic primary sector; that there be three elected teacher representatives from the government secondary sector and one from the Catholic secondary sector; and that one independent teacher be elected representing the primary and secondary sectors.

The opposition believes there ought to be one principal representative from the government sector and one from the Catholic and independent sector combined. One of the most important amendments will be the inclusion of teachers from special schools in the elected category. They are a significant number, and they do a great job with disabled students. The opposition believes they ought to be represented, and I hope the government accepts the proposal.

In relation to ministerial appointments, the opposition's view is slightly different to the government's. It recommends that the following ministerial appointments take place: one teacher, one principal, one parent from the government sector and one parent from the Catholic and independent sector combined; teacher employers would be represented, with one from the Catholic sector and one from the independent sector; and two tertiary sector teacher educators would be appointed. The secretary of the department will be appointed, and the minister will have the right to appoint the chairperson, who will have the casting vote.

In total there would be 12 elected teacher representatives and 10 ministerial appointments, making a combined total of 22 members in our amended model. That is what we are proposing because it would make for a much more independent and representative body with more elected than appointed positions.

The second amendment provides that when voting teachers will elect their own representatives of their own sector to positions on the council — that is, a primary teacher in a government school will vote for a government primary school sector representative, an independent teacher will vote for a teacher from that sector, a teacher in a special school will vote for a special school teacher, and so on.

The third amendment proposes that the word 'consultation' in clauses 84(4) and 94(4)(b)(i) be changed to 'agreement'. That change would give the colleges established by the institute more independence. We believe such an amendment will enhance the college. It arose from discussions opposition members had with Ted Brierley from the Victorian Association of State Secondary Principals. That association believed the college for principals, which we understand from the second-reading speech is going to be the first college to be established, should be at arm's length from the council and from the principals association. It made that recommendation and we thought it was worth proposing as an amendment.

The final amendment we propose is that clause 61, which provides that a meeting fee be paid, be removed. We are not doing that because we are misers; indeed, we believe teachers and specialists who give up their time ought to be compensated for loss of expenses and so on. Rather, we are doing it simply to meet appropriation requirements. We are advised that under the state constitution opposition parties cannot propose amendments to legislation that involve extra expenditure; so technically, by calling for three additional board members and thereby increasing government costs, we would be in breach of those requirements. In any case, we find either in the second-reading speech or in the legislation — I am not sure which — that government employees are not entitled to receive meeting fees on the Teachers Registration Board. It is for those reasons, not because we are misers, we will propose that clause 61 be omitted.

I had consultations this morning with the Association of Independent Schools of Victoria (AISV). Members of that association are quite concerned about aspects of the legislation — so concerned that they wrote a letter to the minister dated 28 November, a copy of which I have provided to the Minister for Sport and Recreation. The AISV wrote to the minister requesting that this bill not be passed by Parliament this year to allow teachers and school principals in their sector the opportunity to discuss the details further. I am not sure of the minister's response to that item of correspondence, but I daresay that will be forthcoming in the not-too-distant future. I simply put on record that the AISV has made that request, albeit at the 11th hour. It is up to the government to make a decision about whether it accedes.

The AISV had other concerns as well, and I told AISV members I would pass those on to the minister. The concerns have to do with the composition of the council and the lack of adequate representation by the independent schools sector. I believe, however, the foreshadowed opposition amendments go some way to overcoming that concern. They also had concerns about ministerial control of the board as well as of standards for registration and re-registration, and were a little concerned about the use of the word 'may' in clause 9(4). That is also a concern held by the Liberal Party and no doubt also by the National Party. Clause 9(4) states that:

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

Our concern is that the use of the word 'may' is discretionary. The AISV and the Liberal Party believe the word should probably be 'must' so that the checks would be mandatory. The opposition is not, however, taking that any further; it is simply raising it as something the minister might comment on in committee.

The AISV is concerned about the unrestricted power given in clause 12(4), which imposes conditions on a school by the process of registration of a teacher. It is also concerned about clause 14, which it believes may constitute a restrictive trade practice because it may allow the institute to control where teachers are employed. Fiona Ogilvy-O'Donnell says that in a time of shortage a government-teacher-dominated institute of teaching may exclude some teachers from employment in non-government schools. I think I have enough faith in the proposed VIT to believe that that will not occur. I did, however, say I would express the association's concerns.

The association is concerned about provisions in clause 15 which cause delays in the registration process. The AISV suggested it might be better to refuse registration and then let the teacher appeal. Association members were also concerned that the professional development requirements in clause 18 were not specified.

Probably the largest area of concern is in relation to clauses 26 to 42, which deal with complaints and the deregistration process. The Association of Independent Schools of Victoria believes they are too complex and protracted, and there are no details in the bill about what schools may be required to do as part of the VIT's delegation of investigation. It wanted to know whether a school could refuse to undertake the investigation, and it is concerned about hearings of teachers not being open to the public — I guess it has its reasons for that.

It has three more concerns. It is concerned that under the Victorian Civil and Administrative Tribunal (VCAT) appeal process a teacher can only appeal a determination and not a finding, and I will raise that matter in committee. It is also concerned about clause 53, particularly in relation to who will pay the fines for government schools or whether only non-government will get fines. Its final concern is why fees should be paid to board members, but I think one of our amendments defuses that concern.

There are a couple of other issues that I wish to draw to the house's attention. The first concerns an article in the *Herald Sun* of 13 November. The article states that Victorian teachers are about to get a major dose of parental supervision and that parents will have power to make complaints to a new registration board that will have the power to sack or at least discipline incompetent teachers and principals.

I note from reading the legislation that that is totally untrue. I note also from experience that it is totally untrue and that the current procedures set up to deal with teacher complaints are virtually enshrined word for word in this bill. So there is nothing new and nothing to be concerned about. I note the Australian Education Union put out a media release dated November 2001 that went to great lengths to let union members know that this bill does not give the institute power to sack principals or teachers — it is not within the scope of this bill. The minister may want to comment on that later.

It probably needs to be put on the record that this bill is being rushed through Parliament. It would have been much better if we had been given the opportunity to take a little more time to go through the various clauses. I want to put on the record that the opposition has bent over backwards to assist the government in pushing this bill through. Despite the media release I saw last week from the minister which said our amendments would stop the passage of this bill, it has never been our intention to do that.

The opposition has consulted widely: it has consulted with the secondary school principals in the government sector; the primary schools principals in the government sector; and, as I mentioned, the AISV. We have also discussed this bill with the Catholic education sector, the association of professional teachers and the Catholic Education Office as well as with individual principals and teachers throughout the state who have responded to correspondence or to members in our offices. As I said before, the opposition does not oppose this bill.

By way of conclusion, before we hear from the National Party and government members and before we go into the committee stage of the bill, I thought it would be interesting to ask a few colleagues what they expect of a schoolteacher. It is an interesting exercise to sit down and make a quick note of what you expect from a teacher.

Hon. T. C. Theophanous interjected.

Hon. ANDREW BRIDESON — Talk to colleagues, family and so on. I think there would be a very wide consensus across both sides of the chamber and also among the public. I have come up with a list. They want teachers who are well qualified, of good

character, professional, committed, keen and hardworking, and they want them to be learned individuals who are up to date with current teaching methods and to participate in professional development. Some colleagues mentioned that they do not like teachers striking — that is really an individual choice for teachers. They want teachers to have positive relationships, not only with their students but also with their peers and the wider school community, and they expect teachers to be not just good communicators but outstanding communicators. They also expect teachers to look after the welfare of their students and to be involved in their school communities. That is just a random list I came up with by talking to a few people, and they are pretty much the general expectations of a school community. If this bill succeeds in delivering half of those expectations, it will be a good bill.

Hon. P. R. HALL (Gippsland) — I welcome the opportunity to make some comments on the Victorian Institute of Teaching Bill on behalf of my National Party colleagues. The second-reading speech talks about three key issues in teaching that need addressing. The first one it identifies is the changing profile of the profession. It states that the estimated average age of teachers in government schools is around 44 years.

It also mentions that in the next decade roughly half of the current teachers will retire. Most of us are aware that the average age of teachers has been increasing for some years.

The second issue the second-reading speech refers to is the changing nature of teaching. It talks about both social and technological changes which have impacted on the way teachers are required to conduct their profession in schools. It is not only a simple matter of walking into the classroom and talking; it is the human management-type skills that teachers are now required to have. It is a difficult task. I speak from experience, and would say that since I left the teaching profession 13 years ago it has not become any easier because the changing nature of both sociological and technological changes have made it difficult.

The third key area that the second-reading speech mentions is raising the status of teaching as a profession. I agree wholeheartedly that the three areas are key issues in teaching that require addressing.

The government tells us in the second-reading speech that it is addressing these issues by establishing the Victorian Institute of Teaching. The functions of the institute are outlined essentially in clause 5 of the bill, of which there are 15 which are largely administrative in nature. The first function is to:

> recognise and promote the profession of teaching and regulate members of the teaching profession.

Without quoting the rest, the bill talks about approving teacher education courses; recommending registration and renewal of registration of teachers in schools; developing, establishing and maintaining standards of professional practice; granting registration or permission to teach; issuing certificates of registration; maintaining a register of teachers; developing, maintaining and promoting a code of conduct; investigating the conduct, competence and fitness to teach of registered teachers and impose sanctions where appropriate; develop and maintain a professional learning framework; undertake professional development programs related to the activities of the institute, not general professional programs in the subject areas; undertake and promote research about teaching and learning practices; advise the minister on a range of matters and prepare a strategic plan; and a business plan for the institute.

I ask for some help at this point, and hope government members can assist. I may be missing the link, but I do not see how the creation of the Victorian Institute of Teaching in itself will address those three key issues identified by the minister in the second-reading speech. Far more has to be done to address those three key issues than simply the establishment of the Victorian Institute of Teaching. The claims that these problems within the teaching profession will be addressed by the establishment of this institute are grossly wrong.

How will the establishment of the institute attract more teachers, and how will it address that increasing age profile of teachers in the state now? I do not think there is any direct role as described in the functions in clause 5 for the institute to attract more teachers. The same applies with the role of the changing nature of teaching. How will those functions mentioned in clause 5 assist teachers to handle all the sociological and technological aspects that are changing the way they are required to teach nowadays? I do not see that in the functions listed in clause 5 of the bill, nor do I see how the establishment of the institute in itself will raise the status of teaching in the eyes of the community. If I am missing the link somewhere along the line I will appreciate an explanation from government speakers.

Some of the associated publicity that occurred in the *Herald Sun* of Tuesday, 13 November, was unfortunate, as referred to by the previous speaker. There is no way known that headlines like, ‘Power to parents’ and ‘Tough new controls on teachers’ will raise the status of teaching as a profession in our community. That went down like a lead balloon with

teachers across the state. I was in the Tambo Valley and spoke to three different groups of teachers the day the article was printed. I spoke to teachers at the Swifts Creek Secondary College, the Swifts Creek Primary School and the Omeo Primary School, and overall they were disgusted with that sort of headline.

I know newspapers refer to aspects of the reform and paint the worst possible picture, and I know they do not read every comment a member of Parliament or a minister might say in response to such a headline, but there is nothing in the article I saw from the Minister for Education to refute those claims and expand more fully on what the real purpose of the Victorian Institute of Teaching was. The only comment from the Minister for Education is that:

> It will give parents much greater confidence in not only the teacher before their child in the classroom, but the teachers right across the school system.

The minister says the government is serious about lifting the standards of all our students, but does not refute the headlines. The image the general public got by reading those headlines in the *Herald Sun* of 13 November was one that I think painted teachers unfairly and put them in a very poor light. I hope the government does more to address those issues. The *Herald Sun* sensationalised the issue. The article says that the new professional body will discipline or dump incompetent teachers. Disciplinary procedures have been in place for a long time, as the Honourable Andrew Brideson said. The article also says the institute will ensure that new police checks will be undertaken as part of the compulsory registration of teachers. That procedure has been in place for some years covering the period prior to people taking up teaching, and it is one that everybody on all sides of politics applaud. As was pointed out by the Honourable Andrew Brideson, if anything the bill weakens that provision by saying that they may be required to undergo police checks.

We would say that all potential teachers must be required to undergo police checks, as is the current requirement. The article also says that the new professional body will hear parents' formal complaints about teachers. Once again, there has always been a procedure for complaints about teachers' competence. It is largely done from within the department, so what we are getting here with the Victorian Institute of Teaching being able to hear, determine and adjudicate on parents complaints is nothing greatly new. The task is ahead of the government now to step up a campaign to refute those headlines because they are counterproductive to one of the key aims mentioned in the second-reading speech — namely, to raise the status of teaching as a profession. Those headlines do not help, and it is beholden on the government to pick up its efforts to refute such headlines.

One of the other interesting aspects in the bill is that it imposes a registration fee for the first time on all teachers to belong to this particular institute. That is new for teachers as a profession. It has been suggested that it might be in the order of $60 or $70 per year. I am not sure whether it is attractive to teachers to pay that sort of money to be registered. In the past they were either registered when there was a Teachers Registration Board or they had qualifications approved under the Standards Council of the Teaching Profession to teach. I am not sure whether that is a welcome new step or whether it will help in attracting new teachers into the system.

I make those comments in opening. I now want to say that what has disappointed me so far in this debate, and particularly in the debate in the Legislative Assembly, is that it concentrated on the membership of the governing body of the institute as if there was nothing else that we should be talking about, or there were no other important provisions in the bill that we should have given time to. There is a multitude of issues that we should be talking about connected with the teaching profession. It was disappointing that the debate in the Legislative Assembly concentrated almost entirely on the structure of the membership of the proposed institute.

At this stage I want to say that the governing body of the institute of 19 members is already large for this institute. My personal view is that it is too big. If we want to have a correct functioning body then we need limited numbers of people on the governing council. I understand that the Liberal Party now wants to increase it to 22 members, but if there are 19 members already and it is purportedly to represent different sectors of a profession, then probably 22 members does not extend it too far.

Hon. T. C. Theophanous — Do you think 22 is too many?

Hon. P. R. HALL — I think 19 is too many, and I think 22 is too many. I think both those numbers would be too many.

If we are to have a body that purports to represent every different sector of education I am not unhappy with the Liberal Party's amendment, which tries to strike a fairer representation of all those groups. Notwithstanding those comments I still think 19 or 22 is too great a number to have on a governing body. During the

committee stage when there will be detailed discussions on the composition of the institute's council I will make some more comments about that point.

The numbers proposed by the government and the Liberal Party sought to ensure that all different sectors of the profession were represented, but it is interesting that there is no requirement in the bill or the amendments to suggest we should seek a balance of other issues in terms of representation — for example, there is no mention in the bill of ensuring representation of country teachers on the institute council, yet we all know country schools face particular problems in attracting teachers to their areas. There is no requirement to have a balance of teachers that might represent country areas.

Also, there is no requirement for any gender balance on the new institute council. This issue is probably more important for males because it is known, particularly in primary schools, that the representation of males as primary school teachers is far less than the representation of female teachers. That is an issue that needs to be addressed but there is no requirement in the proposed composition of the governing body of this institute to have any consideration towards country representation or balance of gender.

A number of issues should be talked about in conjunction with those three key issues identified at the start of the second-reading speech. I will mention two of those issues in passing as an illustration of what this Parliament could be talking about. Student violence has become a real issue at this time, and some interesting articles appeared just a few days ago in the *Herald Sun* of 20 November. Ted Brierley, the president of the Australian Secondary Principals Association, spoke about school violence being on the rise and the need to support teachers in their dealings with students who exhibit violent behaviour in schools. I wholeheartedly agree with Mr Brierley that structures need to be put in place to support teachers.

An article in the *Age* of 19 November headed 'Students violence rising: teachers' refers to Mary Bluett, the Victorian president of the Australian Education Union, and states:

> Ms Bluett will today launch a booklet on safe workplaces and a campaign to lobby the Victorian education department to develop a statewide approach on dealing with difficult student behaviour.

The union is having to lobby the government, and I commend it for doing that. It is undertaking a role in which the government and the department should be more proactive. If we want to raise the status of teaching and get more young people into the profession, we have to give them support. The hardest thing teachers have to deal with is student behaviour. Teachers need support and we need to talk about those issues if we are trying to attract teachers. We also need to raise the status of the teaching profession in the eyes of the public.

The other issue I want to mention is teacher numbers. The National Party has a particular concern about that issue because it knows it is difficult for country schools to attract qualified teachers. The issue was identified in the recent report of the Auditor-General on teacher work force planning that was tabled in this house. It is a good read for people interested in the teaching profession and the issue of teacher numbers.

The day after the release of that report I was pleased to read in the *Age* of Thursday, 22 November, that the Bracks government is providing a $9.5 million boost for more teachers. The article states:

> Mr Bracks announced yesterday that 121 extra teachers would be appointed in Victoria from the beginning of next year at a cost of $9.5 million.

I have no objection to that, but where are they coming from? Are they there? That is the real challenge for government, and that is what the Auditor-General was talking about in his teacher work force planning document. It is fine to put the extra money in but we have to have the qualified teachers available to teach in our schools.

The article refers to the government's teacher scholarship plan, a concept that I have supported in this house in the past, and I continue to do that today. It states that only 72 teachers have been offered places under the government's plan when 220 places are available. Again that is a problem partly because we do not have enough people wanting to get into teaching and not enough teachers to take up those positions.

I have also said in the house that I do not think the criteria for eligibility for those scholarships were satisfactory. I cited a case in Orbost where a married lady was completing a part-time qualification that would enable her to teach at the local secondary school. Because it would take her two years to complete the part-time qualification she was not eligible to obtain one of those scholarships. I brought the issue up during the adjournment debate and the response from the minister was essentially, 'Bad luck, she has to be in her last year of study before she is eligible for such a scholarship'. I say again, Orbost is one of those areas in East Gippsland that finds it difficult to attract qualified teachers to its schools. The lady was an excellent

candidate for teaching. She had tertiary qualifications and needed to complete just a one-year teacher training course, but because she was undertaking her study part time over a two-year period while she had her children she was ineligible for the scholarship. Perhaps an excellent teacher for one of the hard-to-staff country areas has been lost.

In the past I have pointed these issues out to the government in a constructive way because we all share a view that we need to assist country schools to find appropriate staff. It is disappointing when those sorts of statistics are revealed and we find that only 72 of those 220 places have been taken up. Perhaps we should look at the criteria under which they have been issued.

The article also talks about a principal at an East Gippsland secondary college travelling to Melbourne to try to recruit staff. I know that to be the case because I know the person referred to in the article, and I know that that person is not alone. Many principals in country schools have to go far out of their way to try to attract sufficient qualified staff to enable them to operate their schools. They need a bit of help. They are just two issues, student behaviour and attracting sufficient staff, that need to be addressed with regard to the teaching profession. As I said, I have raised those issues because they are issues that we do not get the opportunity to debate, and they are important issues that need to be debated if the government is fair dinkum about trying to address the three key issues identified at the start of the second-reading speech.

Having said all of that, I turn to the bill. The establishment of the Victorian Institute of Teaching will create a new single registration authority for all primary and secondary government and non-government school teachers. Non-government school teachers already have a teachers registration board, which will now be taken over and both government and non-government school teachers will be registered with the same registration authority.

The minister's second-reading speech talks about that point and refers to the registration fee which will be set by the minister. I wondered if it would be more appropriate to have a regulation to set the appropriate fee, where people can have input into the issue. I do not know whether teachers will be comfortable paying a suggested annual registration fee of $70, but had it been set by regulation then at least everybody would have had an input into what they believed the appropriate amount was. I simply make that comment in respect of the registration fee.

Provisions in the bill state that schools can only employ teachers who have been registered by the institute. One of the questions I raised in the briefing I received concerned teachers who do not have qualifications that satisfy the teachers registration board but who currently provide services in schools. I am talking particularly about teachers like instrumental music teachers — often they do not have any formal teaching qualifications but they are employed by schools to participate in music programs. What about the people who come into our schools to assist with technology classes even though they may not have formal teaching qualifications? The next question is for the Minister for Sport and Recreation at the table. What about the teachers who might come in and teach kids how to fish as the minister said in his question this morning? We have people standing up in front of classes and teaching children even though they may not have formal teaching qualifications.

Clauses 9, 10, 11 and 12 of the bill set out the criteria for registration. Clauses 13 and 14 enable somebody to gain what is called permission to teach in schools. As I understand it, we will still have two groups of personnel teaching in schools: teachers who have satisfied the registration requirements of this institute and teachers who have been given permission to teach under clauses 13 and 14 of the bill although they may not have formal teaching training and qualifications. When the Minister for Sport and Recreation is responding to the debate I would like some assurance that that will be the case and that no school will be handicapped. Schools require the instrumental music teachers and others I have suggested to perform useful functions, and I seek an assurance that they will still be able to employ those people.

To move on, there is a requirement for teachers to renew their registration every five years. That provision is contained in clause 18 of the bill. It has been put into layman's language on page 5 of the second-reading speech where it says:

> … teachers will be required to renew their registration every five years by demonstrating that they have maintained an appropriate level of professional practice in that period.

I again ask for some help. I am not sure exactly what that means. I do not know how teachers will demonstrate every five years that they have undergone an appropriate level of professional practice. How will that be assessed? How will it be judged? What do you have to do to obtain satisfaction that you have reached that appropriate level of professional practice? It is unknown and that is the sort of detail I think every teacher would like to know. What will be required of them in five years time when they need to demonstrate

an appropriate level of professional practice over the past five years? If the Minister for Sport and Recreation would like to comment on that and shed some light on the issue in his response I would welcome it.

I want to briefly comment on the disciplinary proceedings in part 4 of the bill. Clauses 25 to 41 set out processes by which disciplinary procedures will be undertaken and they come at different levels. First of all they can be investigated at a local level; I presume that is the school level. If it is considered appropriate that inquiries be pursued further, they can go on to an informal hearing and finally a formal hearing to investigate the particular complaint or matter that has been raised by a parent or some other person in the community about that person. Once again, the bill says that the panel of people to hear the complaint will comprise three people from the elected governing body of the Victorian Institute of Teaching. How can we be assured that those three people chosen will be fair and representative of the area in which that person works? I am not sure how that will be handled but it will be interesting to see what type of panel is chosen and which three people from the governing body of the institute would hear particular hearings.

These are the sort of questions posed by the Association of Independent Schools of Victoria. It would like more details on how those formal or informal panel hearings will be conducted. There are a range of issues there and an explanation at the appropriate time might be helpful to enable teachers in the community to better understand what is being proposed with this bill.

I want to comment on some of the consultation undertaken by the National Party. National Party members spoke to a number of people and organisations about this bill and got some comments back. It is interesting that two of the schools which responded did not want their identities disclosed, for fear of retribution perhaps from the government in respect of their comments, so I will not identify them. It is interesting that that view is held by people in schools. They do not feel confident about speaking publicly and on the record about education issues.

Hon. E. C. Carbines interjected.

Hon. P. R. HALL — It might have been there for years but it is still there today.

Hon. E. C. Carbines — It is hanging over from your years.

Hon. P. R. HALL — People are still saying today that they fear retribution from this government for speaking out. The author of one letter said of the Victorian Institute of Teaching Bill:

> … I don't believe it will resolve the shortage of supply issue we have been telling DEET about for a number of years.
>
> …
>
> The ability to employ instructors when no qualified teacher exists must be protected at all costs.

I have raised that issue and sought clarification that that will be the case. The letter further talked about the spin being put on the bill as if it were nothing new.

Another education organisation which responded made mention of the fact that:

> It would be most inappropriate to extend the role of the institute beyond secondary schools as the sectors of TAFE (VET); higher education, and adult education would surely see the institute as an unnecessary constraint of trade.

Once again, that was an issue raised by the Honourable Andrew Brideson. I think it is a fair concern to raise at this point in time. The rest of the correspondence from that education institution deals with many of the matters I have raised in the second-reading debate.

The dean of the faculty of education at the University of Melbourne wrote to the National Party in strong support of the bill. I put that on record. The National Party is pleased to have his support.

Lastly I refer to correspondence addressed to the Minister for Education and dated today from the Association of Independent Schools of Victoria. The Honourable Andrew Brideson made reference to this letter in his contribution. In part the association talks about its concerns about the membership of the VIT council. It says:

> Other issues of concern relate to the investigations process for deregistration and requirements for re-registration.

Although I do not have further details, I presume that those are the issues I have raised during the course of this debate. The association asks that the bill be held over while further consultation on those issues is sorted out. I know the letter is dated today so the Minister for Education in the other place may not have fully considered its contents, but the National Party urges the government to consider this letter, particularly when the bill travels back to the other place for the minister's consideration.

The final thing I want to say concerns the composition of the VIT governing council. This is an overall comment because it will be the subject of detailed debate during the committee stage of the bill. I said before that regardless of whether it is 19 or 22 people it

is still too many people to have on a governing council. Nevertheless, if we are to try and represent everybody we must do it in an appropriate way. The committee will sort out what it believes is the most appropriate way given the view that we need to have a representative governing body.

As to whether it is an appointed or an elected institute, I am not sure which is the best way to do that. You get criticised if you appoint the institute. If you have an elected institute, it is not impossible for a single body to control the election process. I give as an example local government elections in my electorate. At one local council the local trades and labour council ran a ticket for the election and came up with a majority membership on the elected council. Essentially, we have a politically elected local government council which I say is not in the best interests of local government. If any organisation got hold of this election process and eventually controlled the process and a majority of the numbers of the council that would also be a bad thing.

It is difficult to know whether members should be appointed or elected, or a combination. Interestingly, we are looking at them being a combination of both elected and appointed, with both the government's proposal and, as I understand from Mr Brideson, that which the Liberal Party will propose. All I can say is that we will consider the merits of those arguments and see how it pans out.

While the bill is between now and another place the government will need to look fairly closely at amendments which will probably be agreed to in this chamber today to see whether they would be in the best interests of the institute and teachers it is set up to serve.

In conclusion I say that some very important issues for the teaching profession need addressing. The government knows what those issues are; it has identified them in the second-reading speech. I just hope the Victorian Institute of Teaching goes some way towards addressing those key issues. In itself it will not be a total answer. There needs to be a lot more government action to assist teachers, to attract teachers, and to raise the status of teaching as a profession in the eyes of the community. There needs to be a lot more than just the establishment of the Victorian Institute of Teaching. I urge the government to not drop the ball on those issues now that it may get the Victorian Institute of Teaching in place, because a lot more work is required to enhance education in this state.

Hon. E. C. CARBINES (Geelong) — I am very pleased to speak on this most important bill which will establish a world-class institute for the teaching profession. I am pleased to follow both the Honourable Andrew Brideson and the Honourable Peter Hall, who are both former schoolteachers, as I was, although I think my experience has been a lot more recent than theirs.

Hon. P. R. Hall — Thanks, Elaine.

Hon. E. C. CARBINES — Only because you have been in the house much longer than I have.

Many honourable members on a number of occasions would have heard me speak about the pivotal role education plays in the lives of each and every member of our society. I firmly believe education is the key to opportunities for the rest of your life. I have always been very proud of the great foundation my education in state schools, both in England and in Australia, has given me.

Hon. N. B. Lucas — Did you teach English?

Hon. E. C. CARBINES — Yes I did, Mr Lucas.

From my earliest time at school I can remember being fascinated by my teachers, many of whom inspired me from a very early age to want to become a teacher. In fact, I cannot remember ever wanting to be anything else other than a teacher. My education, both here and in England, benefited enormously from some fantastic teachers I have had. After completing my secondary education at Mitcham High School I went on to Monash University to study for a Diploma of Education. It was an absolutely wonderful year; the calibre of the course was extremely high and I learnt very much about the methodology of teaching.

We heard the Honourable Andrew Brideson almost give a job description for the perfect teacher. I think we would all agree that they are qualities we would all like to see in teachers. Many members of the public assume that anyone can be a teacher, that it is a bit of a doddle of a job, and that virtually anyone can stand up in front of a classroom and teach. All of us who have been teachers know that that is not the case; it is a very difficult and demanding job and a lot of effort needs to be put into the preparation and content of lessons for them to be successful.

My teacher education course was extremely sound. Teacher education courses must lay the foundation for a successful teaching career. They must explore how students learn. It is not a matter of just giving out the content; you must work out how to structure and manage classes for maximum learning outcomes for students.

Teacher education courses must give ongoing and constructive advice to student teachers about their progress so that the student teachers are ready and competent to teach our students. I remember very fondly the theory side of the Diploma of Education course, but my best memories are of the practical side of the course when I was on my teaching rounds at various schools in the eastern suburbs. I had rounds at Doncaster East High School, at Methodist Ladies College, and at Ringwood High School.

What really impressed me at those schools was the generosity of the supervising teachers who took me on as their student teacher; they not only gave over their classes to me but also gave of their time and advice. I benefited enormously from their professionalism, which helped me build on the experience each and every day. All practising teachers feel a professional obligation to make themselves available to student teachers, probably in recognition of the fact that someone at some stage took them under their wings and helped them out when they were learning the profession.

Once appointed to Banyule High School after being unemployed for six months after completing my Diploma of Education, I realised my goal and then enjoyed being a practising state secondary schoolteacher for 20 years, teaching at four separate state schools. Apart from the wonderful students, thousands of whom I taught over the 20 years, the stand-out feature of each of those schools was the high calibre, dedication and commitment of their staff. In fact, I count among my friends many colleagues I have met at each of the four different schools. I would also like to publicly acknowledge the leadership exhibited by some of my former secondary school principals, who very much contributed to my professional development and teaching career.

As we have heard, the bill, which is supported by both the Liberal and National parties, puts into action an election commitment of the Bracks government to establish a world-class, independent, representative, professional body to advise on standards, qualifications and professional development — that is, the Victorian Institute of Teaching.

The Honourable Andrew Brideson questioned the independence of the new body. It is understood that, like any statutory body established, it will be an independent body, independent of government, just like bodies established by the former government were. The Victorian Institute of Teaching will promote the teaching profession in a way similar to the way professional bodies associated with them promote the professions of medicine, law and architecture.

The Victorian Institute of Teaching has the support of the Australian Education Union, the Victorian Independent Education Union, principals' organisations, Parents Victoria, and the Catholic Education Office.

I was concerned to hear through the Honourable Andrew Brideson of a letter that was sent to the minister today — it is certainly the 11th hour; it is 5 minutes to midnight — by the Association of Independent Schools of Victoria. Given the absolute months of consultation on this bill, it is pretty extraordinary that the association has sent a letter to the minister the day the bill is to be debated in the upper house.

The governing body of the Victorian Institute of Teachers will be the Victorian Institute of Teaching council which, as we have heard from both previous speakers, will consist of 19 members. We have also heard from the Honourable Andrew Brideson that the Liberal Party will move an amendment on its membership, which the government does not support.

The Victorian Institute of Teaching council will represent the major stakeholders of the teaching profession — the government, employers, teachers, people from the education courses, and parents. Importantly, the majority of the members of the council will be practising teachers, nine of whom will be elected by the teaching profession. The Victorian Institute of Teaching will take over the functions of the current Standards Council of the Teaching Profession and those of the Registered Schools Board relating to the registration of teachers in non-government schools.

The important thing about the bill is that for the first time all schoolteachers in Victoria, regardless of the sector — whether it be government, Catholic or independent — will have a single representative body for their profession. Earlier this month the minister issued a press release outlining the functions of the Victorian Institute of Teaching. A press release dated Friday, 2 November, entitled 'Government outlines vision for world class teaching institute' states:

> Ms Delahunty said the institute will:
>
> > determine qualifications, criteria and standards for the registration of teachers in Victorian schools;
> >
> > develop, establish and maintain standards of professional practice;
> >
> > approve teacher education courses for entry to the profession;

grant registration to teach in Victorian schools;

maintain a publicly available register of teachers;

investigate cases of serious misconduct or serious incompetence against teachers, imposing sanctions where appropriate;

provide advice to support the ongoing education and professional development of teachers;

conduct research into teaching and learning practices; and

advocate the professional development needs of teachers.

The Honourable Peter Hall questioned how the Victorian Institute of Teaching will assist with some of the issues raised in the second-reading speech to do with the ongoing challenging nature of teaching today. In these very functions the answer can be found because research and professional development is the key to teachers being able to maintain and handle the challenges that are presented to them in schools today. It is essential that teachers have access to appropriate and high-quality professional development on a regular basis for them to be able to keep pace with what is required by students, their schools and their learning needs today.

As were the Honourables Andrew Brideson and Peter Hall, I was appalled at the way the Victorian Institute of Teaching was reported in the press. The Honourable Andrew Brideson produced the *Herald Sun* report and the Honourable Peter Hall also alluded to that. The absolute sensationalist focus of the media on the provisions dealing with the complaints procedures was totally outrageous and undermined the good work that the Victorian Institute of Teaching proposes to do. It was not only the *Herald Sun*. I saw a television news bulletin with headlines about power to the parents to dump teachers. It focused entirely on the complaints procedure, so much so that as I watched the bulletin with my husband, who used to be a teacher, he asked, 'Why are you supporting that?', and I had to explain to him that just as in a lot of cases the media gets the wrong end of the stick and uses some small aspect of a piece of news to sensationalise it, so it had this time as well.

As the Honourable Peter Hall said, these provisions already exist and have done so for a long time. It is not proposed that the institute will implement any new procedures. It will just take over the complaints procedure that is already in place. Once the institute is established, all teachers currently employed by the Department of Education, Employment and Training and those teachers employed through the Registered Schools Board over the past two years will automatically be registered with the Victorian Institute of Teaching. From then on the registration will need to be renewed every five years.

The Honourable Peter Hall questioned how teachers would be able to demonstrate their professional practice to the registration board. He questioned the necessity of that and perhaps even the process. I put it to him that through the review process which takes place twice a year in all state schools, teachers have to record and provide documentation to demonstrate professional practice and give a professional development record to the school administration. So teachers are well used to having to prove that they are competent to teach in the system. That is not a big issue for teachers. They will just need to compile their documentation on a five-year cycle. They keep their documentation already, as everyone knows.

All teachers will pay an annual registration fee to the Victorian Institute of Teaching for their registration. The Honourable Peter Hall questioned whether teachers were prepared to pay that amount of money, which he speculated was around $70 a year, for registration with the Victorian Institute of Teaching. In answer to that, prior to the formation of this bill, the consultation that was undertaken with teachers across the sectors indicated that teachers were prepared to pay an annual registration fee. Obviously most teachers hope it will not be large, but they are prepared to pay a fee. I hope the government will make sure that the fee is kept as small as possible.

The Bracks government seeks to improve the professional status of teachers. It wants to ensure that they are given the recognition they deserve. They are key people who greatly shape the lives of our young people. The government seeks to ensure that highly qualified, competent people see teaching as a viable and worthwhile career. That is especially important after the years of decline in the profession under the previous Kennett government, which saw 8000 teachers removed from our schools and 300 schools closed. The malaise in the teaching profession during those years was very real and palpable. I know because I was a teacher in state schools during those years and I know that the profession was not able to attract teachers over those years because graduates did not see teaching as a worthwhile career. The government wants to turn that around.

The government also wants to make sure that teachers are appropriately prepared for their ever-changing role which has become complex and extremely demanding. Professional development of real assistance to teachers

is the key to making sure that they keep pace with their changing role, and professional development will be one of the key functions of the Victorian Institute of Teaching. Education is of fundamental importance to our state.

We all have a vested interest in ensuring the education offered to our students is the best possible and of the highest calibre. We entrust the teachers of this state with the future of our students. They are an important key to the rest of their lives.

As professional educators, teachers from all sectors deserve to be represented by a single professional body, which will focus on standards, qualifications and professional development. The Victorian Institute of Teaching Bill is a groundbreaking step in progressing education in our state. I congratulate the minister on her vision and her support for the many thousands of Victorian teachers. I wish the bill a speedy passage.

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1 agreed to.

Clause 2

Hon. J. M. MADDEN (Minister for Sport and Recreation) — The bill is self-explanatory and I will not go into further detail other than to answer any questions of the opposition.

Clause agreed to; clauses 3 to 7 agreed to.

Hon. ANDREW BRIDESON (Waverley) — I move:

That consideration of clauses 8 to 60 be postponed.

That would allow the committee to consider amendment 27, which aims to omit clause 61. Amendments 1 to 26 would be consequential.

The CHAIRMAN — Order! Will the Honourable Andrew Brideson explain his motion?

Hon. ANDREW BRIDESON — The aim of amendment 27 is to omit clause 61. In an effort to shorten the committee stage I put arguments in the second-reading debate that, I think, adequately expressed the reasons why the opposition intends to move that amendment. I said we are not being miserable but that the clause needed to be omitted because the opposition is advocating an additional three members be appointed to the institute council. That then becomes an appropriation matter. It is essential that that amendment be dealt with and the clause omitted.

The CHAIRMAN — Order! Does the minister wish to ask a question of Mr Brideson on that issue?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am trying to interpret what the honourable member is suggesting. Is he saying that the committee should set aside clauses 8 to 60?

The CHAIRMAN — Order! Which would take the committee to clause 61 and the committee would return to clause 8 once the amendment to clause 61 is dealt with.

Hon. J. M. MADDEN — I am happy at this point to proceed in that manner.

Hon. T. C. THEOPHANOUS (Jika Jika) — I am not sure why Mr Brideson wants to do this. As I understand it, he is proposing to postpone debate on clauses 8 to 60 and have the committee deal with his amendment to clause 61. Does he wish to ask questions about clause 61? Will he elaborate on why he wishes the committee to deal with clause 61?

Hon. ANDREW BRIDESON (Waverley) — I am advised by the shadow Minister for Education, through parliamentary counsel, that it is essential that that be the order in which the committee should proceed. I am following the advice given. The opposition will move that clause 61, which concerns the payment of members, be deleted. I do not wish to read it now, but I believe it is the only way the committee can proceed.

Hon. T. C. THEOPHANOUS (Jika Jika) — Clause 61 concerns the payment of members. I understand why the honourable member may wish to move for the deletion of that clause, which states:

(1) A member or acting member of the Council, other than a member who holds a full-time government office, or a full-time office in the public service, teaching service or with a statutory authority is entitled to receive the remuneration and fees that are fixed from time to time by the Governor in Council for that member.

(2) Each member or acting member of the Council is entitled to receive the personal and travelling expenses that are fixed from time to time by the Governor in Council.

The clause concerns payment of members of the council. Its removal would mean that anyone who holds a full-time government office or office in the public

service or teaching service or with a statutory authority would not be entitled to receive remuneration. I can understand why Mr Brideson puts the suggestion, but why does it need to be done now and not when the committee considers that clause?

I am happy to allow the motion to pass, but the motion was not explained to me nor, I understand, to the minister or to the government. I am sure there is some sort of logic but Mr Brideson is obliged to explain to the committee why it should deal with clause 61 first and then return to the other amendments. Perhaps Mr Brideson may explain it.

Hon. ANDREW BRIDESON (Waverley) — I can only repeat that I was advised this would be the most appropriate way to proceed. The process is to do with appropriation issues and the fact that the upper house cannot initiate anything to do with appropriation. I am more than happy to return to amendment 1, work our way through the list and reserve the right to return to amendment 27, which would omit clause 61. I am in the hands of the committee.

Hon. T. C. THEOPHANOUS (Jika Jika) — I am advised, even though Mr Brideson clearly was not so advised, that clause 61 must be removed first so that the council numbers could be increased from 19 to 22. The appropriation would be for only 19 members, not 22 . That is the reason for the committee having to deal with the amendment to clause 61 first and then return to deal with the increase in numbers from 19 to 22 set out in Mr Brideson's earlier amendments. Following discussion with the minister the government would like to test the committee in relation to opposition amendment 1. It will not support the amendments but will support the test on amendment 1.

Hon. ANDREW BRIDESON (Waverley) — I thank Mr Theophanous for clarifying the situation and I am happy to proceed in the way he has suggested.

Motion agreed to.

Clauses 8 to 60 postponed.

Clause 61

Hon. ANDREW BRIDESON (Waverley) — I move:

27. Clause 61, omit this clause.

The reasons for the omission of the clause have already been given during the second-reading debate, so I will not further extend the committee debate.

Hon. T. C. THEOPHANOUS (Jika Jika) — The government opposes the omission of the clause but will not divide on it. It is a money clause, and the government will seek to put its substantive argument when the opposition moves amendment 1, which is the proposal to increase the membership of the Victorian Institute of Teaching council from 19 to 22.

Amendment agreed to.

Clause negatived.

Postponed clause 8

Hon. ANDREW BRIDESON (Waverley) — I move:

1. Clause 8, line 11, omit "19" and insert "22".

During the second-reading debate I said that the amendment would make the Victorian Institute of Teaching council more independent and representative. I do not propose to repeat the reasons for that. The proposed amendment will mean a more independent council that will include sectors of the education community that were not previously represented, so representation on the council will be much wider.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that the government does not accept the amendment.

Hon. T. C. THEOPHANOUS (Jika Jika) — It is important to put on the record the reasons why the government cannot accept the amendment. In doing so, I indicate that the National Party has not yet commented on the proposed amendment.

Hon. P. R. Hall — I spoke about this issue during the second-reading debate.

Hon. T. C. THEOPHANOUS — Mr Hall commented on the number of members of the council, but did not comment on clause 8. The committee will be interested to know whether the National Party supports the Liberal Party on this amendment, because it will expand the council from 19 to 22 members. During the second-reading debate Mr Hall made it clear that he vigorously opposed a council of that size. Indeed, he said that 19 was too many. I notice he again affirms that. If 19 is too many, 22 is obviously far too many. I will be interested to know whether the National Party votes in accordance with Mr Hall's comments.

The amendment is not just about the numbers on the council, because the proposal to increase membership of the council from 19 to 22 members will have a number of effects — for example, it will increase the

number of teachers on the council. Further proposed amendments to be moved by the opposition will mean that the council will not function effectively.

One of the arguments being put by the opposition relates to the independence of the council. Almost none of the professional boards established by the government to cover various professions have a majority of members of those professions controlling the boards — for example, the Medical Practitioners Board has 12 members nominated by the minister and appointed by the Governor in Council. Dr Napthine is on the record saying that he believes it is appropriate for members of the boards to be appointed by the government and has never questioned their independence.

The nurses board has 12 members nominated by the minister and appointed by the Governor in Council; the dentists board has 11 members nominated by the minister and appointed by the Governor in Council; the psychologists board has 9 members nominated by the minister and appointed by the Governor in Council; the optometrists board has 8 members nominated by the minister and appointed by the Governor in Council; and the architects board has 8 members, 2 elected by architects, 5 nominated by the minister and 1 nominated by the chairperson representing the schools of architecture, but all are appointed by the Governor in Council. The architects have only two members representing their profession.

With the legal practitioners board the chairperson and lay representatives are appointed by the Governor in Council, and 3 members are elected practitioner members. Even in the case of the boards with the greatest representation of professional members, they comprise a minority of the practitioners.

Not only does this clause expand the board from 19 to 22 members, which is really quite a lot more than many of the other boards I have mentioned have, this and other clauses will also have the effect of increasing the representation by teachers. I have no problem with having teachers represented, but it must be a new thing for the Liberal Party to suddenly discover that teachers need representation on their own board or should have any say in anything. For seven years the Liberal Party was not interested in giving them a say at all, full stop. Now, suddenly, Liberal members have become the friends of the Australian Education Union (AEU).

Hon. Andrew Brideson — I did not say that.

Hon. T. C. THEOPHANOUS — The fact is, Mr Brideson, that these amendments will lead to control of the board by the AEU. That is what you are proposing, and you should be clear about that. When you start getting into the government about it being close to the unions, you should understand exactly what it is that you are doing on this occasion. The government is happy to give unions a fair go and fair representation on boards like this, but it is not happy to have boards dominated by any group.

We are not here to make cheap political points. I am very disappointed that the Liberal Party and the shadow minister have persisted with this matter, because it is not appropriate to expand the board's numbers from 19 to 22, nor is it appropriate to have a board — the only board, as far as I am aware — which represents a profession where the numbers on the board are controlled by the profession. In the majority of cases, and certainly in the ones I have read out to the house, representatives of the profession are in the minority, and there are good democratic reasons for that. It is important that the integrity of the board be maintained, and not only the position of being able to represent teachers. It also needs to be able to discipline teachers and do a whole host of things for which it needs other nominees to ensure transparency, appropriateness and accountability of the board itself.

I urge the house not to support the amendment and to maintain the number preferred under the government's proposal of 19 members for the board.

Hon. P. R. HALL (Gippsland) — I hate having words put in my mouth, so let me clarify the issues. Mr Theophanous is always difficult to follow because of the illogical way he tries to argue positions and cases. Nevertheless, I will try.

He was correct when he quoted me as saying that both 19 and 22 are numbers too large for a manageable governing body of an institute such as the one being proposed. Indeed, the examples he gave strengthen my position. He cited the nurses board and a number of other boards, and the most members any of them had was 11. Am I correct?

Hon. T. C. Theophanous — Twelve.

Hon. P. R. HALL — Okay, 12. The majority of those members, as Mr Theophanous said, were appointed, and in one or two cases there was a nominated position. I said in my contribution to the second-reading debate that 22 was too many and that 19 was also too many. I also said, however, that if the government wished to have a representative type of governing body, as it would have with the model that has 19 members, we should make it a fair

representative body where every stakeholder has fair representation. The increase from 19 to 22 members is neither here nor there, but if it provides a fairer balance of representation from the various stakeholder groups I am prepared to support it.

Mr Theophanous has a cheek to suggest that the National Party should sort out the mess the government has got itself into. Why is it in that position? It is in trouble because it guillotined the debate in the Legislative Assembly at 4 o'clock last Thursday when amendments that had been put forward by both the government and the opposition were to be debated. The government did not allow them to be debated. Had it allowed debate, some of the things we are talking about now may have been sorted out, so Mr Theophanous has a cheek to say the government is asking for the support of the National Party when it cannot handle its own legislation going through the Parliament. We say, 'Sort out your own problems. Don't come crying to us to fix them up for you'.

The government wants a body that is partly representative and partly appointed. The numbers 19 and 22 make no difference to the principle of having half-and-half or thereabouts. There is an opportunity for the government to negotiate further on these proposed amendments when the bill is sent back to the Legislative Assembly. The National Party says, 'Do your own work and sort the problems out during the bill's passage back to the Assembly at the end of today or tomorrow'.

The National Party will be supporting the amendments moved by the Honourable Andrew Brideson because they throw the onus back on the government to try to negotiate a sensible outcome, which is what it should have done in the first place when the bill went through the Assembly.

Hon. ANDREW BRIDESON (Waverley) — The Liberal opposition rejects out of hand the arguments put forward by the Honourable Theo Theophanous. The difference really is that the Bracks government and the minister have consistently maintained that the institute will be independent. How can it be independent when it has more nominated than elected members? All we are doing is proposing more elected than nominated members and three primary government teachers, three secondary government teachers, one government sector principal, a Catholic sector primary teacher, a Catholic sector secondary teacher, an independent teacher representing both primary and secondary sectors, a principal from the independent schools, and — something Mr Theophanous totally forgot about — a representative of teachers in special schools.

The opposition is only proposing an additional three members. I have worked for years with educational committees of all shapes and sizes, and I know that a committee of 22 is just as workable as a committee of 10 or 19 — indeed, I would like to know how Mr Theophanous came up with the figure of 19.

Mr Theophanous is going against the advice from the ministerial advisory committee for the Victorian Institute of Teaching, which was set up to implement these proposals. It said if teachers were directly elected to the governing body rather than nominated or appointed the independence of the institute would be enhanced. So Mr Theophanous is going against the initial proposals it put forward.

Committee divided on omission (members in favour vote no):

Ayes, 14

Broad, Ms	Madden, Mr
Carbines, Mrs	Mikakos, Ms
Darveniza, Ms	Nguyen, Mr (*Teller*)
Gould, Ms	Romanes, Ms
Hadden, Ms	Smith, Mr R. F.
Jennings, Mr	Theophanous, Mr
McQuilten, Mr (*Teller*)	Thomson, Ms

Noes, 27

Ashman, Mr	Hall, Mr
Atkinson, Mr (*Teller*)	Hallam, Mr
Baxter, Mr	Katsambanis, Mr
Best, Mr (*Teller*)	Lucas, Mr
Birrell, Mr	Luckins, Ms
Boardman, Mr	Olexander, Mr
Bowden, Mr	Powell, Mrs
Brideson, Mr	Rich-Phillips, Mr
Coote, Mrs	Ross, Dr
Cover, Mr	Smith, Mr K. M.
Craige, Mr	Smith, Ms
Davis, Mr P. R.	Stoney, Mr
Forwood, Mr	Strong, Mr
Furletti, Mr	

Omission agreed to.

Insertion agreed to.

Amendment agreed to.

Hon. ANDREW BRIDESON (Waverley) — I move:

2. Clause 8, line 15, omit "9" and insert "12".

The reasons for the amendment have already been explained when debating amendment 1. It has been tested, and the next few amendments bring the membership of the institute to the requirements of the opposition.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that the government does not accept the amendment.

Amendment agreed to.

Hon. ANDREW BRIDESON (Waverley) — I move:

3. Clause 8, line 22, omit "3 are to be teachers" and insert "one is to be a teacher".

This is in line with the amendments outlined previously by the Liberal opposition.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that the government does not accept the amendment.

Amendment agreed to.

Hon. ANDREW BRIDESON (Waverley) — I move:

4. Clause 8, page 9, lines 2 and 3, omit "or a school registered under Part III of the **Education Act 1958**".

This is to broaden both the independence and membership of the institute.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that the government does not accept the amendment.

Amendment agreed to.

Hon. ANDREW BRIDESON (Waverley) — I move:

5. Clause 8, page 9, line 7, after this line insert —

"(e) one is to be the parent of a student in a school registered under Part III of the **Education Act 1958** selected by the Minister following the Minister's consideration of names submitted to the Minister from organisations representing parents of students in those schools;".

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that the government does not accept this amendment.

Amendment agreed to.

Hon. ANDREW BRIDESON (Waverley) — I move:

6. Clause 8, page 9, line 8, omit "2 are to be persons" and insert "one is to be a person".

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that the government does not accept this amendment.

Amendment agreed to.

Hon. ANDREW BRIDESON (Waverley) — I move:

7. Clause 8, page 9, line 13, after "**1958**" insert "that is operating under the auspices of the Catholic Education Commission.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that the government does not accept this amendment.

Amendment agreed to.

Hon. ANDREW BRIDESON (Waverley) — I move:

8. Clause 8, page 9, line 14, after this line insert —

"(g) one is to be a person nominated by the Minister following the Minister's consideration of names submitted to the Minister from person or bodies employing teachers in schools registered under Part III of the **Education Act 1958** (other than schools referred to in paragraph (f)) or bodies or organisations representing those employers;".

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that the government does not accept this amendment.

Amendment agreed to.

Hon. ANDREW BRIDESON (Waverley) — I move:

9. Clause 8, page 9, line 15, omit "one is to be a person" and insert "2 are to be persons".

10. Clause 8, page 9, line 22, omit "7" and insert "10".

11. Clause 8, page 9, line 23, omit "elected by registered teachers".

12. Clause 8, page 9, line 25, omit "one is" and insert "3 are to be elected by and from registered teachers who are".

13. Clause 8, page 9, lines 26 and 27, omit "currently teaches" and insert "are currently teaching".

14. Clause 8, page 9, line 30, after "is" insert "to be elected by and from registered teachers who are".

15. Clause 8, page 9, lines 32 to 33, omit "or currently teaches" and insert "that is operating under the auspices of the Catholic Education Commission or is currently teaching".

16. Clause 8, page 10, line 1, omit "one is" and insert "3 are to be elected by and from registered teachers who are".

17. Clause 8, page 10, lines 2 and 3, omit "currently teaches" and insert "are currently teaching".

18. Clause 8, page 10, line 6, omit "currently teaching" and insert " to be elected by and from registered teachers who are".

19. Clause 8, page 10, lines 8 and 9, omit "or currently teaches" insert "that is operating under the auspices of the Catholic Education Commission or is currently teaching".

20. Clause 8, page 10, line 11, after this line insert —

"(v) one is to be elected by and from registered teachers who are currently teaching in a school that is registered under Part III of the **Education Act 1958** (other than a school referred to in sub-paragraph (ii) or (iv)) or is currently teaching at least one subject in such a school;

(vi) one is to be elected by and from registered teachers who are currently teaching in a special school for students with disabilities or impairments;"

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that the government does not accept these amendments.

Amendments agreed to; amended clause agreed to.

Postponed clause 9

Hon. ANDREW BRIDESON (Waverley) — I move:

21. Clause 9, line 15, omit "81" and insert "80".

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that the government does not accept this amendment.

Amendment agreed to; amended clause agreed to; postponed clauses 10 to 12 agreed to.

Postponed clause 13

Hon. ANDREW BRIDESON (Waverley) — I move:

22. Clause 13, line 32, omit "81" and insert "80".

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that the government does not support this amendment.

Amendment agreed to; amended clause agreed to; postponed clauses 14 to 17 agreed to.

Postponed clause 18

Hon. ANDREW BRIDESON (Waverley) — I move:

23. Clause 18, line 22, omit "81" and insert "80".

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that the government does not support the amendment.

Amendment agreed to; amended clause agreed to; postponed clauses 19 and 20 agreed to.

Postponed clause 21

Hon. ANDREW BRIDESON (Waverley) — I move:

24. Clause 21, line 15, omit "81" and insert "80".

25. Clause 21, line 27, omit "81" and insert "80".

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that the government does not support these amendments.

Amendments agreed to; amended clause agreed to; postponed clauses 22 to 24 agreed to.

Postponed clause 25

Hon. ANDREW BRIDESON (Waverley) — This refers to part 4, disciplinary proceedings. All honourable members who contributed to the second-reading debate mentioned the *Herald Sun* article, which basically said that the Victorian Institute of Teaching will have the power to sack teachers. I want the minister to put on the record that the Victorian Institute of Teaching will not have those powers.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that the institute does not employ teachers, so it does not have the power to sack them; it only has the power to register them.

Hon. ANDREW BRIDESON (Waverley) — I thank the minister for that response.

Clause agreed to; postponed clauses 26 to 32 agreed to.

Postponed clause 33

Hon. ANDREW BRIDESON (Waverley) — I seek clarification from the minister. Clause 33 deals with the Professional Practice and Conduct Committee conducting informal hearings. The last paragraph in 33(2) states:

> the chairperson of the Council may fill a vacant position on the Professional Practice and Conduct Committee by appointing a person who is not a member of the Council.

The opposition seeks clarification on who that person might be. Would they be a member of a professional association that the teachers belong to? We are also concerned that there may be teachers in any sector who may not belong to a union; what rights do they have? What sort of people will be put on that committee? What process will be used to appoint members to that Professional Practice and Conduct Committee?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am unclear about the context of that question, so I ask the honourable member to repeat it, please.

Hon. ANDREW BRIDESON (Waverley) — Perhaps we can shorten this committee stage. I had discussions with the parliamentary secretary and the minister prior to the debate proceedings. I am more than happy to submit questions on clauses 33, 35, 36, 39, 41, 42, 53, 70 and 84. If we could transmit our questions in writing we would be more than happy to accept a written response. I believe that guarantee was given, and I would like to clarify that that negotiated position is still acceptable.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am happy to accept that and seek to have those answers to the questions supplied in writing to the Honourable Andrew Brideson.

Hon. ANDREW BRIDESON (Waverley) — I thank the minister for that response, and I will make sure that our questions are succinct.

Clause agreed to; postponed clauses 34 to 58 agreed to.

Postponed clause 59

Hon. ANDREW BRIDESON (Waverley) — I move:

26. Clause 59, page 42, lines 26 to 35 and page 43, lines 1 to 3, omit all words and expressions on these lines.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised the government does not support this amendment.

Amendment agreed to; amended clause agreed to; postponed clause 60 agreed to.

Clause 62

Hon. ANDREW BRIDESON (Waverley) — I move:

28. Clause 62, lines 16 to 25, omit all words and expressions on these lines and insert —

"member has all the powers and may perform all the functions of the member."

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that the government does not support this amendment.

Amendment agreed to; amended clause agreed to; clauses 63 to 64 agreed to.

Clause 65

Hon. ANDREW BRIDESON (Waverley) — I move:

29. Clause 65, page 47, line 3, omit "64" and insert "63".

I seek the minister's advice. My understanding is that all the remaining amendments are consequential. If that be the case I move all the remaining amendments standing in my name.

The CHAIRMAN — Order! I am sorry, Mr Brideson, you cannot do that. You can move amendment 29.

Hon. ANDREW BRIDESON — I have moved amendment 29 standing in my name.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that the government does not support this amendment.

Amendment agreed to; amended clause agreed to; clauses 66 to 68 agreed to.

Clause 69

Hon. ANDREW BRIDESON (Waverley) — I move:

30. Clause 69, line 11, omit "68" and insert "67".

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that the government does not support this amendment.

Amendment agreed to; amended clause agreed to; clause 70 agreed to.

Clause 71

Hon. ANDREW BRIDESON (Waverley) — I move:

31. Clause 71, line 13, omit "68" and insert "67".

32. Clause 71, line 15, omit "70" and insert "69".

33. Clause 71, line 17, omit "84 or 94" and insert "83 or 93".

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that the government does not support these amendments.

Amendments agreed to; amended clause agreed to; clauses 72 and 73 agreed to.

Clause 74

Hon. ANDREW BRIDESON (Waverley) — I move:

34. Clause 74, line 3, omit "70" and insert "69".

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that the government does not support this amendment.

Amendment agreed to; amended clause agreed to.

Clause 75

Hon. ANDREW BRIDESON (Waverley) — I move:

35. Clause 75, line 13, omit "70, 72 or 73" and insert "69, 71 or 72".

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that the government does not support this amendment.

Amendment agreed to; amended clause agreed to.

Clause 76

Hon. ANDREW BRIDESON (Waverley) — I move:

36. Clause 76, line 23, omit "70, 72 or 73" and insert "69, 71 or 72".

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that the government does not support this amendment.

Amendment agreed to; amended clause agreed to.

Clause 77

Hon. ANDREW BRIDESON (Waverley) — I move:

37. Clause 77, line 7, omit "70, 72 or 73" and insert "69, 71 or 72".

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that the government does not support this amendment.

Amendment agreed to; amended clause agreed to.

Clause 78

Hon. ANDREW BRIDESON (Waverley) — I move:

38. Clause 78, line 20, omit "70, 72 or 73" and insert "69, 71 or 72".

39. Clause 78, page 54, line 10, omit "70, 72 or 73" and insert "69, 71 or 72".

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that the government does not support these amendments.

Amendments agreed to; amended clause agreed to.

Clause 79

Hon. ANDREW BRIDESON (Waverley) — I move:

40. Clause 79, line 14, omit "70, 72 or 73" and insert "69, 71 or 72".

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that the government does not support this amendment.

Amendment agreed to; amended clause agreed to; clauses 80 to 83 agreed to.

Clause 84

Hon. ANDREW BRIDESON (Waverley) — I move:

41. Clause 84, page 59, line 1, omit "consultation" and insert "agreement".

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that the government does not support this amendment.

Amendment agreed to; amended clause agreed to; clauses 85 to 87 agreed to.

Clause 88

Hon. ANDREW BRIDESON (Waverley) — I move:

42. Clause 88, page 62, line 8, omit "88" and insert "87".

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that the government does not support this amendment.

Amendment agreed to; amended clause agreed to; clause 89 agreed to.

Clause 90

Hon. ANDREW BRIDESON (Waverley) — I move:

43. Clause 90, line 5, omit "19" insert "22".

44. Clause 90, line 16, omit "91" insert "90".

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that the government does not support these amendments.

Amendments agreed to, amended clause agreed to; clauses 91 and 92 agreed to.

Clause 93

Hon. ANDREW BRIDESON (Waverley) — I move:

45. Clause 93, line 21, omit "92" insert "91".

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that the government does not support this amendment.

Amendment agreed to; amended clause agreed to.

Clause 94

Hon. ANDREW BRIDESON (Waverley) — I move:

46. Clause 94, line 23, omit "84" insert "83".

47. Clause 94, page 67, line 16, omit "84" insert "83".

48. Clause 94, page 67, line 21, omit "consultation" and insert "agreement".

49. Clause 94, page 67, line 26, omit "84" and insert "83".

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that the government does not support these amendments.

Amendments agreed to; amended clause agreed to.

Reported to house with amendments.

Remaining stages

Passed remaining stages.

House adjourned 6.14 p.m.