

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE COUNCIL

FIFTY-SEVENTH PARLIAMENT

FIRST SESSION

Tuesday, 19 March 2013

(Extract from book 4)

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The Governor

The Honourable ALEX CHERNOV, AC, QC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

The ministry (from 13 March 2013)

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Minister for Ports, Minister for Major Projects and Minister for Manufacturing	The Hon. D. J. Hodgett, MP
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Minister for Local Government and Minister for Aboriginal Affairs.	The Hon. E. J. Powell, MP
Assistant Treasurer, Minister for Technology and Minister responsible for the Aviation Industry	The Hon. G. K. Rich-Phillips, MLC
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Minister for Agriculture and Food Security, and Minister for Water.	The Hon. P. L. Walsh, MP
Minister for Police and Emergency Services, and Minister for Bushfire Response	The Hon. K. A. Wells, MP
Minister for Mental Health, Minister for Community Services, and Minister for Disability Services and Reform	The Hon. M. L. N. Wooldridge, MP
Cabinet Secretary	Mr N. Wakeling, MP

Legislative Council committees

Privileges Committee — Ms Darveniza, Mr D. Davis, Mr P. Davis, Mr Hall, Ms Lovell, Ms Pennicuik and Mr Scheffer.

Procedure Committee — The President, Mr Dalla-Riva, Mr D. Davis, Mr Hall, Mr Lenders, Ms Pennicuik and Mr Viney

Legislative Council standing committees

Economy and Infrastructure Legislation Committee — Mr Barber, Mrs Coote, #Ms Crozier, Mr Drum, Mr Finn, #Ms Hartland, #Mr Leane, Mr Lenders, #Mr Ondarchie, Ms Pulford, Mr Ramsay and Mr Somyurek.

Economy and Infrastructure References Committee — Mr Barber, Mrs Coote, #Ms Crozier, Mr Drum, Mr Finn, #Mr Leane, Mr Lenders, #Mr Ondarchie, Ms Pulford, Mr Ramsay and Mr Somyurek.

Environment and Planning Legislation Committee — Mr Elsbury, #Mr Finn, #Ms Hartland, Mrs Kronberg, #Mr Leane, Mr Ondarchie, Ms Pennicuik, #Mrs Petrovich, Mrs Peulich, Mr Scheffer, #Mr Tarlamis, Mr Tee and Ms Tierney.

Environment and Planning References Committee — Mr Elsbury, #Mr Finn, #Ms Hartland, Mrs Kronberg, #Mr Leane, Mr Ondarchie, Ms Pennicuik, #Mrs Petrovich, Mrs Peulich, Mr Scheffer, #Mr Tarlamis, Mr Tee and Ms Tierney.

Legal and Social Issues Legislation Committee — Ms Crozier, Mr Elasmr, #Mr Elsbury, Ms Hartland, Ms Mikakos, Mr O'Brien, Mr O'Donohue, Mrs Petrovich, #Mr Ramsay and Mr Viney.

Legal and Social Issues References Committee — Ms Crozier, Mr Elasmr, #Mr Elsbury, Ms Hartland, Ms Mikakos, Mr O'Brien, Mr O'Donohue, Mrs Petrovich, #Mr Ramsay and Mr Viney.

Participating member

Joint committees

Accountability and Oversight Committee — (*Council*): Mr O'Brien, Mr O'Donohue. (*Assembly*): Ms Kanis, Ms Richardson and Mr Wakeling.

Dispute Resolution Committee — (*Council*): Mr D. Davis, Mr Hall, Mr Lenders, Ms Lovell and Ms Pennicuik. (*Assembly*): Mr Clark, Ms Hennessy, Mr McIntosh, Mr Merlino, Dr Napthine and Mr Walsh.

Drugs and Crime Prevention Committee — (*Council*): Mr Leane, Mr Ramsay and Mr Scheffer. (*Assembly*): Mr Battin and Mr McCurdy.

Economic Development and Infrastructure Committee — (*Council*): Mrs Peulich. (*Assembly*): Mr Burgess, Mr Carroll, Mr Foley and Mr Shaw.

Education and Training Committee — (*Council*): Mr Elasmr and Ms Tierney. (*Assembly*): Mr Crisp, Ms Miller and Mr Southwick.

Electoral Matters Committee — (*Council*): Mr Finn, Mrs Peulich, Mr Somyurek and Mr Tarlamis. (*Assembly*): Ms Ryall.

Environment and Natural Resources Committee — (*Council*): Mr Koch. (*Assembly*): Mr Bull, Ms Duncan, Mr Pandazopoulos and Ms Wreford.

Family and Community Development Committee — (*Council*): Mrs Coote, Ms Crozier and Mr O'Brien. (*Assembly*): Ms Halfpenny, Mr McGuire and Mr Wakeling.

House Committee — (*Council*): The President (*ex officio*) Mr Drum, Mr Eideh, Mr Finn, Ms Hartland, and Mr P. Davis. (*Assembly*): The Speaker (*ex officio*), Ms Beattie, Ms Campbell, Mrs Fyffe, Ms Graley, Mr Wakeling and Mr Weller.

Independent Broad-based Anti-corruption Commission Committee — (*Council*): Mr Koch and Mr Viney. (*Assembly*): Ms Hennessy, Mr Newton-Brown and Mr Weller.

Law Reform Committee — (*Council*): Mrs Petrovich. (*Assembly*): Mr Carbines, Ms Garrett, Mr Newton-Brown and Mr Northe.

Outer Suburban/Interface Services and Development Committee — (*Council*): Mrs Kronberg and Mr Ondarchie. (*Assembly*): Ms Graley, Ms Hutchins and Ms McLeish.

Public Accounts and Estimates Committee — (*Council*): Mr O'Brien, Mr Ondarchie and Mr Pakula. (*Assembly*): Mr Angus, Ms Hennessey, Mr Morris and Mr Scott.

Road Safety Committee — (*Council*): Mr Elsbury. (*Assembly*): Mr Languiller, Mr Perera, Mr Tilley and Mr Thompson.

Rural and Regional Committee — (*Council*): Mr Drum. (*Assembly*): Mr Howard, Mr Katos, Mr Trezise and Mr Weller.

Scrutiny of Acts and Regulations Committee — (*Council*): Mr Dalla-Riva. (*Assembly*): Mr Brooks, Ms Campbell, Mr Gidley, Mr Nardella, Dr Sykes and Mr Watt.

Heads of parliamentary departments

Assembly — Clerk of the Parliaments and Clerk of the Legislative Assembly: Mr R. W. Purdey

Council — Clerk of the Legislative Council: Mr W. R. Tunnecliffe

Parliamentary Services — Secretary: Mr P. Lochert

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FIFTY-SEVENTH PARLIAMENT — FIRST SESSION

President: The Hon. B. N. ATKINSON

Deputy President: Mr M. VINEY

Acting Presidents: Ms Crozier, Mr Eideh, Mr Elasmr, Mr Finn, Mr O'Brien, Mr Ondarchie, Ms Pennicuik, Mr Ramsay, Mr Tarlamis

Leader of the Government:

The Hon. D. M. DAVIS

Deputy Leader of the Government:

The Hon. W. A. LOVELL

Leader of the Opposition:

Mr J. LENDERS

Deputy Leader of the Opposition:

Mr G. JENNINGS

Leader of The Nationals:

The Hon. P. R. HALL

Deputy Leader of The Nationals:

Mr D. DRUM

Member	Region	Party	Member	Region	Party
Atkinson, Hon. Bruce Norman	Eastern Metropolitan	LP	Leane, Mr Shaun Leo	Eastern Metropolitan	ALP
Barber, Mr Gregory John	Northern Metropolitan	Greens	Lenders, Mr John	Southern Metropolitan	ALP
Broad, Ms Candy Celeste	Northern Victoria	ALP	Lovell, Hon. Wendy Ann	Northern Victoria	LP
Coote, Mrs Andrea	Southern Metropolitan	LP	Mikakos, Ms Jenny	Northern Metropolitan	ALP
Crozier, Ms Georgina Mary	Southern Metropolitan	LP	O'Brien, Mr David Roland Joseph	Western Victoria	Nats
Dalla-Riva, Hon. Richard Alex Gordon	Eastern Metropolitan	LP	O'Donohue, Mr Edward John	Eastern Victoria	LP
Darveniza, Ms Kaye Mary	Northern Victoria	ALP	Ondarchie, Mr Craig Philip	Northern Metropolitan	LP
Davis, Hon. David McLean	Southern Metropolitan	LP	Pakula, Hon. Martin Philip	Western Metropolitan	ALP
Davis, Mr Philip Rivers	Eastern Victoria	LP	Pennicuik, Ms Susan Margaret	Southern Metropolitan	Greens
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Eideh, Mr Khalil M.	Western Metropolitan	ALP	Peulich, Mrs Inga	South Eastern Metropolitan	LP
Elasmr, Mr Nazih	Northern Metropolitan	ALP	Pulford, Ms Jaala Lee	Western Victoria	ALP
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Finn, Mr Bernard Thomas C.	Western Metropolitan	LP	Rich-Phillips, Hon. Gordon Kenneth	South Eastern Metropolitan	LP
Guy, Hon. Matthew Jason	Northern Metropolitan	LP	Scheffer, Mr Johan Emiel	Eastern Victoria	ALP
Hall, Hon. Peter Ronald	Eastern Victoria	Nats	Somyurek, Mr Adem	South Eastern Metropolitan	ALP
Hartland, Ms Colleen Mildred	Western Metropolitan	Greens	Tarlamis, Mr Lee Reginald	South Eastern Metropolitan	ALP
Jennings, Mr Gavin Wayne	South Eastern Metropolitan	ALP	Tee, Mr Brian Lennox	Eastern Metropolitan	ALP
Koch, Mr David Frank	Western Victoria	LP	Tierney, Ms Gayle Anne	Western Victoria	ALP
Kronberg, Mrs Janice Susan	Eastern Metropolitan	LP	Viney, Mr Matthew Shaw	Eastern Victoria	ALP

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Tuesday, 19 March 2013

The PRESIDENT (Hon. B. N. Atkinson) took the chair at 2.04 p.m. and read the prayer.

ELECTORAL MATTERS COMMITTEE

Membership

The PRESIDENT — Order! I advise the Council that I have received a letter from Heidi Victoria, the member for Bayswater in another place, in which she has indicated that due to a recent appointment as a minister with three portfolios, it is with regret that she resigns her position on the Electoral Matters Committee. She says she enjoyed working with the committee on some very important work, and she wishes it well as its research continues.

ROYAL ASSENT

Message read advising royal assent on 13 March to:

Co-operatives National Law Application Act 2013
Corrections Amendment Act 2013
Energy Legislation Amendment (Flexible Pricing and Other Matters) Act 2013
Jury Directions Act 2013
Statute Law Amendment (Directors' Liability) Act 2013.

RULINGS BY THE CHAIR

Members: unparliamentary expressions

The PRESIDENT — Order! I take this opportunity to make a brief comment on a matter that arose during the adjournment debate in the last sitting week. In his capacity as Acting President on that occasion, Mr Ondarchie referred to me some remarks made by Mr Pakula on the adjournment on 7 March which were the subject of a point of order by the Assistant Treasurer, Mr Rich-Phillips. The essence of the minister's point of order was that the remarks may have reflected on the judiciary and contravened standing order 12.20, which prevents members from using offensive words against either house, any member, the sovereign, the Governor or the judiciary.

I now advise the house that I have examined the *Hansard* record and am satisfied that Mr Pakula's remarks do not offend against the standing order. I would also point out that the remarks related to matters which occurred prior to the individual being appointed to the Court of Appeal and, as such, could not be

considered to be a reflection on the judiciary. That is a position which is consistent with that of the House of Representatives.

MINISTRY

Hon. D. M. DAVIS (Minister for Health) — I advise the house of changes in the ministry consequent on advice the Premier provided to His Excellency, the Governor, on 13 March. The Premier retains the portfolio responsibilities of Minister for Regional Cities and Minister for Racing. The Deputy Premier remains Minister for Rural and Regional Development and assumes the additional responsibility of Minister for State Development. The member for Brighton in the Assembly retains her responsibilities as Minister for Innovation, Services and Small Business and Minister for Tourism and Major Events and takes on the additional responsibilities of Minister for Employment and Trade. The member for Box Hill in the Assembly retains his responsibilities as Attorney-General and Minister for Finance and takes on additional responsibilities as Minister for Industrial Relations.

The member for Kilsyth in the Assembly joins the ministry. He will be Minister for Ports, Minister for Major Projects and Minister for Manufacturing. The member for Bulleen in the Assembly continues as Minister for Multicultural Affairs and Citizenship and takes on the additional duties of Minister for Energy and Resources. The member for Kew in the Assembly takes on the new portfolio of Minister for Gaming Regulation and remains Minister for Corrections and Minister for Crime Prevention. The Governor has commissioned him to the renamed portfolio of Minister responsible for IBAC to reflect that the commission is now operating. The member for Malvern in the Assembly becomes Treasurer.

The member for Bayswater in the Assembly, referred to a moment ago, joins the cabinet. She will be Minister for the Arts, Minister for Women's Affairs and Minister for Consumer Affairs. The member for Scoresby in the Assembly takes on new responsibilities as Minister for Police and Emergency Services and Minister for Bushfire Response. The member for Doncaster in the Assembly continues in her roles as Minister for Mental Health and Minister for Community Services and, to reflect Victoria's lead role over many years in establishing a national disability insurance scheme, is now also Minister for Disability Services and Reform.

For the information of members I will provide the Clerk with a copy of the ministry and a list of ministers representing various portfolios held by ministers in the other chamber.

I also advise the house that the member for Ferntree Gully in the Assembly has been appointed as cabinet secretary. There have also been changes in the roles of parliamentary secretaries. Mr O'Donohue becomes Parliamentary Secretary to the Premier, the member for Narracan in the Assembly becomes Parliamentary Secretary for Transport and Ms Crozier becomes Parliamentary Secretary for Health. All other parliamentary secretaries have been reappointed to the roles they had previously.

The PRESIDENT — Order! I congratulate Ms Crozier on her appointment as a parliamentary secretary. I express the appreciation of the chamber to Mr Dalla-Riva for the work he did as a minister in a very difficult portfolio, given that so much of the work associated with manufacturing in particular is subject to an overlay of federal public policy as well as international and global trends. It was a difficult portfolio and the minister handled himself well in this place. We appreciate the work he did and his contribution as a minister in the chamber.

QUESTIONS WITHOUT NOTICE

TAFE sector: reform

Mr LENDERS (Southern Metropolitan) — My question without notice is to the Minister for Higher Education and Skills, Mr Hall. I refer the minister to the government's recent response to the TAFE Reform Panel's report, and I ask: will the minister rule out any regional TAFE mergers, amalgamations or integrations?

Hon. P. R. HALL (Minister for Higher Education and Skills) — I welcome the Leader of the Opposition's question with regard to this important matter. I refer the house, as the Leader of the Opposition referred the report to me, to matters concerning the structure of regional TAFE institutions. If members look at recommendation 2 of the TAFE Reform Panel's report and, indeed, the government's response to that particular recommendation, they will see very clearly that this is the only one of the 19 recommendations which the government did not support. Basically recommendation 2 of those 19 recommended that the government should implement a common governance and management structure for four regions of country Victoria. That was a recommendation which the government rejected because, very importantly, it wants to ensure that there continues to be local input, local management and local determination of the future of the institutions delivering vocational training in their area.

Again, if members read the response by the government, they will see that this comprehensive response makes it very clear that the government is prepared to financially provide assistance to TAFE institutes to make sure that they are strong and sustainable into the future. In respect of the particular question asked, I do not think the government's response leaves any doubt that its first and foremost wish is that those institutions continue to serve their communities in a strong, stable and independent manner.

I refer the member to the very last sentence in the government response, which states:

The government will be open to all proposals for collaboration opportunities, including integrated governance and management structures, that are developed by the TAFE institutes.

We are not imposing any model onto those TAFE institutes except to say that we want to give them every chance to continue to grow and serve and meet the needs of their local communities. If there are proposals to do otherwise, they will need to be driven by the institutions themselves, not imposed by this government.

Supplementary question

Mr LENDERS (Southern Metropolitan) — I thank the minister for his answer. I listened to it carefully, and he said that in the end it is an issue for the individual TAFE boards. I draw the minister's attention to the memorandum that went out from his department to TAFEs on 13 March, which in particular says that one of the criteria for the \$50 million a year that is available as an incentive for TAFEs is structural reform. The minister says he is not compelling TAFEs to amalgamate, but he is offering them \$50 million for structural reform. How is structural reform different from amalgamation, merger or integration?

Hon. P. R. HALL (Minister for Higher Education and Skills) — Structural reform could take a variety of aspects, as I am sure the member well knows. It could involve collaboration more particularly, where TAFE institutes in the same region might choose to employ common arrangements in a whole range of back-office functions. It does not necessarily include amalgamation. I want to make it clear that if the government had an agenda for amalgamation, then its response to recommendation 2 would have been very different. I make it absolutely clear to the members of this chamber and to the public of Victoria that the prime motivation for the way in which the government has responded is to build our TAFE institutes in regional

and metropolitan Victoria to ensure that they are strong and sustainable into the future.

Hospitals: federal funding

Mr DRUM (Northern Victoria) — My question without notice is to the Minister for Health, David Davis, and I ask: could the minister inform the house of the recent deliberations of the Senate Standing Committee on Finance and Public Administration in its review of the implementation of the national health reform agreement?

Hon. D. M. DAVIS (Minister for Health) — I thank the member for his question and for his ongoing interest in our major public hospitals and health services. Members of this chamber will know well that the government has been very concerned about the commonwealth government's cuts to health services and hospitals across the state. I want to be very clear. I compliment the Senate committee on the work it did — —

Mr Jennings — They gave you a whack.

Hon. D. M. DAVIS — They did not give us a whack; they actually vindicated the Victorian government's position. I am happy to quote from some of the committee's recommendations to explain things to Mr Jennings, who appears not to have read the report. I pay tribute to the work of the committee, its sequence of hearings and the material that was presented to the committee. Most states and territories — indeed a range of ministers — as well as secretaries of departments and others across the nation gave evidence to that inquiry. What the committee uncovered is the roting of the commonwealth. The report says:

The committee recommends that, as a matter of urgency, the commonwealth reinstate funding to states and territories cut retrospectively for the years 2011–12 and 2012–13 that were announced with the release of the MYEFO in October 2012.

Here we have it: 'cut' is the word used by the committee.

Mr Jennings — On a point of order, President, it is very important that if the minister is quoting from a document, he should make it extremely clear to the Parliament what is within quotation marks and what is without quotation marks. I suggest that the word 'roting' does not appear in the document, as was suggested in the minister's contribution.

The PRESIDENT — Order! I think the word 'roting' was the minister's commentary, but the point is well made. That is one of the issues I considered in

relation to the adjournment matter raised by Mr Pakula, where I saw that his commentary was quite distinct from the quotes that he made. It is an important thing for members to bear in mind when they are reading from a document.

Hon. D. M. DAVIS — President, as you heard, I read directly from the committee's recommendations. Let me give some examples of what the committee said. In chapter 4, 'Conclusions and recommendations', on the matter of funding by the commonwealth and the special purpose payments, the report says:

The committee considers that the basis on which the calculation —

by the commonwealth, by the federal Treasurer —

of the funding cuts has been made is flawed.

That is the committee's word. Does Mr Jennings want me to put it in quotes for him? 'Flawed'. The report goes on:

The committee agrees that the best possible estimate of Australia's population should be used in coming to a population growth figure. However, the committee does not consider that the commonwealth's calculation of the population growth between December 2010 and December 2011 is defensible ...

It is very clear it is not defensible. It says it 'does not consider' it is 'defensible'. It is interesting that the committee recommended:

... the commonwealth immediately desist from attempts to bypass existing arrangements and the national health funding pool ...

This is a joke by the commonwealth. It set up a funding pool, and then it bypassed its own funding pool.

Mr Lenders — Because it did not trust you.

Hon. D. M. DAVIS — What a joke, Mr Lenders. What a joke. The committee went on:

The committee recommends that whenever an intercensal error is uncovered by the work ... the commonwealth should ensure:

- (a) that no rearrangement of payments or cuts are made until the final calculation ...

It then went on to reflect on the 'threat' by the commonwealth:

... to penalise Victorian taxpayers in order to refund the cuts to hospitals it instituted late last year.

I can tell members that Victorians have every reason to be angry at the approach of the commonwealth in

threatening to penalise Victorian patients and Victorian taxpayers in an attempt to cover up its own incompetence. It is clear that the commonwealth made errors here. It is clear that the commonwealth cheated. It is clear that the commonwealth cut funds from our hospitals midyear in a disgraceful way. And there still remains the matter of the \$368 million that is outstanding from 1 July — \$368 million over three years that the commonwealth has cut from what it promised to put into our hospitals. That is \$368 million that should be restored to our hospitals. The commonwealth needs to come clean and say whether it will restore that money to our hospitals. That \$386 million will affect patients. It will affect hospitals. It will mean the waiting lists will grow, and the commonwealth should hang its head in shame.

Health: diesel emissions

Ms HARTLAND (Western Metropolitan) — My question is also for the Minister for Health. On 19 June 2012 in a response to my question without notice regarding the World Health Organisation diesel pollution report and the need for a health impact assessment, the minister said:

I too saw that report, and I have sought some information. I have not made any decision at this point to take the action that she indicates in terms of the Public Health and Wellbeing Act, but I did see the report and will respond in due course.

I asked this question of the minister eight months ago, and I would have thought that was long enough to consider this issue. I would now like to ask again: will the minister give an undertaking to do a health impact assessment on the effects of diesel?

Hon. D. M. DAVIS (Minister for Health) — As the member will remember, and indeed as she has quoted, I did see that article and I was interested to see what basis was behind it and to understand fully the matters behind it. I have sought departmental advice on this matter. It is clear that the Environment Protection Authority (EPA) monitors air quality and operates 12 fixed air quality monitoring stations in metropolitan Melbourne, Geelong and Traralgon.

Overall, the EPA's monitoring programs confirm that Victoria's air quality is good and that monitoring of indicators of diesel engine emissions in major transport corridors shows that air quality standards are being met. Where the EPA believes that air pollution may be impacting on residents, special monitoring projects are undertaken, such as the current program for Francis Street in Yarraville.

The Australian fuel standards and emission and maintenance processes are developed nationally. The Council of Australian Governments Standing Committee on Environment and Water (SCEW) is responsible for the development and implementation of the National Plan for Clean Air. The Department of Health is monitoring the potential influence this new scientific evaluation will have on future health assessments, reviews and standard-setting processes associated with diesel emissions and any public health impacts.

This includes working with the Environment Protection Authority Victoria, the Department of Sustainability and Environment, the National Health and Medical Research Council and the Australian Health Protection Principal Committee and its environmental health subcommittee. Obviously diesel emissions standards and national environment protection measures overseen by SCEW complement other measures to reduce the impact of diesel emissions. Members would be aware that the EPA implements initiatives based on the diesel national standard, such as identifying and testing smoky diesel vehicles to minimise the deterioration of or improve exhaust emissions from diesel vehicles. Clearly these are matters that need to be monitored in an ongoing way, and if there is a further requirement to develop a stronger national standard and a stronger national approach, that will certainly occur.

Supplementary question

Ms HARTLAND (Western Metropolitan) — It is unfortunate that the Minister for Health seems to have not answered the question and has just told me what every other organisation is or is not doing about this issue. I would like to be able to go back to people in the inner west and explain to them why no health assessment has been done on diesel. Considering they are affected every day, and so are their children, will the minister make public the reasons for his inaction?

Hon. D. M. DAVIS (Minister for Health) — As I said, the Department of Health is monitoring the potential influence of this new scientific evaluation and any influence it might have on future health risk assessments, reviews or standard-setting processes and any public health impacts that are pointed to. It is clear that that includes working with a number of state and national bodies; it is not work that we undertake alone.

Kindergartens: access

Ms CROZIER (Southern Metropolitan) — My question is to the Minister for Children and Early Childhood Development, the Honourable Wendy

Lovell. Can the minister update the house on the implementation of universal access to 15-hour kindergarten programs in Victoria?

Hon. W. A. LOVELL (Minister for Children and Early Childhood Development) — I thank the member for her question. I am absolutely delighted to update the house on our implementation of universal access to 15-hour programs in Victoria. In fact 92 per cent of Victorian services are currently delivering 15-hour programs in Victoria. Coincidentally, this equates to 92 per cent of Victorian children being enrolled in a kindergarten program for 15-hours or more, which is a wonderful achievement in this state.

We all know that there is more to do, and we want to see more children being able to access 15-hour programs. We want to do that thoughtfully, without displacing three-year-old programs and without creating waiting lists for four-year-olds, as that would mean some children would miss out. We are confident that we will improve on the 92 per cent during this year as more and more of the new and renovated services that are being made available through the coalition's record investment in children's services — the \$86 million in grants that have been made available through the children's capital program — come online. That number will improve, and we will see more children having access to 15-hour programs. It has been hard work to get up to this figure. I would particularly like to thank Early Learning Association Australia and the Municipal Association of Victoria, which cooperated with us to ensure that services were able to achieve these great results.

Accessible, affordable and high-quality kindergarten is essential for Victorian children. The coalition is committed to delivering these services. I was interested to read in an *Age* article last week that only about one-third of children in Victoria attended 15-hour services last year, prior to the requirement for 15-hour programs, which came in this year. Had my office been contacted by that media outlet, it could have provided more updated figures, which would have assisted with the report. The article also quoted some people from New South Wales who said that the cost of kindergarten could be up to \$60 a day and that this was making it unaffordable for families. But as we know, the recently published *Report on Government Services* indicated that in 2011 the median cost of kindergarten across Australia was \$22 per day. In Victoria the median cost was \$20, so we are below the national cost of kindergarten in Victoria. We also know that low-income families in Victoria receive fee subsidies which make kindergarten free for them in most settings.

The Napthine government is focused on delivering for Victorian families, and it is getting on with the job of delivering quality early childhood programs to ensure that every Victorian child has the best start in life.

TAFE sector: board appointments

Mr LENDERS (Southern Metropolitan) — My question is to the Minister for Higher Education and Skills, Mr Hall. The new Education Legislation Amendment (Governance) Act 2012 gives the minister extraordinary powers in appointing TAFE boards. Given that new boards should be in place over the next few months, will the minister guarantee not to appoint pro-merger chairs and pro-merger board members?

Hon. P. R. HALL (Minister for Higher Education and Skills) — This government's practice is to appoint people to boards on their merits, and indeed that is the principle on which I will base all appointments in the future. I can assure Mr Lenders that already I have been around the countryside and all parts of Victoria talking to TAFEs, talking to board chairs, and working with them towards the reconstitution that each of the TAFEs will undertake, including the appointment of new members — and doing it, as I promised during debate, in consultation with them.

I repeat: the government has no agenda to force amalgamations or mergers onto TAFE institutes. Quite the opposite is the case, as evidenced by our response to recommendation 2 of the TAFE Reform Panel report.

Supplementary question

Mr LENDERS (Southern Metropolitan) — Again I thank the minister for his answer, and again I alert him to the circular which talks about financial incentives for structural reform. In particular I am assuming the minister is not in a vacuum and that he actually sets key performance indicators (KPIs) for his department on what sort of person they should look for and what the skills mix is when they are appointing a person to a TAFE board. My supplementary question is: do his KPIs for the appointment of TAFE board directors include those enthusiastic about structural adjustment?

Hon. P. R. HALL (Minister for Higher Education and Skills) — I am not sure whether the question is much different to the very first question posed to me, but I repeat that when appointing people it is important that they have appropriate skills to administer, to deliver, to govern and to manage their own TAFEs, and those skills form part of the mix in terms of appointment.

There is no agenda. In fact I would not even know whether somebody is asked the question about being pro amalgamation or not. That is not a question asked by government when making appointments to boards. Mr Lenders, I think, is fishing here, but unfortunately his line remains slack.

TAFE sector: reform

Mr O'BRIEN (Western Victoria) — My question is also to Mr Hall in his capacity as Minister for Higher Education and Skills. I ask: can the minister provide the house with details of the TAFE Reform Panel's final report to government and the government's response to that report?

Hon. P. R. HALL (Minister for Higher Education and Skills) — Through you, President, I thank Mr O'Brien for the question. While we have had a couple of questions from the opposition today, they have dwelt on aspects of the TAFE Reform Panel's report. It would be to the benefit of members to consider this report as a whole, not just parts of it.

The first thing I want to do is advise the house that it was on Tuesday of last week that the Premier, Dr Napthine, and I released the TAFE Reform Panel's report titled *A Strong and Sustainable Victorian TAFE Sector* along with the government response to the report. The timing of the release of that report and the response was helpful, as both the TAFE sector and the people of Victoria could benefit by knowing the government's response to that particular report.

It is a very comprehensive document. I would encourage members to have a look at that, because it gives I think a very comprehensive analysis of the state of vocational training and the way in which the TAFE institutes in Victoria have adapted to the government policy of refocusing on vocational training implemented last year.

The first thing I want to do is thank the people who formed the TAFE Reform Panel, very ably led by Dr Ken Latta. I thank Dr Ken Latta for his leadership of the TAFE Reform Panel, and I thank members Mr Peter Ryan — not Deputy Premier Peter Ryan but another Peter Ryan — Ms JoAnne Stephenson and Ms Yvonne von Hartel for the extensive work they have put into putting this report together. As I said, it is a valuable document for all members in terms of getting an appreciation of the role that TAFE institutes play.

In terms of the government response to that report, I think it is again an important document, and I hope members who have an interest in this will give regard

to the totality of the government response. Both of these documents, I add, are publicly available on the department's website, so they are freely available. But the response is not simply just an item-by-item response to the 19 recommendations; it sets a context and a rationale for some of the changes undertaken by vocational training in recent years, not just in the current government's term but also in the previous government's term.

We know that the system of vocational education and training employed in Victoria now was designed first of all by the previous government and implemented in part by the previous government, and it has certainly been refined, repaired and —

Mr Viney — Repaired!

Hon. P. R. HALL — Repaired, and put on a sustainable footing by the current government.

Mr Viney — One point two billion dollars! Repaired!

Hon. P. R. HALL — It is interesting that Mr Viney throws up some monetary figures. When I took over this role the previous government — and Mr Viney can look at page 3 of the TAFE Reform Panel report which shows this — had budgeted something like \$855 million for vocational training in Victoria, whereas we are investing \$1.2 billion every year for the next four years. In terms of putting the TAFE sector on a strong and sustainable basis, the current level of support by this government is more than that of the previous government. There are 19 recommendations in the report. The government has accepted 12 of those in full. We have supported in principle a further 6 and are not supporting 1, on which I elaborated in answer to a previous question during question time today, so I will not repeat that. I encourage members to consider the report as a whole, with the government response, as they should, rather than picking out aspects of the report, because I think both documents would help in terms of future debates on this matter.

Bendigo TAFE: School of Mines building

Mr LENDERS (Southern Metropolitan) — My question is to Mr Hall in his capacity as Minister for Higher Education and Skills. The minister has previously advised that Bendigo TAFE has been receiving forward payments of government funding simply to stay afloat. Will he guarantee to the people of Bendigo that the historically significant and important 1873 School of Mines building in McCrae Street will

be maintained and will not be sold off to fill Bendigo TAFE's gaping financial hole?

Hon. P. R. HALL (Minister for Higher Education and Skills) — One of the features of the TAFE Reform Panel's report and the response by the government is the recognition of a need to give our TAFE institutes greater autonomy in the way in which they operate. A number of the 19 recommendations seek to do that. Progressively, as some of the reforms are introduced, including the legislative reforms to which Parliament has assented, we will see the appointment of TAFE boards with greater acumen in terms of their commercial abilities to manage and govern their own TAFE institutes. The government has said very clearly in its response that as those appointments progressively occur, it will seek to transfer the titles of property across to the TAFE institutes so that they are in a better position to manage their own assets.

As with university legislation — there is a cap on what universities can do in terms of asset sales or, indeed, investments — there are certain limits. They have to come and seek the approval of government. I would expect in the commercial guidelines that are now being developed with the TAFE institutes that criteria relating to asset management will be further developed so that local TAFE governing bodies understand what their powers are with respect to management of assets and their commercial powers. That will be determined by way of collaboration and will be set out within the commercial guidelines on which we are currently working with TAFE institutes.

Supplementary question

Mr LENDERS (Southern Metropolitan) — I am somewhat puzzled by the minister's answer because I asked him a specific question. I asked whether he would rule out the sale of the iconic building where this Council actually had lunch during its regional sitting in Bendigo. The minister has given me a response about governance and said that ultimately transactions over a certain size come to him. I read from that that the sale of this building is over a certain size. That is all I can read from the minister's answer. I ask the minister: when the Bendigo TAFE board comes to him with the decision to sell this iconic building will he approve it?

The PRESIDENT — Order! The question is somewhat hypothetical, I have to say, at this stage. Nevertheless I will let the minister respond.

Hon. P. R. HALL (Minister for Higher Education and Skills) — It is definitely a hypothetical question, given that I have no proposal before me to consider an

asset sale as described by Mr Lenders. I again stress that there are no current proposals before me, but if there were to be in the future, then that matter will be given consideration. Let me say this: the interests of local communities need to be served first and foremost. That is why we appoint people with local experience and local connections in terms of TAFE boards. The acts and the constitutions of their organisations say very clearly that the needs of the local communities should be put first and foremost.

It is a hypothetical question, and when I have any such proposal before me I will consider it at that time. But I repeat: local communities and local interests are always put first.

Port Phillip Bay: ferry service

Mr FINN (Western Metropolitan) — My question without notice is directed to the Minister for Planning, and I ask: can the minister advise the house what action the government has taken to facilitate new travel outcomes for those who live in new estates in Melbourne's growth areas?

Hon. M. J. GUY (Minister for Planning) — I thank Mr Finn for a very important question. Indeed I thank him, Mr Elsbury and Mr Katos, the member for South Barwon in the Assembly, who joined me this morning in launching the first stage of a government feasibility study into the possibility of water-based transport for Geelong, the Bellarine Peninsula and the western suburbs of Melbourne.

The transport study that we looked at this morning is integral to the government's blueprint for metropolitan Melbourne, the metropolitan Melbourne planning strategy, which we are working on, and of course to the G21 strategy for Greater Geelong. We looked at stop locations, population demand, travel times, vessels that would be needed, water draft or depth, environment, and of course the boat speed that would be needed to put in place a service from the western suburbs.

Melbourne's western suburbs are growing inexorably. They have been growing much faster over the last 15 years than anyone had forecast 20 years ago. The previous government ignored Melbourne's western suburbs — utterly ignored them. That is why this government is getting on with the job. The coalition government has made an effort to go and find ways to make life more livable for residents of Melbourne's western suburbs. In suburbs where infrastructure was not put in place 10 or 15 years ago, this government is doing it now. That is why we are getting on with the Sneydes Road interchange, that is why we are getting

on with the East Werribee employment centre and that is why we are moving the feasibility study for water-based transport to the next step. We hope the public consultation that we are asking for will bring back ideas from the private sector on how this might operate — ticket prices, cost, government subsidies — and how we take it to the next step.

Mrs Kronberg would know from the parliamentary Outer Suburban/Interface Services and Development Committee's trip to Vancouver how important water-based transport is. She knows firsthand how cities can be made more sustainable. That committee knows from its report how cities can be much more sustainable when you use all the options available for livability — that is, road, rail and water. Port Phillip Bay is one of the largest inland bodies of water in the world. It is ridiculous that we do not look at inputs to metropolitan planning visions about better utilising that resource.

In the past some people said that the Fishermans Bend idea would be a thought bubble, and then the rezoning occurred. Some said that the metropolitan planning strategy had stalled, and then we had the biggest consultation ever for a metropolitan planning strategy in Australia's history. Some said that this very study will never be complete and will never happen. Those people from the Australian Labor Party stand condemned for their negativity, those who are akin to a Soviet politburo, who were all the grey-suited, besuited fellows who sat in the Kremlin in the 1970s and 1980s, rotting away, plotting the world in their own little socialist fantasies. Speaking of which —

Honourable members interjecting.

Mr Viney — On a point of order, President, apart from the fact that you are wearing a grey suit, I suggest to you that the Minister for Planning is debating the question.

The PRESIDENT — Order! On the point of order, yes, I think the minister was showing some licence. He was perhaps giving us a bit of a history lesson, but nonetheless I am not sure that it was as pertinent to the question, which was about water-based transport from Geelong, as I might have expected. The minister to complete his answer.

Hon. M. J. GUY — As I was saying in conclusion, the initiative to look at that water-based transport option is very significant. It is very significant for Melbourne's growing western suburbs. Mr O'Brien knows this in terms of his interest in innovative ways to get from our second largest city to Melbourne, Mrs Kronberg knows

this from her committee's work in Vancouver, and Mr Finn and Mr Elsbury know this as they live and breathe it, coming from Melbourne's west. Hopefully some other members who are from or formerly from Melbourne's west might now move into their new seats, Mr Pakula.

That aside, I simply say that this is an important study. It is an important input into the metropolitan planning strategy and one we are very proud to have launched today to show that water-based transport from the western suburbs of Melbourne is viable. It can happen, and this government is going to take it to the next step.

TAFE sector: funding

Mr LENDERS (Southern Metropolitan) — My question is to the Minister for Higher Education and Skills, Mr Hall. On a number of occasions during question time in this place the minister has painted a very rosy picture about the growth of TAFE enrolments during 2012. How does he reconcile this growth in enrolments, his rosy picture, with the 2000 full-time staff positions that have gone since the budget cuts of 2012?

Hon. P. R. HALL (Minister for Higher Education and Skills) — I would like to commend our TAFE institutes across Victoria for the efficiency with which they have responded to the Refocusing Vocational Training in Victoria reforms introduced by the government last year. Mr Lenders is exactly right; we saw growth in vocational education and training activity across the state in 2012. In particular we saw a 7 per cent growth in government-subsidised positions in TAFE institutes during 2012, as well as a 22 per cent increase in fee-for-service activity by our TAFE institutes. I commend them for showing that they have demonstrated greater efficiencies, greater awareness in what they are doing and put a greater focus on the needs of their local communities.

Supplementary question

Mr LENDERS (Southern Metropolitan) — I thank the minister for his answer, but I would like to explore his comment about greater efficiencies. By 'greater efficiencies' does the minister mean that staff-student ratios have changed? Does he mean that an apprentice who is putting up a frame on a house does it online? What exactly does he mean by greater efficiencies in relation to the 2000 staff jobs cut out of the TAFE system?

Hon. P. R. HALL (Minister for Higher Education and Skills) — First of all, we could undertake an

analysis of the suggested figure of 2000 TAFE positions. I am not sure if that is the case at all, given the fact that although the number of positions in a number of TAFE institutes was reduced, many of those were vacant positions to start with. In terms of efficiencies, TAFEs looked at the courses they deliver. In some cases, instead of offering a full range of courses from certificate I right through to certificate IV, there was a limited contraction in the number of certificate-level courses that were being offered. For example, students could still receive training in, say, an area of retail or hospitality, but the same suite of courses was not being offered.

TAFEs certainly refocused. They looked at their strengths, they looked at their communities' needs and they adapted accordingly, and full credit to them. They have been able to increase TAFE activity in both government-subsidised positions and fee-for-service positions in the last 12 months.

Charlton hospital: construction

Mrs PETROVICH (Northern Victoria) — My question is to David Davis, the Minister for Health. Will the minister update the house on the progress of the building of the hospital at Charlton?

Hon. D. M. DAVIS (Minister for Health) — I am pleased to answer this question from Mrs Petrovich and to note the strong support from members for Northern Victoria Region, Mr Drum, Mrs Petrovich and Ms Lovell.

Mr Lenders — Thank you, Ms Broad. Thank you, Ms Darveniza.

Hon. D. M. DAVIS — I do not think she has been quite as strong in her support as she ought to have been.

I can inform the house that the detailed design for the new Charlton hospital is now complete and the request for building tenders is expected to be released shortly. I want to pay tribute to my colleague the Minister for Planning, who has approved a planning scheme amendment to rezone the land in question to public use zone 3, health and community, and has approved a planning permit in relation to overlays on the current site. The final step is for that to be gazetted.

I note that the site of the former Charlton primary school, at 4 Learmonth Street, Charlton, is where this development will occur. Design and delivery of the replacement facilities at Charlton is taking place. The house will remember the floods that occurred and their terrible impact on Charlton, with so many homes and businesses affected. In particular the hospital, being on

a low flood plain, was seriously flooded, and there was a need to find a new site in the town for a hospital and begin the process of rebuilding.

The building contract is expected to be awarded shortly, with construction to commence shortly thereafter. I note that a community information session was held in Charlton in October to display the proposed layout and impressions of the proposed facade. More than 80 people were in attendance at that session, and the information displayed was very well received.

I pay tribute to the work of the CEO, Kathy Huett, who has managed to lead the hospital staff and board during a difficult time, and in particular Ken Round, the board chair, who has had a challenging time managing the significant community issues around the impact of the flooding. The hospital board — and the administration of the health service — has been a remarkably effective group in leading the review process in conjunction with my department.

I indicate that \$22.7 million was announced in the 2012–13 budget to allow for the reconstruction of the Charlton hospital on the site. Significant preparatory work has been undertaken. I know East Wimmera Health Services, under the leadership of Ken Round and Kathy Huett, have been very much to the fore of that. I pay tribute to the community in Charlton. I pay tribute to the board and the CEO, and I indicate that they have had every assistance from my department in working through what was a very difficult phase of dealing with the insurance issues and dealing with the clean-up of the old hospital, which suffered a massive impact from the water and sewage that went through the hospital.

It was clear that it was impossible to restore the hospital to a suitable standard. We commissioned special work to look at the infection issues around the old hospital, and it was clear that the safest course was to build a new hospital. The government's commitment is being delivered on. The work is done. It is very close to the stage where the formal tenders will proceed.

PETITIONS

Following petition presented to house:

Schools: funding

To the Legislative Council of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council, the Baillieu state government's decision to cut \$555 million from Victorian schools. In particular, we note:

1. funding for the VET and VCAL programs have been cut, meaning thousands of students are now missing out on opportunities;
2. the education maintenance allowance, the School Start bonus and the conveyance allowance have either been slashed or scrapped;
3. the Premier's broken promise to teachers means students will miss out on camps, excursions and other opportunities.

The petitioners therefore request that the Legislative Council urges the Baillieu state government to guarantee no further cuts to education funding will be made in the upcoming 2013–14 Victorian budget.

By Mr LEANE (Eastern Metropolitan) (68 signatures) and Mr TEE (Eastern Metropolitan) (20 signatures).

Laid on table.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 4

Mr O'DONOHUE (Eastern Victoria) presented *Alert Digest No. 4 of 2013, including appendices, extract of proceedings and minority report.*

Laid on table.

Ordered to be printed.

The PRESIDENT — Order! I extend congratulations to Mr O'Donohue on his new position. He was already a parliamentary secretary but has a new role.

Additionally, I am not sure whether I should be extending congratulations or commiserations, but I acknowledge Mr Pakula is probably in his last week with the Legislative Council. This house will be much the poorer; the other house will be much the richer.

Mr Barber — On a point of order, President, you appear to be presuming the outcome of the by-election that would see him in the Legislative Assembly.

The PRESIDENT — Order! Mr Barber is right; I am perhaps a little premature. Then again, however, I did indicate it might well be commiserations. I am sure the Greens will mount a vigorous campaign, and we will see — if I were betting man!

PAPERS

Laid on table by Clerk:

Climate Change Act 2010 — Victorian Climate Change Adaptation Plan.

Commissioner for Environmental Sustainability — Strategic Audit of Victorian Government Agencies' Environmental Management Systems 2011–12.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes:

Ballarat Planning Scheme — Amendment C148.

Baw Baw Planning Scheme — Amendment C86.

Casey Planning Scheme — Amendment C133.

East Gippsland Planning Scheme — Amendment C109.

Greater Geelong Planning Scheme — Amendments C186 and C240.

Manningham Planning Scheme — Amendment C66.

Maribyrnong Planning Scheme — Amendment C70.

Stonnington Planning Scheme — Amendment C164.

Statutory Rules under the following Acts of Parliament:

Fisheries Act 1995 — No. 28.

Livestock Management Act 2010 — No. 29.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule Nos. 24, 28 and 29.

Legislative Instrument and related documents under section 16B in respect of a Determination of conditions and times for firewood collection in Barmah National Park made under the National Parks Act 1975.

Proclamations of the Governor in Council fixing operative dates in respect of the following acts:

Criminal Organisations Control Act 2012 — 13 March 2013 (*Gazette No. S86, 13 March 2013*).

Electronic Conveyancing (Adoption of National Law) Act 2013 — Parts 1 and 2 and Divisions 1 to 3 of Part 3 — 14 March 2013 (*Gazette No. S86, 13 March 2013*).

Residential Tenancies and Other Consumer Acts Amendment Act 2012 — Part 4 — 18 March 2013 (*Gazette No. S86, 13 March 2013*).

Traditional Owner Settlement Amendment Act 2013 — 8 March 2013 (*Gazette No. S70, 5 March 2013*).

Ordered that Victorian Climate Change Adaptation Plan be considered next day on motion of Mr BARBER (Northern Metropolitan).

BUDGET SECTOR**Midyear financial report 2012–13**

The Clerk, pursuant to section 27D(6)(c) of the Financial Management Act 1994, presented report, incorporating quarterly financial report no. 2.

Laid on table.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE**Budget estimates 2012–13 (part 2)**

The Clerk, pursuant to section 36(2)(c) of the Parliamentary Committees Act 2003, presented government response.

Laid on table.

BUSINESS OF THE HOUSE**General business**

Mr LENDERS (Southern Metropolitan) — By leave, I move:

That precedence be given to the following general business on Wednesday, 20 March 2013:

- (1) notice of motion 535 standing in the name of Mr Leane relating to the Nadrasca community farm;
- (2) notice of motion given this day by Mr Jennings to take note of answers given by the Minister for Health to questions without notice relating to Victorian hospitals and health care;
- (3) notice of motion 508 standing in the name of Ms Tierney relating to hospital funding in Geelong;
- (4) notice of motion given this day by Mr Barber relating to the production of certain documents in relation to the east–west link; and
- (5) notice of motion 528 standing in the name of Ms Hartland referring the Accident Compensation Legislation (Fair Protection for Firefighters) Bill 2011 to the Economy and Infrastructure Legislation Committee.

Motion agreed to.

STANDING COMMITTEE ON ECONOMY AND INFRASTRUCTURE**Membership**

Mr LENDERS (Southern Metropolitan) — By leave, I move:

That Ms Broad be discharged from the Economy and Infrastructure Legislation Committee and the Economy and Infrastructure References Committee and that Mr Lenders be appointed in her place.

Motion agreed to.

MEMBERS STATEMENTS**Lyn Chambers**

Mr SCHEFFER (Eastern Victoria) — I draw the attention of the house to the recent passing of Wonthaggi's Lyn Chambers. I had the good fortune to first meet Lyn Chambers in 2007 at the opening of the Wonthaggi Railway Station Museum, which is now the home of the Wonthaggi Historical Society, an organisation with which she had a long association. Only recently elected to represent Eastern Victoria Region, I was keenly aware of how much I had to learn, and on meeting Lyn it was clear that I was in the presence of a woman who would become for me the personification of Wonthaggi.

As local people know, Lyn arrived in Wonthaggi in 1951 with her husband, Joe Chambers, and their two children, and she became an integral part of the Chambers family and a community leader for more than 60 years. What came through for me, when I was in Lyn's presence, was the sense that she embodied so much of Wonthaggi and what she would have called its left-wing history. Lyn's active community work, her personal sense of Wonthaggi's place in Australian history, the suffering and triumphs, and her very personal understanding of the people of Wonthaggi — as Lyn would say, 'Those who did for each other' — was always present. This personal sense of the meaning of Wonthaggi's place in history informed the values that underpinned everything she thought of and did for her community. It was a privilege to have known Lyn Chambers, and I will never forget her gentle and unfaltering strength. I extend my condolences to Lyn's family and to all who knew and cared about her.

Victorian Honour Roll of Women: inductees

Mrs COOTE (Southern Metropolitan) — I have a great deal of pleasure in talking about the Victorian Honour Roll of Women. Commencing in January this

year, together with an absolutely terrific committee comprising Rosemary Varty, Lyn Swinburne, Sally Macindoe, Manjula O'Connor, Prue Addlem, Bessie Yarram and Wesa Wai-Sum Chau, I had the honour of considering an inspiring number of fabulous women to determine which 20 would be short-listed for this year's Victorian honours roll. I commend Ms Mikakos, a member for Northern Metropolitan Region, who nominated a successful candidate and attended the awards event on Wednesday, 13 March.

I will now read the recipients: Ms Betty Amsden, Professor Wilma Beswick, Sr Jane Bell, Dr Lynn Corcoran, Professor Edwina Cornish, the Honourable Susan Crennan, Dr Catherine Crock, Ms Irene Frangioudaki, Mrs Lisa Happ, Professor Helen Herrman, Dr Yvonne Ho, Ms Nerida Kerr, Ms Judith Lazarus, Ms Patricia Malowney, Mrs Janet Michelmore, Professor Susan Sawyer, Ms Ann Tonks, Ms Therese Walsh, Dr Kathleen Watson and Mrs Diane Wright. They are an extraordinary group of women who have been added to the extensive list of women on the Victorian women's honour roll. I commend the committee on an excellent choice. There are women from all over Victoria, both young and old. It was an uplifting night, and congratulations to everyone concerned.

Crime: Frankston electorate

Mr TARLAMIS (South Eastern Metropolitan) — I rise to address yet another failure by this government on one of its key election planks, its purported tough-on-crime stance. Unfortunately for people in Frankston 'tough on crime' seems to have been put in the same too-hard basket as 'the highest paid in Australia'. New figures released a few weeks ago by Victoria Police show yet another jump practically across the board for crime rates in Frankston for 2012. Frankston experienced an overall jump in crime of 16.3 per cent, with assaults up by a frightening 37.2 per cent and burglary by 13.1 per cent. Drug offences have skyrocketed by 58.4 per cent, as have crimes against the person by 36.1 per cent. Frankston families will also be concerned about the jump in property damage rates of 10.1 per cent and crimes against property of 6.6 per cent. To top it off, residential burglaries grew by 9 per cent while robberies and motor vehicle theft were up by 11.8 per cent and 7.2 per cent respectively.

None of these facts keep the spin machine from hitting top gear, though, as it beggars belief that this government would suggest these figures are a result of more arrests being made. How you come up with that sort of explanation after ripping \$65 million out of the Victoria Police budget is beyond me. Under this

government 350 unsworn officers and 480 staff members from the Department of Justice have gone and there has been a blow-out of over \$60 million in its protective services officer policy while the minister continues to cut resources. It all adds up to real increases in real figures on real crimes. Frankston and its residents deserve better, and the government continues to fail to deliver its own promises on law and order, as evidenced by these alarming increases. But, then again, why am I surprised?

Timber industry: safety zones

Mr P. DAVIS (Eastern Victoria) — I wish to make some observations on a subject that I am sure Acting President Pennicuk would like to respond to — that is, the new public safety zones in Victoria's working forests, with which I know the Acting President will be intimately familiar. I congratulate the government, in particular the Minister for Agriculture and Food Security, Peter Walsh, on its tough approach towards dealing with trespassing on operational timber harvesting coupes.

The health and safety of forest workers has been a long-term problem when people seeking to make a political point with regard to timber harvesting have chosen to interfere with the safe operations of that harvesting activity. It is pleasing to see that the government has acted to deal with this by remaking the declaration for public safety zones for timber harvesting to place a clear and certain prohibition on access within 150 metres of operational timber harvesting coupes. Importantly this will ensure that there is greater ability to control interference in what is a very hazardous industry, and at best the uninformed protesters —

The ACTING PRESIDENT (Ms Pennicuk) — Order! The member is out of time.

Western suburbs: truck action plan

Ms HARTLAND (Western Metropolitan) — This morning I joined members of the Maribyrnong Truck Action Group (MTAG) and No More Trucks for Moore Street and other residents of the inner west to blockade Shepherd Bridge in Footscray. The reason MTAG and No More Trucks for Moore Street called the boycott and the reason I supported the action is that the government has completely ignored the health and noise issues that have come about by having 21 000 trucks going through the inner west communities every day. We were reminded during question time today, by the Minister for Health's inaction on diesel issues, that the government is not

concerned about the health of residents in the inner west.

As Martin Wurt from MTAG said today, it was the inaction of governments, both Labor and Liberal, that forced us to blockade the bridge. I can almost hear the interjections from other members. Let us make this clear: we are not talking about trucks that deliver to supermarkets, stores or your home; we are talking about trucks coming to and from the port through residential streets. How would you like to have a container truck going past your door every few minutes? What is going to happen when the B-doubles start using these routes?

I urge the government and other western suburbs MPs to talk to members of MTAG and residents about their concern and to fund the truck action plan. It is not only best for children's health but also for truck drivers, as they will then have a direct route to the port rather than having to drive through residential streets.

International Women's Day

Ms TIERNEY (Western Victoria) — On International Women's Day this year I had the pleasure of joining local women in the Surf Coast Shire Council offices for the launch of a local exhibition titled 'Resilience'. The exhibition is a series of black-and-white portraits taken by local Fairhaven-based photographer Rebecca Hosking celebrating the resilience and diversity of women living on the Surf Coast. The exhibition is showing at the Surf World Museum in Torquay until 20 March and will show at the Eagles Nest Fine Art Gallery in Aireys Inlet from 20 April until 1 May. It will also show at Qdos Arts in Lorne and the Globe Theatre in Winchelsea.

As women and men around Victoria celebrated International Women's Day and the role of women in our society, one could not help but think of all the inequalities that still remain and the lack of vigour and desire that the state government has in this area. Under this government Victoria has seen the lowest number of women in cabinet since the Kennett era; the Office of Women's Policy gutted; the abolition of a dedicated family violence team in the face of a significant increase in the reporting of family violence; community health and women's health budgets slashed by \$25 million; an attempt to abolish nurse-patient ratios; Take a Break funding slashed; a broken promise to teachers, the majority of whom are women, that they would be the highest paid in Australia; and a fight against the equal pay case. The list goes on and on. The coalition state government continues to make life harder for women in this state.

Roads: northern suburbs

Mr EIDEH (Western Metropolitan) — This summer has seen our wonderful state plagued by devastating fires. With the recent history-making weather conditions that Victoria has seen, the bushfire risk is still very high. The fires have either been the result of an act of nature or caused by foolish firebugs, who put the lives of Victorians everywhere in jeopardy. However, this is not the only thing that puts the lives of those facing a fire in jeopardy. I imagine that the biggest fears for those who are trying to escape a raging blaze are firefighters not being able to get in to fight the blaze and, even worse, being trapped due to poor infrastructure.

Last month this was a near frightening reality for those living in the northern suburbs, in particular the areas that surround O'Herns Road and the Aurora estate in Epping. Two weeks prior to the fire my parliamentary colleague the member for Yan Yean in the other place, Danielle Green, who had written to the Minister for Roads about this problematic issue, received a response indicating that the O'Herns and Edgars roads duplication and interchange were not required until after 2046.

I do not need to go into what can happen during a fire with a congested road and inadequate infrastructure to help people reach safety. We all saw this on Black Saturday, a day that scarred Victoria forever. However, despite the continuous growth in regional areas, the government does not believe this road needs duplication — not for less congestion nor, even more importantly, for safety. Will Victorians in the north really have to wait 33 years to see this serious issue resolved? I hope not. I urge the minister to reconsider this serious issue and to think of the potentially devastating effects.

Pope Francis

Mr ELASMAR (Northern Metropolitan) — I, like many millions of people around the world, was delighted with the papal conclave electing His Holiness Pope Francis, the first of that name, on Wednesday, 13 March. It was a historic day in that he was the first cardinal in history to be elected from within the ranks of the Jesuit order. I know His Holiness will continue to foster and nurture the one billion Catholics around the world. I wish His Holiness Pope Benedict XVI a restful and peaceful retirement.

Royal Melbourne Hospital: 165th anniversary

Mr ELASMAR — On another matter, on Friday, 15 March, I attended the unveiling of a plaque to commemorate the 165th anniversary of the original site of the Royal Melbourne Hospital. For many Victorians this hospital is a well-known historic landmark. The hospital started off with just a few beds and over all these years has treated more than 20 million patients. My mother loved the hospital, and I have strong memories of visiting her there. To this day it strives to provide a world-class standard of quality health care for all Victorian families.

Rena Frangioudaki

Ms MIKAKOS (Northern Metropolitan) — On 13 March I attended the announcement of this year's inductees to the Victorian Honour Roll of Women in Queen's Hall. I congratulate each of the 20 new inductees, who have made extraordinary individual contributions to Victoria. In particular, I wish to congratulate, Ms Rena Frangioudaki, who I was honoured to nominate for this fitting recognition, and I thank the government for including her on the honour roll.

Since arriving in Australia in 1966, Rena has devoted more than 45 years to working in every facet of the media, including radio and television broadcasting and print journalism. Rena was one of the founders of SBS Television and served as a director of the Greek language programs, as a coordinator and producer of Greek programs and as a presenter of cultural, social and news programs, including programs for children. She was also one of the original broadcasters on the 3ZZZ ethnic radio station and worked on educational children's programs for the ABC.

She currently works for the Greek Media Group in radio, TV and print journalism and is a journalist on the *New Country* newspaper and the Greek newspaper *Neos Kosmos*. She is a willing mentor to developing journalists.

Rena is a constant source of advice and support to many community organisations and individuals, to which she generously gives both her time and compassion. She has volunteered for over 30 years assisting elderly citizens at Fronditha Care, a community organisation providing services to Australian elders of Greek-speaking background. Rena's melodic voice is a welcome companion to the Greek elderly who listen to her on radio.

In 2010 Rena was awarded an Order of Australia Medal for her service to the Greek community of Victoria. She enjoys the respect and admiration of all generations of Greek Australians and is one of the living legends of Victoria's Hellenic community. It is only fitting that she be recognised in the Victorian Honour Roll of Women as the queen of Greek journalism. Congratulations, Rena.

**EDUCATION AND TRAINING REFORM
AMENDMENT (TEACHER
REGISTRATION AND OTHER MATTERS)
BILL 2013**

Second reading

**Debate resumed from 7 March; motion of
Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).**

Ms MIKAKOS (Northern Metropolitan) — I am pleased to speak today on the Education and Training Reform Amendment (Teacher Registration and Other Matters) Bill 2013. I note from the outset that the Labor opposition will not be opposing the bill. I point out that the bill does not do anything of great substance. We know that the government has been struggling to put bills on the legislative program to keep this Parliament busy, and clearly it is scraping the bottom of the barrel in finding minor amendments to bring to this house to try and fill up the legislative program.

When the education and training sector needs substantive reform, this government has got nothing better to do in terms of substantive reform than to decimate our education system. This is what this government's idea of reform involves. We are experiencing a lot of cuts to our education system rather than significant or actual substantive reform as the government is claiming in the title of this bill.

In recent weeks the government has been completely distracted, with its members being more focused on keeping their jobs than on serving working families in Victoria and enabling them to keep their jobs. We have heard the Minister for Education say that this government is putting money into the programs that matter and the students that matter. Many people in the community have questioned what that statement actually means. The concern people have is that the government is not committed to public education in this state.

The minister has overseen the government's apparent commitment to education through the savageness of its attacks on the sector. The government has cut \$550 million from the education budget. It has cut the

School Start bonus, the student conveyance allowance, the education maintenance allowance, the School Focused Youth Service, Reading Recovery tutors, and the list goes on. It has ripped an estimated \$300 million from Victoria's TAFEs. Whilst the government has managed to recycle an old leader in electing as Premier Denis Napthine, who is purporting to take a new direction, it is obvious that his announcement in recent days of putting \$50 million per annum back into the TAFE system over the next few years is really going to be too little, too late. It is a bandaid measure that is not going to repair the \$1.2 billion that has already been cut from the sector. Of course that \$50 million is not going to aid the TAFE teachers who have already lost their jobs, or the young people who may not have a campus to attend, a course to enrol in or the ability to pay fees which have been skyrocketing. This announcement is a pathetic attempt to make up for the extraordinary damage that this government has already done to the TAFE sector.

As I understand it, during question time in the other place the Premier announced that the government is going to drop performance payments in its negotiations with the Australian Education Union (AEU). That is something the union has been very strident in its opposition to for the last two and a half years, so there will of course be an expectation now that this dispute is finally resolved after such a long period of time. However, the Premier appears to have overruled his own Treasurer, Michael O'Brien, who in the weekend papers was reported as having said he was going to make it clear that performance payments were going to be delivered and be part of the discussions with the AEU. It is clear that the cabinet is already divided in such a short period of time, where you have Treasurer O'Brien overruled by Premier Napthine on the issue of performance payment. It will be very difficult for the government now to claim that it is delivering on its election commitment to make teachers the best paid in the nation, when it has moved to take that off the negotiating table.

Mrs Peulich — On a point of order, Acting President, I understand that the lead speaker has a broader set of parameters in dealing with the legislation before the chamber. Ms Mikakos has been speaking now for 5 minutes and so far she has not touched on a single provision in the legislation. The member may be scene setting, but her comments are completely divorced from the legislation. I ask you to invite her to make her comments relevant to the bill before the house.

Ms MIKAKOS — On the point of order, Acting President, I am about to come to the substantive parts of

the bill. It is very common for the lead speaker to make a number of introductory comments. I point out that the bill refers to teachers and the Victorian Institute of Teaching. As an omnibus bill it has a wide range of provisions. It covers a gamut of issues within the education sector. However, I am about to speak on the bill.

The ACTING PRESIDENT (Ms Pennicuik) — Order! I thank Ms Mikakos for her assistance. Ms Mikakos is only one-twelfth of the way through her contribution, and as the lead speaker for the opposition she can refer to matters in addition to the actual provisions of the bill. However, I ask her to come to the provisions as soon as possible.

Ms MIKAKOS — Thank you very much, Acting President, for your guidance. It is important to set the scene, because government speakers will get up and suggest that this bill is the most important thing since sliced bread and that this state's education system cannot survive without it. We know, however, that this bill does not contain a great deal of substance.

Mrs Peulich interjected.

Ms MIKAKOS — Mrs Peulich was not listening to the start of my speech where I said the bill does not contain a great deal of substance and that whilst we in opposition are not opposed to it, we do not think it does a great deal. If the government is going to come in here and purport to introduce a so-called reform bill, it should be a reform bill that actually does positive things. Those opposite should engage and support the education system rather than taking an axe to it as they have done.

The last thing I want to mention in terms of setting the scene is the issue of the Gonski reforms. The federal government is proposing quite substantive support for public education and disadvantaged students in this state, but there has been a lack of commitment by the Victorian coalition government to the Gonski reforms, just as there has been a lack of commitment with regard to the health issue and so many other issues in the past. Those opposite just engage in political point-scoring without having any serious discussion about the school funding model recommended by David Gonski and his committee and how we can improve the system.

I now come to the issues before us in terms of the provisions in this bill. The two main issues in the bill relate to the Victorian Institute of Teaching suspending a teacher when a charge is laid under commonwealth sexual offences law and to increasing the powers of the Victorian Curriculum and Assessment Authority, the

VCAA, to investigate breaches of the national assessment program — literacy and numeracy (NAPLAN) testing protocol. I will cover those two issues briefly and also some of the other miscellaneous amendments contained in this bill.

A number of provisions in the bill relate to the Victorian Institute of Teaching. I state at the outset that the Labor opposition supports the strengthening of any provisions relating to sexual offences and the protection of young people and our students. I point out that the commonwealth government has introduced new laws relating to sexual offences. This bill is supposed to mirror those laws in Victoria to increase protection for students and enable teachers charged with sexual offences to be suspended quickly; however, the bill does not do that in substance. The provisions in this bill will not make any difference to the capacity of the Victorian Institute of Teaching to suspend teachers once they are charged under commonwealth laws. This is because powers already exist for the Victorian Institute of Teaching to suspend teachers once commonwealth charges relating to sexual offences are laid. The bill merely seeks to clarify such powers. We believe it clarifies the obvious.

Interestingly and to my understanding, which is based on the briefing provided to the opposition on this bill, the Department of Education and Early Childhood Development could not provide any legal advice that these changes are in fact necessary. Perhaps speakers opposite might be able to address that point. We would certainly be happy to see what the advice is as to why these changes are needed. There have been, as I understand it, no cases that highlight the need for legislative change in this area. The government has introduced this bill to look as if it is doing something. We do not believe the bill alters existing practice in relation to these issues.

It is interesting to look at the difference between what Labor put into practice when it was in government and what the coalition government is proposing in this chamber today, because the existing practices that I have referred to were in fact put in place by the previous government. It was the Labor government that established the Victorian Institute of Teaching, and it was Labor that gave it the power to suspend teachers who were charged with sexual offences. In 2010 we introduced legislation to enable police checks of teachers both before registration and on a continual basis while registered. We ensured that these police record checks operated parallel to national police record checks. We improved the data flow from police records to the Victorian Institute of Teaching to facilitate a continual stream of information about teachers who

may have acted illegally. We also included information on disciplinary hearing outcomes on the public register of teachers.

We believe the Labor government did a great deal in this area to ensure student safety. We do not believe the bill does much more. As I said, it is an attempt to clarify something that already exists in practice.

The second main issue in the bill relates to the powers of the Victorian Curriculum and Assessment Authority to investigate breaches of NAPLAN testing. NAPLAN, as members are aware, is a commonwealth program managed by the Australian Curriculum, Assessment and Reporting Authority (ACARA) — and I will revert to using acronyms in my contribution; I think it makes it a bit easier. Each year students in years 3, 5, 7 and 9 sit literacy and numeracy tests, the results of which are reported to parents, schools and state and territory governments as well as to the commonwealth. Of course it is important that we look at ways to minimise the potential for manipulation or cheating in NAPLAN testing, but this bill does not do a great deal to achieve that goal.

The VCAA is the body responsible for distributing the tests to all schools. It is the body responsible for collecting and marking student responses and reporting the results to ACARA. This bill simply clarifies the role of and existing powers held by the VCAA in this regard. The existing legislation requires the VCAA to conduct testing in a correct and fair manner. The bill amends the function of the VCAA to clarify that it has the power to receive information and coordinate and investigate NAPLAN breaches. Given that it is voluntary for parents, students or teachers to provide information to the VCAA, that they already have the capacity to look at school records and that the existing reporting arrangements are already in place, there do not seem to be any meaningful changes enacted by these provisions.

What we are talking about here is upholding the integrity of NAPLAN testing, but what we have seen so far from this government are cuts to the very body — the VCAA — that administers the testing regime. I understand this body has seen cuts that have included the loss of a languages other than English program manager, the loss of an Aboriginal language and cultures officer, the loss of a bushfires project manager, the loss of an English administration and support officer, the loss of the health and physical education officer and the loss of a number of administrative positions. There does not appear to be any way to help the VCAA police NAPLAN testing across the state if the government is gutting staff from this body.

As I said, this omnibus bill deals with a whole range of provisions. Briefly, some of the other provisions in the bill include a requirement for teachers to provide information related to any previous registration refusal or cancellation pertaining to any profession, not just the teaching profession, as is currently the case. Whilst this provision may be important, it is very badly drafted in that there is no provision for a list of relevant professions contained in the bill itself. It relies on looking at dictionary definitions, like the *Macquarie Dictionary* definition of 'profession', to get an idea of what this might entail.

With respect to disciplinary hearings, the bill purportedly provides greater protection for witnesses by enabling the hearing panel to issue suppression orders on the publication of information beyond — as is currently the case — closed hearings. There is no information in the bill relating to any penalty provisions that may apply.

The bill also corrects an anomaly in the Education and Training Reform Further Amendment Act 2010 to enable the appointment of an acting chair for the merit protection board; tightens the definition of 'teacher', which is a defined term, to include a principal or head of school who has teaching experience in any school in Australia; and makes a number of other technical amendments.

By way of conclusion I say that with this bill we are seeing a government that is in crisis, that has continued to cut and decimate our education system, that does not have much of a legislative program and that brings to this house omnibus bills that do not do a great deal — and certainly do not do a great deal to strengthen our education system.

The government purports that this is a significant reform. It is not. In many respects it is clarifying the obvious — clarifying what is existing practice. If the government is serious about reform, then it should take the opportunity in the upcoming state budget, which is only a few weeks away, to put back all the funding that it has cut out of our public schools, our TAFE sector and our early childhood sector. The fact is that it had allocated zero dollars for kindergarten infrastructure in the last state budget. We are not opposing the bill, but we urge the government to stop its attacks on the education system.

The ACTING PRESIDENT (Mr Ramsay) — Order! I thank Ms Mikakos. I have to say that I see no crisis here. I am not sure where Ms Mikakos sees that, but it is not in this chamber.

Mrs PEULICH (South Eastern Metropolitan) — I must say that that was probably not a particularly well-prepared speech by Ms Mikakos who one would have thought has been around sufficiently long to have elevated the level of debate.

Ms Mikakos spent over 9 minutes with her scene setting. We understand that lead speakers have broader parameters, but much of her speech was focused on absolute and utter misinformation. She talked about cuts to the education system, and this is only a couple of weeks after the Leader of the Opposition, Mr Lenders, planned to move a motion condemning the government for its cuts to education, but obviously double-checked his facts and understood that each of the two successive budgets for education actually saw an increase in funding allocated to education, and the Labor Party then back-pedalled very quickly and changed the wording of that motion. For the first time in the history of this chamber we had the task of debating a motion which was not printed on the pinks, which is the notice paper for the Legislative Council.

Yet Ms Mikakos is still peddling the line that people may 'inadvertently believe', and that is regrettable, because she is not being up-front. She criticised the Minister for Education, Minister Dixon, and plucked out a sentence which could be misused, misinterpreted, to assign motives and intentions that were certainly not intended. I think the performance of Minister Dixon in education indicates that. The sentence that the Labor Party has used, also in a parallel campaign outside this chamber, centres around the words 'this government is putting money into programs that matter'. I assume Ms Mikakos's criticism is that she believes we should put money into programs that do not matter, because that is the corollary of that.

An example of the absence of logic of the Labor Party can be seen by the response to the TAFE reforms. The TAFE reforms are quite simple. Not only have we actually put more money into TAFE — despite Ms Mikakos getting up on her soapbox and saying we have 'taken the axe' to TAFE and to education, which is not true; Labor allocated something like \$855 million to TAFE but the coalition allocated \$1.3 billion — we have also introduced a reform where the nature of the subsidies has changed. We are reducing the subsidies in those courses where expectations of employment and oversubscription have been substantial problems, whilst the national skill shortages in Australia have continued to grow and be translated and articulated into higher prices in construction and in the cost of tradesmen and so forth. The government has upped the subsidies in those courses that will lead to an improvement in the

crisis that is facing Australia in its national skills shortages.

We have taken the hard decision to take more funding from the courses that do not lead to a job and move it to those courses which can actually lead to jobs in areas where there are national skills shortages. Clearly Ms Mikakos and the Labor Party do not believe that this is common sense. We see this in the small batches of petitions that have been tabled and dribbled out over time. That is a strategy that I used quite effectively last term, but theirs could actually do with some finetuning there. Clearly Ms Mikakos believes that we should reverse that — that we should continue to provide the increased subsidies to courses where kids or other people who do the courses may not get a job and that we should continue to deny increased subsidies to courses in areas where there are national skills shortages.

To me that does not make a lot of sense. Yes, it was a tough decision, but let me say that I think it will end up leading to a much stronger TAFE system than has existed before. That is a separate issue to the issue that the chronic shortage of technical skills in this state in particular can be directly attributed to Joan Kirner's dismantling of the technical schools back in the 1980s. That is a Labor legacy that has been left to Victorians and future generations of Victorians. Labor has its fingerprints all over that. As a result, we have never quite filled that vacuum. We try at every level, but we have not yet filled that vacuum. Importantly, young people who at that particular point in their lives do not see their future as involving going on to university are missing out as a result.

Ms Mikakos says that this government is not committed to public education. I was educated in the public education system — unlike Mr Pakula, who has now been preselected to contest the seat of Lyndhurst, which he is certainly entitled to do. I think the strong suit of the coalition is that it actually believes in a mixed economy of education, but that parent choice and student choice should be underpinned and supported. If parents want to, they can pay extra money and have their children educated in private schools, or should they wish to do so, they can have them attend local public schools. I think this is the best way of keeping both sectors, the private and the public, on their toes and delivering the very best possible quality education that our students — irrespective of where they are born or to whom they are born — can expect. Mr Pakula was actually educated in a private school — in a very expensive private school — in the South Eastern Metropolitan Region. He could be up-front and say, 'It was not just any old school in

Keysborough; it was actually Haileybury'. It is a very good school and he should not be ashamed of it; he should be proud of it.

Ms Mikakos also took the opportunity to criticise the coalition's track record in education. Interestingly, some of the significant reforms that were introduced under the former Kennett government endured for quite a long time; others, however, have been dismantled, and the system is weaker for it. If you look at education, there are basically three areas of responsibility. One is the management of resources, including school facilities, capital works and maintenance and the student resources index; another area is curriculum; and the third area is the quality of learning and teaching. That pretty much covers the areas of responsibility of the education system.

Now let us quickly look at Labor's record and legacy. First and foremost it dismantled a very fair and effective system for the allocation of maintenance funding in schools, called the PRMS (physical resources management system), which I was instrumental in devising with the then Minister for Education, Phillip Gude, so that all schools irrespective of where they were and their maintenance needs could be assessed in an impartial way and would have a legitimate expectation of having money allocated to them. The Labor Party dismantled that system. It rolled up the PRMS tool for managing school maintenance. We had cleaned it up. We have now come back, and the backlog has grown again to \$300 million. That shows that Labor mismanaged it. When you visit schools and see the state of disrepair you are seeing the results of Labor's reform. Labor rolled it up into the student resources index, and that money had in many schools been frittered away.

Coming back to curriculum, I think there have been significant missed opportunities in that area, and in the area of learning and teaching Labor continues to obfuscate and to put up obstacles. The Labor Party has opposed every single measure that would lead to school improvement and improved teacher performance along the way for the 16 years, with a four-year break in between, that I have been in Parliament — whether it was the general achievement tests when we introduced them, which were articulated subsequently by Julia Gillard as the NAPLAN (national assessment program — literacy and numeracy) tests, whether it was performance pay or whether it was the schools charter. If members recall, the schools charter was a wonderful innovation. We introduced reviews of schools for the first time in the history of Victorian government school education. The Labor Party kept

that charter but weakened it by doing away with the external reviews every third year.

The coalition has a strong record of implementing necessary reforms which actually beef up and improve the quality of public education in this state. I taught in the state system, I was educated in the state system and I am proud of many of the people who work in the state education system, but nonetheless many parents are forced to send their children to government schools because they do not have the economic wherewithal to do otherwise. Their children deserve the very best system that we can provide. My own personal mission is to make sure that we have an absolutely vibrant and robust public education system because every child, no matter who they are, to whom they have been born or where they live, should have the opportunity of improving their lives and their fortunes. That is why I am delighted to be associated with some necessary reforms — on which Labor has obfuscated and dragged the chain, which I think has really been a problem and has left public education weak.

To deal with some of Ms Mikakos's other criticisms, before she got onto the bill she talked about the Gonski report and claimed that we have a lack of commitment to the Gonski report. What we have said is that we want an assurance of the detail that no school will be worse off under Gonski. That detail, that assurance, has not been forthcoming from the federal government, yet Ms Mikakos expects this government, the coalition government, to roll over just as Labor has rolled over on a whole range of things to a federal Labor government, like little lapdogs — 'Jump on the lap, we'll give you a couple of pats, but don't ask the hard questions and don't talk about money'. We saw that, for example, when Labor made a commitment to the policy of 15 hours of kindergarten for preschoolers without securing the funds needed to be able to deliver it, and Ms Mikakos has got the audacity to stand there and talk about how this government has not invested money into kindergartens. Guess what? We have been fixing up the problems Labor left behind after it agreed to something which had not been adequately funded.

Then Ms Mikakos talked about how our attitude in relation to Gonski, or education, has been about point-scoring. Yet the entire 10 minutes of her response to the education bill was precisely that — point-scoring unrelated to the legislation. Let me say I am very proud to support this piece of legislation. It does some important things, despite being dismissed by Ms Mikakos. Even little things matter, and these are not little things; I think they are really important things.

The bill amends the Education and Training Reform Act 2006 to give powers to the Victorian Curriculum and Assessment Authority to receive information, to investigate and to coordinate the investigation of alleged breaches of testing procedures under the national assessment program — literacy and numeracy, or NAPLAN, and to report the outcomes of those investigations to ACARA — that is, the Australian Curriculum, Assessment and Reporting Authority.

The issue in other states may have been more substantial than it has been in Victoria, but nonetheless there is evidence to indicate that of the 24 000 students who last year sat for the NAPLAN tests approximately 24 breaches — which is comparable to the numbers for previous years — were reported, which is about 0.1 per cent. It is not a huge number, but it cannot be swept under the carpet; it needs to be addressed.

The bill makes amendments also to improve the operations of the Victorian Institute of Teaching (VIT), in particular the disciplinary processes. That will increase the protection for students and parents and clarify certain of VIT's powers in relation to its statutory functions so that when they are challenged or are under consideration in court cases this state is not left exposed and, importantly, those children who may be impacted are protected by laws which are clear.

Other technical amendments to the principal act clarify the administrative powers of the minister and various cross-references reflect amendments to the Subordinate Legislation Act 1994. The bill will allow us to improve one area of responsibility — that is, teaching and learning. It will also improve the effective regulation of the teaching profession by the Victorian Institute of Teaching.

The bill makes amendments to the functions of the Victorian Curriculum and Assessment Authority to enable it to receive information about breaches of testing under NAPLAN. That is necessary because the integrity of the testing system is important. Often the breaches are not particularly significant, but they need to be treated seriously. The nature of the breaches that have occurred in Victoria include, for example, students being advised not to sit for a test in order to improve the reportable performance of the school. That is not appropriate. Where it has become apparent that students have been discouraged from sitting for a test, there has been intervention to make sure that those students can sit for that test.

In addition there have been examples of fairly minor things happening, such as the order of tests not having been undertaken according to the guidelines. Often the

Victorian Curriculum and Assessment Authority will liaise with the school and address those matters, by looking at the results, determining whether significant impacts can be identified and making adjustments. In the very worst possible scenario, where someone has cheated or answers have been provided, it is possible for the curriculum authority to not record the results of those tests. The response has been to put in place systems which correct those measures or involve closer supervision of the school or educational institution that is responsible for administering the NAPLAN testing the following year, to make sure that everything goes according to plan.

NAPLAN is obviously a federal program, which is managed by the Australian Curriculum, Assessment and Reporting Authority and under which students in years 3, 5, 7 and 9 sit for literacy and numeracy tests. I remember that in the 1990s Labor opposed any such prospect, with people speaking as if the world would cave in as a result of kids sitting for a test. If their entire lives were decided on the result of a single test, that may be a concern, but we all know that in modern education a range of indicators are used all the time to make assessments about the progress of a student, the capacity of schools and so forth. It is an important indicator, and I must admit that the introduction of NAPLAN testing is one of the very few areas about which I am prepared to give some credit to the Prime Minister, Julia Gillard.

Obviously any sort of investigation, whether it is into how the tests are distributed, or how they are marked and so forth, must be reported to ACARA. The Victorian Curriculum and Assessment Authority is also responsible for receiving information about breaches of the NAPLAN testing protocols, and so on. That is a very good move which will only strengthen that testing.

The bill makes a number of amendments to the principal act to consolidate the reform of the Victorian Institute of Teaching that was built on a 2007 review undertaken by Frank King and associates. The Victorian Institute of Teaching, the regulatory body for the teaching profession, was established in 2001. Obviously there were other ways of registering teachers, but the functions of the institute have been broadened in line with how people perceive a profession, and they include setting standards for teachers entering the profession in Victoria. That is very important.

There has been an ongoing debate about this matter, but in recent times there has been more debate about how important it is to lift the entry standards and to rely on not only academic standards but address other criteria

that make for good teachers in the long term. VIT also ensures that teachers continue to develop during their careers. Reflecting on one's own performance should really be a daily endeavour. It should not be something that you do just once a year in order to be able to tick it off. A good teacher is one who constantly reflects on his or her own practice and also observes the practice of others to strengthen what they do to increase the toolkit that leads to better learning and teaching outcomes.

The community expects us to do that and that is why the government has taken performance appraisal from the table in negotiating the enterprise bargaining agreement with teachers. Victoria must be the only jurisdiction in the Western world where teacher performance appraisals are not part of the system designed to make sure that we have the very best people in the system. Those who are not meeting the mark have an obligation and an opportunity to improve because at the end of the day the people who miss out are the students in those classrooms.

The bill amends the definition of 'sexual offence' to reflect changes to the Victorian Crimes Act 1958 and to reference sexual offences committed under the Criminal Code of the commonwealth. These are the sorts of technicalities that can result in undesirable outcomes. It is obviously necessary to close those loopholes and align the underpinnings of state and federal regulatory regimes.

Sexual offences under the Criminal Code of the commonwealth relate also to trafficking of children, transmission of child pornography across state borders and internationally, and use of a carriage service to supply or obtain child abuse material or to procure or groom a child. Clearly with things such as the transmission of child pornography across state borders and internationally we must have in place the laws necessary to track down those people because the crime does not stop just because it goes across the border of one state.

The effect of the amendment will be to provide an explicit power for the Victorian Institute of Teaching to use its disciplinary powers in a circumstance where a teacher is charged with a sexual offence only under commonwealth legislation. The amendment will result in avoiding the possibility that a person teaching in Victoria who is convicted of a sexual offence under commonwealth legislation might successfully appeal a cancellation of his or her registration. The community would expect us to get on with this sort of finetuning of legislation. It might not be dramatic action but it can have a very dramatic impact on the lives of some.

The bill also clarifies the definition of ‘teacher’ in part 2.6 of the act to explicitly include a principal or head of a school who has been previously employed as a teacher anywhere in Australia or overseas. Previously the definition applied to teachers employed only in Victoria. Now it will apply to teachers employed anywhere, to make sure that anyone who has been convicted of a sexual offence does come in under the radar. The current definition has the potential to be interpreted as applying to principals and heads of schools who have previously been employed as teachers in Victoria only. Scrutiny of teachers is important; it is consistent with the broader duty of care that we have within the education system. This is a very sensible and necessary reform.

The bill requires teachers to provide a postal address to the institute as part of the application for registration and that they notify the institute within 30 business days of a change in postal address. During the briefing I asked if a teacher would inadvertently find themselves deregistered if they were to exceed that time frame. I was informed at the time that a breach of the requirement would not constitute an offence. Its purpose is to improve the institute’s ability to contact and communicate with registered teachers in Victoria. I would expect that that is indeed how regulations will be developed.

The bill also proposes that applicants for registration as teachers provide information about any refusal or cancellation of registration to carry out a profession anywhere in Australia or overseas, including the reasons for that refusal or cancellation, so none of that information goes under the radar. Knowing the reasons for the refusal or cancellation would better inform the Victorian Institute of Teaching and enable it to make decisions in assessing applications against the standards of practice required for registration as a teacher in Victoria. Obviously teachers hold a unique position of trust in our community, but they also have a legal obligation and a duty of care which is equivalent to that of a reasonable parent. Therefore reasonable parents and the community would expect us to scrutinise those who fulfil that obligation.

The disciplinary hearing processes operated by the institute provide for a transparent and fair process — and that is important — for determining whether a teacher’s conduct, behaviour or performance continues to meet the standards required for registration. Before the introduction of this legislation, if it became apparent during the investigation, consideration or panel hearings that there were medical or mental health issues, that process had to be abandoned, the matters attended to and then the hearing process started all over

again. It is now possible — and I think this is an improvement to the process — for teachers who are subject to a hearing to be referred to a medical hearing panel in order for the panel to have access to specialist knowledge to inform it in terms of the decision it is confronted with. I believe that is an important reform.

The removal of the current cap of 30 persons on the panel pool is also sensible because it means we can get rid of unreasonable delays. None of these matters will be publicly disclosed or broadcast, particularly in relation to witnesses giving evidence in proceedings, and that is consistent with procedural fairness. The formal hearing panel has been given the power to refer an active case to a medical hearing for a finding as to whether the teacher’s ability to practise as a teacher is seriously detrimentally affected, or likely to be affected, because of an impairment. That will lead to better decision making.

In closing, this may seem like a small bill, but it is a very important bill with the capacity to impact on so much of what we do, whether it is in the area of quality of learning, teaching and curriculum or making sure that we have the very best teachers in our schools and before students in the classroom. I commend the bill to the house. I understand the Greens will be taking it into committee; however, The Greens and the Labor Party do not oppose the bill. It is one of those good pieces of legislation. I believe it is overdue, and it should be supported.

Mr ELASMAR (Northern Metropolitan) — I rise to contribute to the debate on the Education and Training Reform Amendment (Teacher Registration and Other Matters) Bill 2013. As a member of the parliamentary Education and Training Committee I am deeply aware of the need to ensure that our children are protected from predators who abuse the sacred trust of the classroom. My colleague Ms Mikakos has declared that we are not opposing this bill. However, it will not strengthen the capacity of the Victorian Institute of Teaching (VIT) to suspend a teacher when a charge is laid under commonwealth sexual offences law. We support any bill that strengthens provisions around sexual offences. The bill also increases the power of the Victorian Curriculum and Assessment Authority (VCAA) to investigate breaches of national assessment program — literacy and numeracy (NAPLAN) testing protocols. They are the two very important matters in this bill.

The government talks about the bill increasing powers in regard to strengthening the capacity of VIT to suspend a teacher charged with a sexual offence under commonwealth law. However, the changes outlined in

the bill simply clarify existing powers; they do not alter them. The bill simply reiterates what already exists under the law. It confirms the existing provision that when someone is charged with a sexual offence the Australian Federal Police notify Victoria Police and Victoria Police notify VIT. This bill strengthens nothing in terms of what already happens. It neither adds to nor subtracts from the status quo. This is a missed opportunity for this government to add value to the system already in place.

This bill also purports to increase the powers of the VCAA to investigate breaches of NAPLAN testing. When a government institutes formulas by way of annual literacy and numeracy tests we need to ensure that those formulas are not able or likely to be systematically manipulated. Unfortunately this bill does not provide any fail-safes for the current system. I am happy to support any method that works in the best interests of students, but I am sad to say that this bill achieves nothing positive for Victorian children.

Ms PENNICUIK (Southern Metropolitan) — I will start by saying that the Education and Training Reform Amendment (Teacher Registration and Other Matters) Bill 2013 is misnamed. It should have been called the 'Education and Training Amendment (Teacher Registration and Other Matters) Bill' because the bill makes quite a few amendments, and most of them are not very weighty. The use or the misuse of the term 'reform' in the title of the bill is regrettable because if you see the term 'reform', you expect a great reform in education. That is not what we are getting with this bill.

However, we are getting a series of amendments, all but one of which we support and one of which we do not oppose one. I will come to the reasons for that. The bill is a collection of some 20-odd clauses amending certain parts of the Education and Training Reform Act 2006 with regard to teacher registration, hearing panels and the conduct of those, and the administration of the national assessment program — literacy and numeracy (NAPLAN) testing by the Victorian Curriculum and Assessment Authority (VCAA).

Mrs Peulich went through the provisions of the bill in great detail, so I will not repeat those. I will just go to the particular parts of the bill that I wish to raise some questions about. I will also use my time as the lead speaker for the Greens to say — following on from what I said about this not being a reform bill but an amendment bill, which makes amendments to the Education and Training Reform Act — that contrary to what Mrs Peulich was saying, there have been cuts to education and education programs in this state.

One example that immediately comes to mind is the Victorian certificate of applied learning (VCAL). We continue to get reports from schools as to how that cut has impacted on their ability to coordinate that program, and some schools have discontinued it. The impact on other schools is that they have had to take money from other parts of their school budget to keep the VCAL coordination going. I have made the point before that coordinating the program requires the time and effort of VCAL coordinators. The ongoing coordination work can be quite time consuming for that particular teacher, depending on the needs of the students and on placements. The loss of that funding, to name one example, has meant the cutting of a program. There are other programs, like the education maintenance allowance.

Mrs Peulich — It is a program but not a budget — the education budget.

Ms PENNICUIK — I thank Mrs Peulich. I allowed Mrs Peulich to go through her speech without interruption. I am talking about the cancellation of programs.

Mrs Peulich also made comments about TAFE. When I was in the chair Mrs Peulich raised a point of order about the lead speaker for the opposition, Ms Mikakos, ranging far and wide in her contribution. Mrs Peulich talked for a long time about technical and further education, which has, as we all know, suffered budget cuts. There have been cuts to TAFE institutes around the state which have resulted in a loss of courses and the loss of thousands of jobs. That cannot be disputed. Mrs Peulich, along with other members of the government, is forever saying that more money has been put into education and training. More money has gone into the private sector, not into TAFE.

Mr Ramsay interjected.

Ms PENNICUIK — Yes, it has gone to private providers, not to TAFE. TAFE has suffered cuts, and judging from the minister's answer to the Dorothy Dixer asked by Mr O'Brien earlier today —

Mrs Peulich — Did you oppose the Brumby reforms?

The ACTING PRESIDENT (Mr Tarlamis) — Order! Ms Pennicuik has the call.

Ms PENNICUIK — Acting President, I am just about to go to Mrs Peulich's point. She pre-empts me. Any extra money that the government is talking about has gone into private providers. The \$200 million over four years is not going into TAFE institutes to assist

them to rehire staff or to reinstate courses. That is not the case. In any case, it cannot undo the damage that has been done by the introduction of market contestability. That is where Mrs Peulich pre-empted me, in that the problem at the core of TAFE is the market contestability introduced by the previous government and opposed at the time by the Greens. We voted against that in the chamber. The \$200 million will not fix that problem.

As I was about to say when I referred to the answer by the Minister for Higher Education and Skills to a question without notice earlier, there is nothing to stop TAFE institutes selling off heritage properties or purpose-built facilities, such as facilities for performing arts at Prahran, for hospitality and many others around the state. I have no idea how Mrs Peulich can say that is going to build a stronger TAFE sector.

Mrs Peulich — I said moving the subsidies from the oversubscribed courses to the national skills shortages, Ms Pennicuik.

Ms PENNICUIK — Mrs Peulich said it would result in a stronger TAFE system, and I do not agree with that.

The major provisions in the bill go to amending the definition of sexual offence to include certain offences under the Criminal Code of the commonwealth. As outlined in the second-reading speech, those offences relate to trafficking in children, transmission of child pornography across state borders and internationally, and use of a carriage service to supply or obtain child abuse material or to procure or groom a child. Obviously those are commonwealth offences and are not state based. My understanding of current practice is that the Australian Federal Police would notify Victoria Police if a person had been charged with such an offence, and if that person were a teacher, the chief commissioner would as a matter of course notify the Victorian Institute of Teaching (VIT).

The second-reading speech indicates that the effect of this amendment is to provide an explicit power for the Victorian Institute of Teaching to use its powers where a teacher is charged with a sexual offence only under commonwealth legislation. That the provision will guard against the possibility that a teacher teaching in Victoria who had been convicted of a sexual offence under commonwealth legislation might successfully appeal cancellation of his or her registration. If that is what the provision does, then we are supportive of it, because obviously the possibility that a person could be teaching in a Victorian school having been convicted of

any of those offences could not be condoned in any way.

The bill imposes additional requirements with respect to applications for registration as a teacher, including provision of information regarding previous refusals or cancellations of registration in any profession and a requirement to inform the Victorian Institute of Teaching of any previous refusals or cancellations while in any profession anywhere in Australia or overseas.

Mrs Peulich also mentioned that I would like to take this bill into committee. I really have only two queries on the bill, so if they could be answered by another speaker for the government, we would not need to undertake that stage. My issue regarding the particular provision contained in proposed section 2.6.7(4)(ac) inserted by clause 9 is not that I would not support the requirement for a person applying to be a teacher or a teacher applying for reregistration — after some time away, for example, from the profession — to provide this information. What I am more concerned about is that there is no definition of ‘profession’. There is in fact no such definition in the Professional Standards Act 2003 either, amazingly. My concern about there being no definition of profession in this bill is really about whether a teacher would fall foul of relevant provisions unintentionally by not regarding certain work as professional when it is considered to be professional.

I think the information that a person is required to provide to the Victorian Institute of Teaching needs to be clarified, with some examples — it is not clarified in the second-reading speech. The provision is not clarified well in the explanatory memorandum, and it is not clarified well in the second-reading speech. It needs to be in order to assist not only persons applying for registration but also the Victorian Institute of Teaching — for it to know how far and wide its questions need to go. Also the word ‘relevant’ is used — as in a ‘relevant’ profession or a ‘relevant’ disqualification or refusal of registration in another profession. What is ‘relevant’? There is similarly no guidance in the second-reading speech or in the explanatory memorandum about that.

I know it is often said that if I had gone to the briefing I could have got the answer to my question. I was not offered a briefing on this bill. Leaving that aside, however, I think the explanation and clarification around these provisions needs to be on the public record and not just given to me in a briefing. That is why I would prefer to have the answers supplied by the

government during the second-reading debate on this bill or during the committee stage.

As Mrs Peulich mentioned when she went through the provisions, the bill also includes a requirement to inform the Victorian Institute of Teaching of a change of postal address within 30 days. I am not opposed to that provision, but I am just wondering why it is being put into an act rather than into regulations. It seems a rather minor provision for inclusion in the act.

The bill amends provisions dealing with hearing panels established by the Victorian Institute of Teaching, including enabling a formal hearing panel to refer a matter to a medical hearing panel for a finding regarding a possible impairment of a teacher before the formal panel makes a finding or determination so that proceedings can be adjourned and the medical hearing can take place before the other hearing reconvenes. There is also a provision to provide protection for witnesses who appear at formal hearings.

I draw the chamber's attention to the changes made by the previous government to the Victorian Institute of Teaching, which as Mrs Peulich also mentioned has changed over the years. It used to be more of a body that represented teachers; it is now basically a regulatory and disciplinary body. That was an issue I questioned the minister about quite extensively during the debate on the bill introducing those changes — I questioned the minister as to what body was going to replace the VIT's representation of teachers professionally. I think that remains a concern for many teachers. I also moved an amendment to that bill providing that teachers would be able to be represented at the hearings I have referred to. At the time the current Minister responsible for the Teaching Profession, Mr Hall, who was then the opposition spokesperson, supported that amendment. There is therefore a provision that remains in the act that is for the benefit of teachers who have to appear before panels and formal hearings, meaning they can be represented when doing so.

The other main provision in the bill that is not really a technical amendment is the amendment made by clause 7 to provide for further functions. The statement of compatibility refers to the bill providing for:

... further functions of the Victorian Curriculum and Assessment Authority, relating to the ability to receive information about, investigate or coordinate investigations into, alleged breaches of ... NAPLAN ... and the ability to report on the outcomes of those investigations to the national regulatory body ...

The national regulatory body is the Australian Curriculum, Assessment and Reporting Authority

(ACARA). That is as explained in the statement of compatibility. In the second-reading speech the minister says:

The amendment is required to enable the Victorian Curriculum and Assessment Authority to fulfil its responsibilities to provide assurances about the integrity of all aspects of the administration of NAPLAN in Victoria to the government and to ACARA.

But the provision in the bill, new section 2.5.3(2)(tab), states:

receive information about, and investigate or coordinate the investigation of, alleged breaches of national protocols or guidelines published from time to time pursuant to an Act of the Commonwealth for the conduct of assessments against national standards for measuring and reporting on student performance ...

And new section 2.5.3(2)(tac) states:

report on the outcome of investigations referred to in paragraph (tab) to a person or body approved by the Minister ...

That is a bit different from what is in the second-reading speech, which refers to providing assurances 'to the government and to ACARA'. According to the statement of compatibility and the second-reading speech the VCAA would report to the government and ACARA, but according to the provision in the bill it would be 'to a person or body approved by the minister'. I wonder why there is an anomaly between what is in the second-reading speech and what is in the bill. It seems much wider in the bill, as if the outcomes of the investigations could be referred more widely than to the government or to ACARA.

Mrs Peulich talked about the reasons for this, and yet when she was speaking she said that the VCAA already has the power to investigate any breaches that are reported as happening in schools, and she mentioned that the VCAA would liaise with schools about any alleged breaches of the protocols such as, as she mentioned, some schools encouraging students to stay home so that the results for the school would look better, and incidents like that. If the VCAA is already able to do those things and report them to ACARA, then the purpose of clause 7 is not clear, and as I mentioned, the provision in the clause is wider ranging than what is described in the second-reading speech.

It should also be noted that it has been reported in the press that in some schools parents are keeping students at home or asserting a right, which they have, that their child not sit the test because it is not a compulsory test. I think we should all be aware of that. It is not compulsory that your child sit for the NAPLAN test. If

you as a parent do not wish your child to take part, then your child does not have to sit for the test. That aspect is not necessarily well known, but it is in fact the case that the NAPLAN is not a compulsory test.

The other aspect is the concern about the whole NAPLAN testing regime across the country, because since it was instituted many concerns have been raised by educational academics, principals, teachers and parents. One of the overarching problems with NAPLAN is that the NAPLAN tests are used for purposes for which they were not designed or intended. It has become almost accepted that the results of NAPLAN testing are an indication of how a school is performing, how the teachers in that school are performing — —

Mrs Coote — On a point of order, Acting President, I apologise to Ms Pennicuik, but I seek your clarification. I am not sure whether it is in standing orders, but could you investigate whether it is possible to drink coffee from the cafe, as the Leader of the Opposition is doing, in the chamber. I seek a ruling, if I may.

The ACTING PRESIDENT (Mr Tarlamis) — Order! Members should not be drinking coffee or eating whilst in the chamber.

Ms PENNICUIK — I thank Mrs Coote; I thought it was going to be something else happening in the chamber.

Mr Lenders interjected.

Ms PENNICUIK — No, I look forward to my coffee after my contribution, though. As I was saying, the NAPLAN tests are being used for purposes for which they were not designed or intended, and that has been a concern for many in the teaching profession and educational academics as well.

It is worth saying that the tests are done once a year with around 40 questions per test, and they are very limited in their coverage of the wide range of skills in literacy and numeracy and in their ability to measure the achievement levels of individual students, yet this very limited assessment system is being used as if it were capable of much more.

I am reading from papers that have been compiled by a group of concerned educators. The compilation is called *Say No to NAPLAN*, and quite a lot of education academics have contributed to it. The papers were released on 1 May last year, and they are widely available. Some of the points made are around the

content coverage of the NAPLAN tests. One of the papers says:

With around 40 test questions per test, NAPLAN only measures fragments of student achievement. Testing a small bit of a curriculum does not indicate a student's learning in the whole curriculum area. Students' results on NAPLAN tests show the percentages of questions they can answer on those tests, but the results do not necessarily reflect students' achievement in the whole numeracy domain and literacy domain.

It says that proponents:

... refer to an achievement gap between students (and between schools) but what they mean is a test score gap. Since the test assesses very limited aspects of learning, the results cannot be used to make claims about overall achievement.

Further, student achievement should not be narrowly confined to achievement in numeracy and literacy only. Achievement should include creativity, critical thinking, ability to follow an inquiry, compassion, motivation and resilience — important skills, strategies and behaviours that are not assessed with NAPLAN pencil and paper tests.

...

A test instrument with only 40 questions cannot accurately separate students into finely graded levels of achievement. This is because a student's results on short tests can vary quite widely. If we know nothing about a student, a NAPLAN test can give us a rough idea of whether a student is struggling, on target, or achieving well above the expected level, but no finer grading than that.

NAPLAN tests cannot be used as diagnostic tests, because the results are not released until about five months after the tests are taken, so they are no use at all as diagnostic tests for individual students. The paper continues:

Using students' test results to judge teachers and schools requires making an inference. Such an inference is not valid. Test scores cannot tell us whether a teacher or a school is good or bad because many other factors influence test scores (such as poverty, parental support, personality, interests, aspiration, motivation and peer pressure).

Attributing low school performance to poor teaching is not only invalid but insulting since this implies that teachers are not doing their job.

...

The current NAPLAN test format has severe limitations for monitoring trends. This is because each NAPLAN test is short and there is an insufficient number of test items to provide robust links between tests from one year to another.

There are many more things that can be said about the shortcomings of NAPLAN and its growing use beyond what it was ever designed or intended to do, and that is a concern I continue to have about the tests. There have been concerns in schools about teachers using too much

time to teach to the test and practise for the test, rather than teaching to the curriculum. These concerns are continually being raised in the education profession.

The explanatory memorandum says this particular clause 'will allow the VCAA to ensure the validity and reliability' of the tests. I am not quite sure how this particular clause will achieve that. I do not think the clause does much more than what the VCAA can already do. If there are concerns about non-cooperation with the NAPLAN tests across schools, perhaps it goes to the misuse of the NAPLAN tests and some people's concern about that. Rather than investigating et cetera, there should be a reassessment of the use of the NAPLAN tests.

My only other query regarding clause 7 is about the outcome of such an investigation. What will be the implication for a school that has been investigated by the VCAA in this regard? Will results be passed on to the government, to ACARA or to a person or body approved by the minister, which is the provision under the bill? I have already raised these questions with the minister, and I am hoping a government speaker can answer those questions. Otherwise, I will ask the minister during the committee stage.

Mrs COOTE (Southern Metropolitan) — I am distressed that Mr Lenders did not bring me coffee as well, but I was pleased to hear the ruling from the Acting President that coffee is not allowed in the chamber. I am pleased to think that the standards will continue to be upheld.

I am pleased to speak on the Education and Training Reform Amendment (Teacher Registration and Other Matters) Bill 2013 and to commend my colleague Inga Peulich for her very good and thorough dissertation on the bill. She dissected a number of elements in the bill with great authority, professionalism and knowledge. I will not go over the work she did, because it is on the record and very authoritative. The bill ensures that the national assessment program — literacy and numeracy (NAPLAN) testing is carried out correctly and implements the recommendations of the 2007 review into the Victorian Institute of Teaching by Frank King and associates.

At the outset I would like to acknowledge the work that our teachers do, particularly in preparing the next generation of Victorian leaders — for example, leaders in industry, arts, public service and government — all of whom have the benefit of being taught by our excellent Victorian teachers. I would like to commend all the teachers in this state. Some future leaders and teachers are participating in the 2013 Youth Parliament,

which will debate bills in this very Parliament in July. I know the students are being well prepared by their teachers. They are terrific young people who will be well prepared and, hopefully, will become the captains of industry, arts, public service and government into the future.

This gives me a terrific opportunity to talk about NAPLAN testing. NAPLAN is an acronym for the national assessment program — literacy and numeracy. As its name suggests, it is a national program. It is administered by the Australian Curriculum, Assessment and Reporting Authority and occurs every year for students in years 3, 5, 7 and 9. As indicated in the name, the tests are for literacy and numeracy. NAPLAN allows parents across Australia to see how their children are performing compared to national benchmarks. It allows parents and teachers to tailor teaching methods and subjects for individual children. As the explanatory memorandum notes:

The new functions enable the VCAA —

the Victorian Curriculum and Assessment Authority —

to receive information about, and investigate or coordinate investigation of, alleged breaches of national protocols or guidelines for the conduct of assessments against national standards and the reporting on the outcome of those investigations to a person or body approved by the minister.

I would like to take a moment to talk about NAPLAN in Southern Metropolitan Region. I would particularly like to talk about the nation's top 50 in the 2011 NAPLAN round. You will be very pleased to hear, Acting President Crozier, because it is also your electorate, that 8 of the top 20 private primary schools are in the Southern Metropolitan Region. At the very top of the list is Fintona Girls' School, Balwyn. I am an alumna of Fintona, and I put on the record my praise for the principal, Suzy Chandler, and for the work that she and her teachers do. They received an excellent score and once again topped the country. Also on the list are Presbyterian Ladies' College, Burwood; Camberwell Girls Grammar School, Canterbury; Korowa Anglican Girls' School, Glen Iris; Scotch College, Hawthorn; Mentone Girls' Grammar School; Strathcona Baptist Girls Grammar School, Canterbury; and Melbourne Girls Grammar School. I would like to congratulate all of them and say what a fantastic effort it was.

I refer to a media release that was put out at the announcement of these results. It said:

When asked by the *Weekend Australian* to explain this outstanding success, our Principal, Mrs Suzy Chandler, summed it up by citing two main reasons: small class sizes and a single-sex learning environment.

'If you have a smaller class, you're having an educational conversation, you're not just dishing it out', she said.

'In a bigger class, I think a lot of it has to do with crowd control and crowd management. Having taught in both single sex and co-ed (schools), I do think it is a big factor. Perhaps being girls, they're that little bit more mature.'

I know that was quite a controversial statement, but I think her methodology is working — certainly at Fintona — and, as I said, I congratulate everyone concerned.

I will concentrate on one aspect of the bill in the short time I have left to make my contribution as I know other members want to speak on this bill and that is, clause 3. Clause 3 amends the definition of sexual offence in section 1.1.3(1) of the principal act to reflect changes made to the Crimes Act 1958. Reference to section 60 of the Crimes Act 1958 is removed, as this section was repealed by the Crimes (Sexual Offences) Act 2006.

The definition of sexual offences is expanded to include those offences under the Criminal Code of the commonwealth that are listed in clause 1(df) of schedule 1 to the Sentencing Act 1991. This will give the Victorian Institute of Teaching power to act in relation to a teacher charged with a sexual offence under the Criminal Code of the commonwealth.

I know the Acting President, in her role as chair of the parliamentary Family and Community Development Committee (FCDC), which is currently conducting an inquiry into child abuse, understands fully the importance of the working-with-children checks and how important it is to make certain that when parents drop their children off at school they know their children are going to be safe. I am also a member of that committee. During the committee's public hearings committee members have heard time and again of children who were abused by the very people who were responsible for their protection. It would seem that in the past children have been abused even in the classroom. The working-with-children checks have helped reduce this type of horrendous abuse. I would also have to say that mandatory reporting, which was brought in by the Kennett government in 1994, has also had a profound impact.

However, when we go back and listen to stories of what happened some 23 to 40 years ago it is absolutely horrendous to hear that teachers, priests and people from other organisations abused these little children that were in their care. In some respects it was organised crime, with paedophile rings and the like. We are a far more mature community now, and we are able to look at these issues. Hopefully our children are now better

educated and are able to report such incidents, and as adults we are certainly more ready to listen to children.

It would seem that children who report sexual crimes usually tell the truth. The statistics provided by forensic police tell us that in fact these children very rarely lie, and their stories should be believed. That was not always the case in the past, and this is part of the struggle that people have in telling their stories. However, one of the extraordinary things that has come out of this inquiry has been the realisation that stranger danger, which was something that was spoken about frequently with children in the past, is not the only thing we should be considering when we are trying to protect small children. Children are most frequently abused by people they know. We have seen this time and again, and that continues to happen today. Today the problem is with the internet. We need to be looking at the paedophile rings that are absolutely rampant on the internet, and that is a challenge for all of us as legislators.

However, it is important that the bill we are debating today, which deals with education, highlights the definition of sexual offence. That is something that the government is very cognisant of, and the FCDC is working towards making recommendations that the government will be able to implement.

In conclusion I would have to say that this is a very welcome bill. It is an opportunity to make certain that we have world best practice in Victoria. This government is serious about educating the next generation of Victorian leaders, and this bill implements recommendations that were identified in 2007 and ensures that Victorian teachers, parents and students can be confident in NAPLAN testing. I commend the bill to the house.

Mr SCHEFFER (Eastern Victoria) — This bill in part deals with the serious matter of the perpetration of sexual offences in an educational setting, and the minister states in his second-reading speech that the definition of a sexual offence in the Education and Training Reform Act 2006 has been amended to reflect changes to the Victorian Crimes Act 1958 and to reference sexual offences committed under the Criminal Code of the commonwealth.

The second-reading speech refers to what is involved in the commonwealth's Criminal Code and goes on to explain that the purpose or effect of the amendment is to provide an explicit power for the Victorian Institute of Teaching (VIT) to discipline teachers who have been charged only under the commonwealth legislation. The further purpose of the bill is to make sure that a teacher

convicted of a sexual offence under commonwealth law would be prevented from continuing to hold teacher registration in Victoria. In other words, the bill will prevent a teacher found guilty of a sexual offence under commonwealth law from being registered in Victoria, and it gives the Victorian Institute of Teaching the power to prevent the teacher found guilty of such an offence from being registered in this state.

The opposition and everyone in this chamber regards sexual offences very seriously, and we support any sensible and effective legislative proposal that will go to protecting members of the community against sexual offenders. We also support measures that will enable law enforcement agencies to identify the perpetrators of offences of this type. This part of the bill appears to be fine as far as it goes, but the opposition has been clear — and I think Ms Mikakos has made some of these points — that it thinks these measures do very little to strengthen the powers the Victorian Institute of Teaching already has to deal with teachers who are charged or found guilty of sexual offences and to ensure that they are not in front of classrooms.

Once again we have before us a bill that absolutely fails to address a problem. It is an answer without a question, and it is a solution without a problem. As I understand it, as far as the so-called strengthening of the Victorian Institute of Teaching is concerned, the government received no legal advice that there was a problem that needed fixing. I searched in vain in the second-reading speech for an explanation of the miscarriages of justice that could possibly arise if the offences contained in the commonwealth Criminal Code are not inserted into the definition of a sexual offence in the Education and Training Reform Act 2006.

Mr Herbert, the member for Eltham in the Assembly and Labor's shadow minister for the teaching profession, and Ms Mikakos previously indicated that advice was received stating that a protocol to transfer information from the Federal Police to Victoria Police and the Victorian Institute of Teaching already exists. Therefore the provisions contained in the bill purport, as I have said, to fix a problem that does not need fixing. One has to ask then what this bill is really about. It is not the first time the government has brought legislation into the Parliament that purports to address a problem that does not exist. We on this side are putting the case very clearly when we say that the bill clarifies the obvious; it clarifies what already exists.

Section 2.3.9 of the Education and Training Reform Act states that a person convicted of a sexual offence at any time in Victoria or elsewhere cannot be employed as a teacher. That provision already exists. At

section 2.6.27 of the act it is clear that a teacher charged with a sexual offence in Victoria or elsewhere cannot be in front of a classroom. Again, the provision already exists. While I support the minister's intention to, through this bill, increase protection for students and parents and improve disciplinary processes in relation to sexual offences, I cannot for the life of me see how the present bill strengthens the measures already in place in the law as it exists today.

It was, of course, Victorian Labor that brought forward the legislation that set up the Victorian Institute of Teaching in 2001. With subsequent amendments made at different times, we included provisions for ensuring that teachers be subject to national criminal record and police checks, and we linked this to teacher registration procedures and data exchange among the relevant agencies. All this is already in place, and it is hard to see how exactly this legislation today value-adds to what we already have enshrined in law.

The minister's second-reading speech also refers to the integrity of the national assessment program — literacy and numeracy, which is known as NAPLAN, and states that the bill, in clause 7, makes provision for the Victorian Curriculum and Assessment Authority to receive information about and investigate or coordinate investigations into any alleged breaches of the NAPLAN testing protocol. The opposition holds that this is an unnecessary measure because the provision makes no actual changes to the powers and practices of the authority.

On my reading of division 2 of part 2.5 of the Education and Training Reform Act, headed 'Victorian Curriculum and Assessment Authority', it seems impossible that the authority could do all the things the act requires it to do without having the power to receive information and conduct investigations into alleged protocol breaches and report these to the commonwealth. For example, the act requires the authority to 'develop and maintain standards for measuring and reporting on student performance' and 'conduct assessments against those standards for measuring and reporting on student performance'. Surely this implies that the measures set out in clause 7 of the bill already exist in the act.

It is the view of those on this side that while there is nothing to object to in clause 7, it does not change anything; it does not strengthen the administration of the tests or give the authority additional powers. The clause simply clarifies what already exists. This must be the slimmest, narrowest way to give an appearance of action without actually acting. That, as we know, is the hallmark of the Victorian coalition government.

Education and training was probably the biggest area of failure during the short incumbency of the now former Premier, Ted Baillieu. We will have to see how well the new Premier handles this important portfolio. As members know, the new Premier has demoted the former Treasurer, Kim Wells, for a lacklustre performance and has shafted the former Minister for Police and Emergency Services, Peter Ryan, for carrying too much lead in the saddle over the Simon Overland affair. But the Premier has made no changes to the education and training portfolios, and the ministers who have failed to defend education and training and Victorian students and their families in the cabinet continue in their present roles. The Premier has left Mr Hall and Mr Dixon in charge, and many people across the state — certainly many in my electorate of Eastern Victoria Region — are dismayed at this lost opportunity.

The new Premier has stuck with former Premier Ted Baillieu's repudiation of the solemn promise he made on television — under no duress and for all to see and hear — that Victoria's teachers would not be the worst paid but the best paid in Australia. Ministers Hall and Dixon have been unable to settle the wages and conditions dispute with Victorian teachers. Over the weekend we saw the eager new Treasurer weigh into the debate to distract attention from this broken promise. He said the coalition government would be pushing for the introduction of performance pay and for the sale of old government school sites to the private system. An hour or two ago, just after question time in the Legislative Assembly, the Premier made a dramatic intervention, overriding Mr O'Brien's nonsense. The Premier has offered to take performance pay off the table, as a peace offering — —

Mr Ramsay — On a point of order, Acting President, I appreciate there has been some licence given to lead speakers in relation to moving away from the detail of the bill, but Mr Scheffer has drawn a new parallel. He has spoken for nearly 5 minutes with absolutely no connection to the bill or the clauses within it. I ask whether you would be willing to direct Mr Scheffer back to the bill at hand.

Mr SCHEFFER — On the point of order, Acting President, Mrs Peulich, I recall, was given extremely wide scope and commented on a whole range of matters, including the record of the former government.

The ACTING PRESIDENT (Ms Crozier) — Order! I ask Mr Scheffer to get back to the bill at hand.

Mr SCHEFFER — Thank you for that direction, Acting President. I will just conclude that point. As I

said, the Premier has offered to take performance pay off the table, as a peace offering. Leaving aside the general observation that this is yet another example showing that the government cannot seem to get its message consistent, the Premier's offer shows, in my view, how desperate the government is to clinch a deal with the teachers so it can get this intractable problem off its agenda.

The house really should make no mistake that ministers Dixon and Hall have presided over the disaster of the TAFE \$290 million per annum budget cuts, ripped up — —

Mr Ramsay — On a point of order, Acting President, you explicitly requested Mr Scheffer to return to the clauses of the bill. His contribution after you made that ruling has been, I believe, somewhat disrespectful of your ruling because he has not in fact returned to the clauses of the bill. He is now opening up discussion about TAFE. I do not see TAFE mentioned in any of the clauses of the bill.

Mr SCHEFFER — On the point of order, Acting President, this is the same point of order we heard before, and so you will forgive me if I make the same response, and that is that Mrs Peulich spoke very broadly about the performance of the previous government and no-one raised any objections, so that set the terms of the debate.

The ACTING PRESIDENT (Ms Crozier) — Order! Mrs Peulich led the debate for the government at the time, so I ask and remind Mr Scheffer to go back to the content of the bill.

Mr SCHEFFER — I might conclude my presentation at that point, except to say that clearly the evidence before us about the government's very poor performance in education and its massive cutbacks and attack on teaching and on schools has hurt government members sufficiently to make them wish to silence the debate on the matter, so I will not proceed. There will be plenty of other opportunities in this house to continue this debate, so I will cease my comments at that point.

Mr RAMSAY (Western Victoria) — It gives me great pleasure to speak on the Education and Training Reform Amendment (Teacher Registration and Other Matters) Bill 2013. I note that the opposition, both Labor and the Greens, supports this bill. Interestingly enough, I note also that speakers from the opposite side of the chamber all said that this bill was not overly momentous and made little change, yet managed to

waffle on for 20 to 30 minutes in their contributions supporting the bill.

This bill responds to both students and parents in the main, but I would like to say from the outset that I fully support teachers and the role they have in educating our children. I do so on the basis that I have two children, both teachers, and I know they work very hard and are very committed to their profession. As Mr Scheffer said, the government wants an outcome with the enterprise bargaining agreement (EBA), so I was pleased to see that the Premier has this afternoon removed one of the impediments to an outcome on the EBA in relation to performance pay. I suspect that will come — —

Mr Scheffer — On a point of order, Acting President, I am aghast because the member just stood up previously during my contribution and made a point of order about my mentioning the EBA. I have no objection to the member speaking about whatever he wishes to speak about, but there is an inconsistency here that I really have to draw attention to.

The ACTING PRESIDENT (Mr Ondarchie) — Order! I thank Mr Scheffer. Mr Ramsay to continue; back to the bill.

Mr RAMSAY — Thank you, Acting President. As part of my opening remarks I was saying I am pleased to see that negotiations between the teachers and the government in relation to the EBA are moving forward. I was also giving support for the teachers and the work they do. As I said, many work very hard and are very committed to reaching the sorts of outcomes and milestones the government has been looking for, both in productivity and in quality.

Back to the bill. The bill proposes amendments to the Education and Training Reform Act 2006 primarily to provide additional functions to the Victorian Curriculum and Assessment Authority (VCAA) so it can fulfil its responsibilities under the national assessment program — literacy and numeracy (NAPLAN) and to improve the effective regulation of the teaching profession by the Victorian Institute of Teaching. I think that is a very admirable and important objective.

The bill proposes a number of amendments that are basically machinery in nature, for example clarifications of administrative powers and technical corrections. The bill also proposes amendments to the functions of the VCAA to enable the authority to receive information about and investigate or coordinate the investigation of alleged breaches of testing

protocols under NAPLAN and report the outcome of those investigations to the responsible commonwealth body. That is because this is a commonwealth plan.

As I said, NAPLAN is a federal program managed by the Australian Curriculum, Assessment and Reporting Authority (ACARA) for years 3, 5, 7 and 9. Students sit for literacy and numeracy tests, the results of which are reported to parents, schools and state and territory governments and the commonwealth. I see NAPLAN as being particularly important to benchmark those schools that are achieving good outcomes in literacy and numeracy. Over a period of time we have seen a drop in achievement by students in those two areas. I believe we have an obligation as a government to make sure we are providing the very best in teaching quality to improve those very important skill sets in literacy and numeracy to set those children up for life.

The VCAA is the test administration authority for NAPLAN in Victoria. It is responsible for distributing tests to all schools and collecting, marking and reporting the results to ACARA. The authority is also responsible for receiving information about and reporting the outcome of investigations into alleged breaches of protocols to ACARA, such as papers not being secured prior to testing day, schools not permitting students to sit tests or teachers facilitating cheating by students. I suspect that this is not the norm. However, it is important that the NAPLAN testing process has integrity so that we can gauge the performance of those students against the national benchmarks.

The bill also proposes a number of amendments to the act to consolidate reforms that were recommended by the review in 2007 by Frank King and associates for the Victorian Institute of Teaching. The Victorian institute was established in 2001 as a regulatory body. Its core functions include setting standards for teachers entering the profession, ensuring teachers continue to develop their careers and administering a disciplinary process through which teachers in Victoria continue to meet high expectations of practice and conduct. That is no different from what we are looking for in the EBA negotiations, where productivity and performance were two integral factors in relation to that outcome.

The bill also amends the definition of ‘sexual offence’ to reflect changes to the Victorian Crimes Act 1958 and to reference sexual offences committed under the Criminal Code of the commonwealth. Under the Criminal Code of the commonwealth, sexual offences relate to trafficking in children, the transmission of child pornography across state borders and

internationally, and the use of a carriage service to supply or obtain child abuse material.

The bill clarifies the definition of 'teacher' in part 2.6 of the act to explicitly include a principal or head of a school who has been previously employed as a teacher anywhere in Australia or overseas. The current definition has the potential to be interpreted as applying to principals and heads of schools who have previously been employed as teachers in Victoria only. It expands on the previous definition. The bill proposes that applicants for registration as a teacher or for permission to teach provide a postal address to the institute as part of the application process and notify the institute within 30 business days of a change of postal address.

I could go on, but I am being asked to curtail my contribution this afternoon. While the opposition has said this is not earth shattering in relation to detail, it is important that we provide both quality and integrity in the profession, that we give protection to students but also that we provide relevant and quality information to the institute. We must also have a process under NAPLAN where there is integrity, honesty and rules of engagement to provide both. On that basis, I support the bill.

Mrs KRONBERG (Eastern Metropolitan) — I am pleased to make a brief contribution to the Education and Training Reform Amendment (Teacher Registration and Other Matters) Bill 2013. It is important to recognise that this bill amends the Education and Training Reform Act 2006 and sets out to empower the Victorian Curriculum and Assessment Authority (VCAA) to receive information about and investigate or coordinate the investigation of alleged breaches of testing procedures under the national assessment program — literacy and numeracy, commonly known as NAPLAN, and to report on the outcome of investigations to the Australian Curriculum Assessment and Reporting Authority, known as ACARA.

The next important aspect of the bill is to improve the operation of the Victorian Institute of Teaching — the VIT — disciplinary processes to increase the protection for students and parents, and importantly to clarify the VIT's powers in relation to existing statutory functions. Another aspect of the legislation is to make minor technical amendments to the act to clarify the administrative powers of the minister to remedy incorrect cross-references and to reflect amendments made to the Subordinate Legislation Act 1994.

The bill introduces important reforms which will help to protect Victorian children and their parents. This is

not something to trivialise, because the bill is addressing very serious matters, and once again as a proud member of the Naphthine coalition government it is fantastic to have the opportunity to provide a ringing endorsement of a bill which amends matters requiring urgent attention. The impact of the proposed changes will see increased protection for students and parents, and one example goes to the heart of the definition of 'sexual offence'. This will be updated to reflect changes to the Crimes Act 1958 and to include sexual offences defined under commonwealth legislation. It will provide an explicit power for the institute to use its disciplinary powers in a circumstance where a teacher is charged under only commonwealth legislation.

Applicants for registration will now be required to provide information about any refusal or cancellation of registration to carry out a profession in Victoria or any other jurisdiction, and judgements about a person's suitability to teach could well be informed by knowledge of any refusal or cancellation of the applicant's registration to carry out a profession in any jurisdiction. Importantly, this change will also provide greater consistency for the working-with-children processes, which will require regulatory authorities of health professionals to notify the Department of Justice where a person is deregistered.

Important, too, are the institute's disciplinary processes, particularly in relation to the operation of hearing panels, which will be improved by the introduction of these proposed legislative changes. The cap on the institute's hearing panel pool will be removed to ensure that the VIT hearing panel pool has a sufficient number of people to cover all categories of hearing panel members, who may be required when panels are constituted. Hearing panel processes will be streamlined, and this is a very important initiative.

Where a formal hearing panel forms an opinion during the processes that a medical hearing should be held, the case can now be referred to a medical hearing prior to a finding and determination being made. That is really important because it will avoid unnecessary delays and suffering and possibly the duplication of the hearing panel processes. It will also enable the formal hearing to make a finding and determination based on all available evidence, including the findings of a medical hearing.

There are many other matters that I could draw to the attention of the house, and the lead speaker, Mrs Peulich, did that very well, but in response to the comments we heard from Mr Scheffer I would just like to conclude with the words of the Premier, Dr Naphthine, in his press release today:

The coalition government has made a major move today in the spirit of compromise and in good faith to settle this longstanding matter.

I commend the bill to the house.

Hon. P. R. HALL (Minister responsible for the Teaching Profession) — In reply I will address a few of the matters raised by members during the course of the debate. First of all in terms of some of the issues raised by Ms Pennicuik, it is true that a lot of these amendments result from the government's cautious approach — seeking to prevent issues before they develop — and so in relation to what has been labelled by some as trivial and minor amendments and ones of no great significance, where perhaps at this point of time there is no real demonstration of need, in each of these cases I assure members that the government is seeking to act before issues arise. Legal advice has been received by the government in some instances that there is some doubt about the actions being proposed or already undertaken, and therefore this provision gives legal clarity to some of the practices that have been employed both by the VIT and by the Victorian Curriculum and Assessment Authority.

Therefore firstly we make no apology for being overcautious, particularly when it comes to sexual offences and contact with children. I think it is better to be overcautious than not to take those particular measures. So that is the general philosophy, and I note it in order to counter some commentary that these amendments are somewhat trivial in nature and may not be necessary.

In respect of a couple of the matters that have been raised first of all by Ms Pennicuik, she, as I understand it, sought clarification as to what powers will be available to the Victorian Curriculum and Assessment Authority when it investigates matters such as a breach of NAPLAN testing and how they will be different to the powers it currently has. In respect of that issue, first of all, this legislation will give the Victorian Curriculum and Assessment Authority a statutory imprimatur to undertake those investigations. It is true that it undertakes them now, but there is some doubt about its legal right to do so, and therefore this measure puts beyond any further question of doubt its ability to undertake those sorts of investigations. How will it therefore be different from the situation now? It will be no different except that it will be codified in legislation, making absolutely certain that the Victorian Curriculum and Assessment Authority has the legal ability to do that.

In terms of what sort of outcomes might arise from its investigations, the most common one is the seeking of an undertaking by the school to ensure that there be no

further breaches of the provisions relating to NAPLAN testing. I might add that it is not as if I think there is a great rash of schools going out there seeking to abuse the process. More often than not the experience has been that schools themselves have raised what might be described as inadvertent breaches, so most of this has been done in a cooperative way, but we need to ensure that where there is evidence that there has been a serious breach, and it might be intentional, the powers of the Victorian Curriculum and Assessment Authority to follow up are put beyond doubt.

I want to add a further comment. If the matter relates to an individual teacher or someone else who might be directly involved in any breach of those standards for the application of NAPLAN, then that individual can be dealt with by the employer through its conduct and ethics processes. Generally if it is an institution like a school which has been involved, undertakings and assurances would be sought by these two curriculum assessment authorities. They would rectify the situation and make sure it did not happen again. If it is a serious issue involving an individual teacher, that can be dealt with under the normal provisions for dealing with misconduct by an employee.

In respect of clause 7 of the bill, Ms Pennicuik also asked why there was a difference between proposed paragraph (tac), which says:

report on the outcome of investigations referred to in paragraph (tab) to a person or body approved by the Minister —

and the second-reading speech, which refers to reporting to the government and ACARA, the Australian Curriculum, Assessment and Reporting Authority. The second-reading speech indicates that the government's view at this point of time is that the only person or body deemed to be approved by the minister is ACARA; however, this provision allows the government at a later time to deem another person or body as appropriate to convey that information to. That might be the employer of the person who has been caught up in suspected breaches. That is why there is a slight difference in terminology.

Finally, in respect of the question of what professions might be relevant in relation to the provision requiring consideration, in the registration of a teacher, of instances where registration has been refused, at this point of time it probably applies to any profession that requires registration, such as many of the health professions, like nursing and other medical professions, and allied health workers, like psychologists. It might apply in areas like accountancy or the legal profession and in other areas where registration is required. Let me point out that this does not necessarily impact on a

person's ability to have their registration approved; it is just a requirement to enable the Victorian Institute of Teaching to give consideration to why registration may have been refused in another instance. That might have nothing to do with the individual's job in the teaching profession, and therefore the institute would not give it consideration, but the refusal of registration may be relevant, and this provision enables consideration to be given to matters the institute might consider relevant.

Those are the matters that have been raised in the second-reading debate, and I hope I have dealt with them satisfactorily.

Motion agreed to.

Read second time.

Third reading

Hon. P. R. HALL (Minister responsible for the Teaching Profession) — By leave, I move:

That the bill be now read a third time.

In doing so I want to thank all members who have contributed to this debate for their support for the bill.

Motion agreed to.

Read third time.

PARLIAMENTARY COMMITTEES

Membership

The ACTING PRESIDENT (Mr Ondarchie) — Order! I have a letter for the house from Edward O'Donohue, MLC, which I will read:

I wish to advise you of my resignation as a member of the Scrutiny of Acts and Regulations Committee with immediate effect.

I take this opportunity to thank the committee members and secretariat for their work in discharging SARC's duties and functions.

Hon. P. R. HALL (Minister for Higher Education and Skills) — By leave, I move:

That —

- (1) Mrs Peulich be a member of the Electoral Matters Committee; and
- (2) Mr Dalla-Riva be a member of the Scrutiny of Acts and Regulations Committee.

Motion agreed to.

WATER LEGISLATION AMENDMENT BILL 2012

Second reading

Debate resumed from 7 March; motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).

Mr LENDERS (Southern Metropolitan) — I can formally announce in this place that the Labor Party will not oppose this bill. My colleague Jacinta Allan, the member for Bendigo East in the Assembly, waxed lyrical on the reasons for this in that place, so I will not repeat those, but I will flag that the government has an amendment to this bill which the opposition will be briefed on tomorrow, and, as I understand it, the committee stage of this bill will be on Thursday. I think that is a very good process going forward, and I clearly reserve the right to speak on the one amendment the government has in the committee stage.

I would also flag to the minister that the issue of native title, in relation to the extraction of bottled water, which is covered in this bill — which my colleague Mr Wynne, the member for Richmond in the Assembly, spoke on at some length in that house — is one that I will seek to explore with the minister in the committee stage on Thursday. I could repeat what multiple colleagues said in the Assembly and tell the house what the bill does, but as that has been said about 20 times already in this Parliament, I will not do that. People who wish to follow it can read *Hansard* or the bill itself. It is a sound piece of legislation. I will explore those two matters with the minister in committee, and I announce that Labor will not be opposing this bill.

Mr BARBER (Northern Metropolitan) — I do not have a Greens colleague in the lower house who has spoken on this bill previously, so I would rather earn my keep, if that is all right.

Honourable members interjecting.

Mr BARBER — Not so far, anyway.

The government has put forward this bill as in some ways making fairly minor administrative changes. However, I am particularly keen to explore the implications of those changes, and they relate to three matters. Firstly, I am interested in clause 31 and nearby clauses by which the government creates some new powers and opportunities around the installation of water meters, particularly in apartments or blocks of flats that currently are not metered and often, it seems from reading the bill and the second-reading speech,

have a body corporate or owners corporation structure is in place.

Secondly, I am interested in the issue of penalty interest. The bill addresses the emergency services commissioner's powers in the area. Previously the Greens opposed the addition of penalty interest rates to charges by urban water authorities proposed by an amendment introduced by the then Baillieu government.

Thirdly, there is the interesting and tantalising amendment that members have heard the government will introduce and that relates to some of the irrigation upgrades or even disconnections of irrigators from the irrigation system north of the Great Dividing Range and how that relates to some constitutional provisions. Since that amendment has not been formally circulated, I will wait until Thursday when it is proposed that we will do some further work in the committee stage.

Going back to the first area of interest — that is, the separate metering — it was the government's policy, set out in *The Victorian Liberal Nationals Coalition Plan for Water*, under the subheading 'Efficient use of water', to:

direct water authorities to progressively replace water meters in flats and apartment blocks to ensure that, in the long term, every resident will have his or her own separate meter.

That is a laudable aim, but I have some questions about it. One is: will it be rolled out in the long term or is it the intention that by this bill it will be rolled out quite quickly? It is not clear to me, from reading the provision and scratching my head over it, whether the bill simply provides that a building owner may request or whether in fact water bodies will be able to require the rolling out of separate water meters in those situations.

It may be a good thing if every individual tenant in a block of apartments has their own water meter, because that would encourage efficiency of water use. However, renters have a difficulty which is that they are not encouraged to invest in or certainly do not benefit from investing in water-efficient appliances fixed into the apartment which they rent. A water-efficient dishwasher, a water-efficient toilet and a water-efficient tap and shower system are all matters for the landlord who owns the property. Landlords collectively across that body corporate could benefit from installing those things because it would reduce their water bill. Under the new provisions, once each property is separately metered the tenants will pay the bill but they will not have the same opportunity as the landlords have. In fact

there will be a split incentive for them to invest in fixing things into a property which they do not own.

That also raises the question of how quickly this provision might be rolled out. Currently tenants pay the water bill of the body corporate; it is embedded in their rent. In many situations the body corporate fees paid by the landlords cover the cost of the water consumption of those in the building. If separate meters are installed and tenants start getting bills, I am sure that they will not get a rebate on their rent. They will keep paying the rent that was always intended to cover their water costs and they will get a water bill as well — that is, there will be a double whammy, with a double dip by the landlord. My questions are: how quickly will this roll out, what is the intent of the water authorities and have they been pushing for this change? I understand that often they have some difficulties in collecting payments from bodies corporate in a timely fashion. Perhaps they think they will have more luck if they are metering individual tenants.

That segues nicely into the question of penalty interest rates. Until this government took over, penalty interest rates could not be charged by the urban water authorities such as Yarra Valley Water, City West Water and South East Water. Out in the country it was a bit different, with penalty interest rates of anything from 10 per cent to 12.5 per cent being routinely charged on the water bills of people who were overdue in paying those bills. The sorts of interest amounts collected from industrial, farming and residential consumers included as much as \$854 000 in one year by Goulburn-Murray Water, \$350 000 by Lower Murray Water and even \$3500 by South Gippsland Water. Across the other rural retail bodies tens of thousands of dollars of penalty interest fees were quite common.

Water authorities have a lot of trouble cutting off water supply to people who do not pay their bills. That is a good thing, because the provision of water is, after all, an essential service. If the substitute for cutting off supply is simply that water authorities start routinely charging a pretty high penalty interest rate, that will probably not be a good thing. I doubt whether some of the water authorities get a benchmark return of even 10 per cent on their own operations. The bill will simply allow them to become a body collecting interest payments from people who are hard up.

It is interesting to note when you look at who has difficulty in paying utility costs that it is not, as we might all think, pensioners. The largest group in some sectors at least having trouble paying regular utility charges is made up of families who have a large

number of different demands on their household budget, even though they may have breadwinners out there earning income through wages.

I have put in a request to the office of the Minister for Water for an update on the rates and amounts of penalty interest being charged to see whether anything new has been introduced since the enactment of the bill that this government brought forward to allow urban retailers to do the same thing. I will be keen to see what effect, if any, the provisions receiving a bit of a tweak will have had on the Essential Services Commission.

As for the forthcoming house amendment, which relates to a certain constitutional provision and perhaps a legal action that some of the irrigators may be considering, we need to give that some further scrutiny. I am glad that the government has agreed to give us some breathing space until next Thursday so that we can have a bit more of a look at that amendment. My understanding is that the amendment will not put a limitation on the jurisdiction of the Supreme Court, which is certainly good, but will simply clarify how the existing provisions of the Water Act 1989 relate to part VII of the Constitution Act 1975.

Part VII, entitled 'Delivery of Water Services', was added to the constitution by the Bracks government. Members of that government believed that Jeff Kennett was corporatising and fattening up the water authorities to be sold off, and they made a commitment to prevent this through an amendment to the constitution. Of course what we got was a lot of sizzle and not so much of the sausage. Let us be clear about this. The act says:

If at any time on or after the commencement of section 5 of the Constitution (Water Authorities) Act 2003 a public authority has responsibility for ensuring the delivery of a water service, that or another public authority must continue to have that responsibility.

The key words there are 'ensuring the delivery'. It is entirely possible — and we have in fact seen this — that the back end of that service delivery is increasingly being privatised. We have seen privatised water treatment plants, privatised water recycling plants and, the big daddy of them all, the desalination plant. Never mind the fact that the actual water allocations, the very H₂O itself, have been privatised and in many cases reallocated back to our public authorities, either for warehousing in the form of dams, distribution through pipes or of course retail. This provision really allows all but the shell of a water company to be completely flogged off, sent out to the private market and put out of the reach of the public, out of the reach of scrutiny and in fact out of the reach of the Auditor-General while

maintaining a facade of being a public authority that has to ensure the delivery of the water.

However, it seems that even that provision has got the government a bit worried. It did it again with the Northern Victoria Irrigation Renewal Project, under which a private company was created to deliver a whole range of services out the back of the Goulburn-Murray region. This government is now bringing those services back to Goulburn Murray. Apparently — and I look forward to asking the minister some more questions about this when we get to it — some argument is being proffered that the disconnection, if you like, of water irrigators from the Goulburn-Murray service could be subject to a legal challenge using as its head of power this section of the constitution. I doubt it. The Victorian constitution is nothing fancy; it is just another act of Parliament. Someone has described it as comparable to the dog act. However, it can be amended at any time, seemingly with impunity. The Bracks government had a whole series of amendments it wanted to add to it, and they were pushed through without a lot of debate. In many cases we are going back and looking at those amendments for the first time.

I am thinking in particular of the provision that codifies the power of the Governor to dissolve the Parliament and call an election. That is something people have hauled out recently and had a bit of a look at — since last week, at least, when the numbers in the lower house shifted. No-one is too sure whether that codification is inclusive or exclusive. Is it simply one codified way for the Governor to dissolve the Parliament or do reserve powers still exist for the Governor? Like a number of other changes made at that time, I am sure they seemed like a stroke of genius to those around the Bracks government cabinet table. They were going through no matter what, and here we are having another look at them, scratching our heads and trying to work out what they might actually mean.

Without the government having put forward its own argument on that particular amendment, I am not in a better position to form a view on it. Until the committee stage of the bill I will hold off talking about that provision and further interrogating the two topics that I laid out earlier in my speech.

Mr RAMSAY (Western Victoria) — It gives me great pleasure to contribute to the debate on this bill. In a past life I had a lot of interest and did a lot of work in relation to then Prime Minister John Howard's national water plan, under which he committed \$10 billion to help with the Murray-Darling Basin. I was actively involved with the Victorian government in relation to

changes to the Water Act 1989 and its constitution. In relation to progressing the water plan, I was also very actively involved with Senator Penny Wong when she was the Minister for Climate Change, Energy Efficiency and Water in the Rudd government. Water has been a large part of my life, particularly as I come from a farming background where water is an essential component of life and where there is dependency on harvesting water for both domestic and business use.

I congratulate the Minister for Water, Peter Walsh, on bringing this bill to the Parliament. It is part of the government's plan for water. We made a commitment that Victorian water corporations would progressively replace water meters in flats and apartment blocks to ensure that in the long term every resident would have his or her own separate meter. The government has also committed to putting in place the most efficient use of all the water available across Melbourne and regional Victoria.

There have been some shining examples of that in two regional towns in my electorate of Western Victoria Region. In a new suburb of Warrnambool the council has been very proactive in harvesting water from the roofs of buildings and recycling that water by sending it to a holding basin and then redistributing it. Wannon Water has also been particularly proactive, leading the charge with respect to both the collection and recycling of stormwater. I congratulate, John Vogels, who is a former member for Western Victoria Region. He is now the chair of Wannon Water, which — in relation to the Warrnambool roof water project — was a finalist in the ENVIRO Innovation in Sustainability Award. Wannon Water also won a Leadership in the Public Sector award — the Leading the Way in Health, Safety and Wellbeing Award. It is great to see John and his board of directors at Wannon Water leading the way in using new technologies to make the most efficient use of water in the south-west region. In Ballarat Mr Walsh, Minister for Water, only recently made some similar announcements in relation to Central Highlands Water being proactive in also setting up a water harvesting project.

There is a significant difference between the government of the day, moving on greater efficiency of water use with natural means such as harvesting and recycling, and Labor, whose response to the drought, as we know, was to take water out of the Goulburn system through the north-south pipeline, at a cost of over \$1 billion, and to create the Wonthaggi desalination plant, which comes at a cost to Victorians of over \$2 million per day for the next 27 years.

This bill supports the efficient use of water. It will also ensure that Victorians know exactly how much water they are using and that they have flexibility of ownership and efficiencies. This will be achieved by the government honouring its commitment, as I said, to have water corporations progressively replace water meters. We understand there will be difficulty in retrofitting of standard meters, but water corporations will show the way in leadership and in providing a service that optimises the use of this technology, which will help customers in their transition.

The bill will also amend the Water Act 1989 to allow water corporations to install a separate meter for each part of land that may be separately occupied and for each type of water service. This will apply, with the agreement of the land-holder or an owners corporation, when you want to have your land connected to a water corporation's works; but as with other corporations the customer will incur the cost of installation. The Water Act will allow — in what is a new development — a water corporation to apportion these service fees either between the number of lots in the subdivision or according to the lot liability for each lot as set out in the plan of the subdivision.

The bill makes a number of other improvements to the Water Act. I just wanted to refer back to something Mr Barber raised in relation to the Essential Services Commission and interest rates. The changes being enacted ensure consistency among the water corporations' powers to manage customer debt following the changes made in the Water Amendment (Governance and Other Reforms) Act 2012, which came into operation on 1 July of that year.

The governance act established the Essential Services Commission (ESC) as the regulator of debt management charges — interest, which Mr Barber referred to — and applied a consistent approach to all water corporation powers to manage debt and late payments. As part of this new approach the ESC now sets a maximum rate of interest that any urban or rural water corporation can charge on late payments. For the 2012-13 year this is set at 10 per cent. What I do not have — and I think this was the information Mr Barber was seeking — is the answer to how many customers are being charged in relation to late payments. I will leave that up to the minister, in case he wishes to provide that information in the committee stage.

Unlike a general transfer of a water share, the sale of a water share by a mortgagee does not need ministerial approval and therefore escapes the trading rules, including the rule that imposes a 4 per cent annual limit on trading out of an irrigation district. This means a

mortgagee of a water share can sell mortgaged water shares when other shareholders are restricted by the 4 per cent cap, which in turn gives an unfair advantage to mortgagees as against rural land-holders. Because of this, the bill will amend the Water Act to provide that a mortgagee exercising a power of sale under a recorded mortgage will require the minister's approval for the transfer of water, consistent with trade rules applicable to other water shareholders, thereby providing equity.

The Victorian water register enables the recording of information about various entitlements, including water shares, licences et cetera, and now the register will be a central repository for the records of all entitlements. It will now include take-and-use and work licences issued in an undeclared water system. Also included in the register will be agreements made through rural corporations to supply non-potable water to a customer. This will help the minister in accounting and in assessing, using the register.

In a situation where consideration is given to an application for a licence to take and use water or a licence to construct works, the Water Act provides for the minister to take into account a range of environmental and third-party impacts. The minister must also take these matters into account before allowing the licence to be transferred. In the case of a transfer of a take-and-use water licence or works licence resulting from the sale of the land to which the licence relates and where the only change is in name, the criteria for transfer will not apply, which will avoid duplication in red tape.

The current Water Act applies a 1.5 cent-per-litre surcharge for each litre of mineral water taken and used under licence, a surcharge other states do not apply and which has Victorian suppliers at a commercial disadvantage. This surcharge was introduced in 1980 to fund the development of the mineral springs industry through the Victorian Mineral Water Committee, but in reality its activities have for the last decade been funded through consolidated revenue. With this bill, the government is removing this industry cost. Maybe at some point in time the ludicrous situation of the price of bottled water being higher than that of bottled milk will change — in fact it might even go the other way.

Mr Barber — Do you plan to do something about that?

Mr RAMSAY — The price of milk is going up, Mr Barber. Just lately Murray Goulburn has offered contracts with a tapered increase, so that is good news; I am not sure that we can change the high Australian dollar.

In response to Mr Lenders's question about the removal of the mineral water surcharge and native title, a licence to take and use mineral water is not recognised as a land use activity under the Traditional Owner Settlement Act 2010, and so there is no existing basis for traditional owner groups to access community benefits by way of a percentage of the surcharge.

Many would remember the introduction in 2001 of the farm dams bill and the licence arrangements for irrigation dams. Those who already had dams on their land could apply before 1 July 2003 for a registration licence for their dams. When issuing those licences some water corporations issued a single licence to apply to a number of farms on a property. That has created a problem when a person chooses to transfer part of their property which has a licensed dam, but is not able to transfer the portion of the licence that relates to that dam on the parcel of land. This amendment will amend the act to allow that where a single registration licence was issued in relation to more than one dam, the minister may amend the original registration licence to refer to a single dam to which the licence applied, and issue a separate registration licence for those remaining. I hope everyone is following this.

Those are the key elements in the amendment. I want to make a quick comment on the house amendment and I appreciate that this will be discussed on Thursday.

Mr Viney interjected.

Mr RAMSAY — But I take it the amendment has not been circulated so my comment will hold until Thursday.

Mr Barber — It is a mystery.

Mr RAMSAY — It is not a mystery, Mr Barber; it just clarifies, and it will be consistent with the constitution.

In summary, this bill fulfils a commitment we made in spite of the plan for water, as I said before, to improve residents' awareness of water consumption by promoting the installation of separate meters. We foreshadowed we would do that; this bill is doing that. It also provides equity in relation to mortgagee transfers, and there have been very few of those. In relation to the registration of irrigation dams and sale of land, it will now allow a registration of a dam to be sold with a portion of land, and the remaining storages to be registered separately.

On that basis I commend the bill to the house.

Mr VINEY (Eastern Victoria) — As Mr Lenders said, the opposition will not be opposing this legislation, which is designed to more effectively regulate the water industry. The significant feature in the bill that people have focused on is the capacity now to install separate meters for individual residential units in new buildings, which we recognise was a coalition election promise. It also gives the water authorities the power to require the installation of separate meters in new dwellings for individual services such as drinking water, recycled water and fire services. There are some other aspects of the bill around the administrative provisions to reduce red tape and fix up some anomalies.

I wanted to speak on this bill particularly in light of the minister's opening comment in the second-reading speech when he said:

The Victorian government is committed to the most efficient use of all the water available across Melbourne and regional Victoria.

It would appear to me that, particularly in my electorate, the commitment is somewhat qualified, because it does not include use of desalinated water for my electorate, according to the new minister. Korumburra is now on stage 2 water restrictions and the minister, in accordance with the policy position that he set as his key performance indicator, has said that while he is minister no water will ever be drawn from the desalination plant. It appears that on this ideological or political basis Korumburra and South Gippsland are going to be denied water. The water authority, South Gippsland Water, has sought funding from the government to connect Korumburra so that it can draw water effectively from the desalination plant via one of the dams in Gippsland.

The position now of this government on ideological and political grounds is that it does not ever want to be seen to use the desalinated water, and so it will deny South Gippsland the right to access it. That is the position: \$20 million will fix Korumburra's problem. It is currently on stage 2 restrictions, drawing water from the Tarwin River. It is interesting that government members when in opposition were constantly banging on about taking water out of one region to put into another and how inappropriate and terrible that is, but apparently it is okay to take it from the Tarwin River to support those communities. I actually support that, but it is not the position that the government took when it was in opposition. It opposed taking water out of one area and putting it into another.

Here we have a simple solution: Korumburra, on the verge of going to stage 3 restrictions, can avoid those

problems by simply connecting to the desalination system. The Labor government provided funding for a partial connection to the system to take place. Some additional funding from this government was needed to allow Korumburra to draw on that water, but the government is refusing to provide it. It is refusing purely on ideological grounds and to make a political statement, and the people of South Gippsland are missing out as a result of an intractable and silly key performance indicator that the Minister for Water has made for himself — that he will never draw water from the desalination plant as long as he is the minister. It does not matter what happens in terms of drought or water supply; to make a political point, he will not allow that water to be drawn. That is a ludicrous situation, and the people of South Gippsland are paying the price.

Finally, I want to pick up on comments that Mr Barber made in relation to the constitution. I think he said that the previous government made it easy to make changes to the Victorian constitution — that they could be made through the Parliament — and that it did so without debate.

Mr Barber — No, I didn't.

Mr VINEY — Mr Barber said it was with 'very little debate'. Let me go through this. The constitutional changes made by the 2002–06 Parliament were made after 20-odd years of election debate about the constitution of Victoria and particularly about the way this house is structured. Rather than making it easy to change the constitution through an act of Parliament, we entrenched eight areas of the constitution that can be changed only by referendum. Prior to those changes, changes to the constitution could be made by a simple majority of both houses of Parliament. Another change we made was that changes to all other areas of the constitution would require a 60 per cent majority of both houses of Parliament on the third reading.

Talking about changes being made without debate, these changes were introduced after there was a bill to change the constitution during the 1999–2002 Parliament. They were then presented after the 2002 election, which included a policy position of the then government on changing the constitution. Our position was put at that election. The Labor Party won the election and then established the Constitution Commission of Victoria, which went all around the state consulting with people about changes to the constitution. The commission released a report, which was then debated in the Parliament. Then there was a bill. As a result, every member of this house spoke

twice on the changes to the constitution — on the report and on the bill.

Mr Barber's proposition is that those changes to the constitution were made with limited debate and that simply an act of Parliament could change the constitution, when in fact we entrenched provisions in the constitution to require a referendum. Mr Barber was not here during that debate. I remember it well and participated in the debate. For Mr Barber, who was not here, to suggest that it was with limited debate is simply nonsense.

The final point I will make is that the only reason Mr Barber and his Greens colleagues are here is that we changed the structure of this house so that there is proportional representation. If it were not for that, he would not be sitting in this place and be able to make such ridiculous comments about the performance of the previous government about the democratic reforms to this chamber and to the Parliament of Victoria. I would have expected Mr Barber to know a little more than he has demonstrated today. I suspect that he does know more and that he did the easy thing — that is, criticise the previous government when in fact we went through quite an exhaustive process. I will not participate in these debates and allow Mr Barber to get away with slurs on the performance of the previous government in making democratic and important reforms to this chamber that he and his party benefit from.

In relation to the bill before the house, the Leader of the Opposition has made it clear that we will not oppose it. All I ask is that this be an opportunity for the minister to rethink his position on water and on the desalination plant and that he provide an opportunity for the people of South Gippsland to be connected to the desalination plant to secure their water supply forever.

Mr DRUM (Northern Victoria) — I take great pleasure in rising to speak on the Water Legislation Amendment Bill 2012. I will move straight on to talking a little about Mr Viney's contribution. It is always an opportunity for a parliamentarian to fall in behind Mr Viney's presentations.

Mr Viney — Just support me. That is all you have to do.

Mr DRUM — I find it hard to support Labor when it comes to water policy, because it is far off the mark on many occasions. We have had the Labor Party effectively saying we should still be pumping water from Yea in the dry north of the state over the Great Dividing Range into Sugarloaf Reservoir. Mr Lenders has now come into the chamber, and one of his

favourite water catchcries is that we should be using the north-south pipeline even though Sugarloaf Reservoir is full and the Yarra River runs within 1 or 2 kilometres of Sugarloaf Reservoir. Mr Lenders thinks we would be better off pumping water 70 kilometres rather than 1, even though water is running through the Yarra River into the Maribyrnong and out to sea, effectively going to waste. When you look at the nonsense of these calls, it is hard to take Labor's water policy seriously.

The \$2 million a day that Melbourne Water customers will have to pay for the desalination plant is another Labor legacy. Before going to the 2006 election Labor called a more modest desalination plant proposal put by the Liberals a hoax. Labor called desalination a hoax, and it went to the 2006 election with that as its desalination policy, so to speak. Yet by the time we got to the 2010 election it had committed over \$5 billion of Melbourne Water customers' money to a desalination plant three times the size of anything that had ever been put on the table.

It is interesting that prior to the 2006 election Labor said it did not believe in taking water from the dry north of the state and pumping it to the south. It did not believe in that, yet by the time we rocked around to the 2010 election \$1 billion of pipeline had been put in the ground and another \$1 billion had been put into trying to find water savings throughout the Murray-Darling Basin in northern Victoria.

Labor had the audacity to build the north-south pipeline without even doing a business case. It simply took what the new Premier and water minister considered a good idea at the time, did some calculations on the back of an envelope and built it. It brought in excavators and started to build it even before it had done a business case, checked out the environmental effects or done any of the other standard preparatory work that needs to be done for a project of that size. With all that history about water policy it is sometimes difficult to take Labor seriously when it starts being critical of someone like Minister Walsh, the Minister for Water, who has been dealing with water all his life and understands it implicitly.

Mr Lenders — Somebody understands.

Mr DRUM — Sorry?

Mr Lenders — We were agreeing with you.

Mr DRUM — Therefore sometimes it is a little bit rich to be lectured by the Johnny-come-latelys of the water debate.

This bill has a range of objectives. However, most importantly its primary objective is to enable water authorities to put individual meters on individual lots. This is a policy that was taken to the last election. We said this is what needed to happen prior to the 2010 election, and this bill will bring that through.

Mr Barber — I still reckon it is a good policy.

Mr DRUM — It is a good policy to be able to put separate meters on each occupancy of land, for each lot on a subdivided property and also for each type of water — that is, whether we are talking about potable water, recycled water or even water needed for firefighting purposes. The bill will also clarify that water corporations in consultation with the owners can apportion service fees for water usage and sewage disposal and impose them on owners of lots in a subdivided property according to one method or a combination of methods.

A range of other amendments will enable further improvements to take place in the management of water shares, certainly when it comes to water shares potentially being sold by mortgagees. This will need to be done because the 4 per cent limit on the transfer of water shares in and out of different water districts has in effect impacted on people's ability to sell their water shares once the shares fall into the ownership of a mortgagee.

There will also be work in relation to licences and agreements to supply water. Those issues are going to have to be recorded in the water register, and that will be picked up in this bill as well. There are a range of other amendments or actions within the legislation that are going to assist with the management of water. The bill will also remove a surcharge of 1.5 cents per litre for mineral water taken under licence. There will also be a reduction in red tape for transfers upon the sale of land, and again we are always looking to try to cut back on red tape whenever we possibly can.

There will be a house amendment to ensure that people have confidence that the works going on at the moment in the Goulburn-Murray irrigation district comply with the Constitution Act 1975. It is critical. It was missed out in the original bill, but it will be added to give people the confidence and comfort they need. That will be added as a house amendment as the bill goes into the committee stage.

With that contribution, I wish the bill a speedy passage and look forward to the committee stage when these issues can be fleshed out.

Mr SCHEFFER (Eastern Victoria) — Mr Lenders and Mr Viney have already indicated that the opposition will not be opposing this legislation, and principally this is because the provisions set out in the bill extend the direction that the previous Labor government was pursuing in relation to water management in Victoria. But I would like just to go back a little into the history that some previous speakers have covered to set in context our support for this legislation and some difficulties we have with the government's water policy. As we will remember, the first decade of this century up until 2010 was characterised by severe drought, and it was a drought that for some time coincided with the period of the Bracks and Brumby Labor governments in Victoria.

The water crisis was badly affecting the capacity of farmers to irrigate, and Victoria's water storages were dramatically depleted, with the low rainfall failing to replenish dams and high temperatures drawing water out of the environment. With the virtual absence of rainfall over that period, the consistently high and increasing temperatures, the depletion of water in the storages and the growing alarm of the massive irrigation sector and industry, as well as households, it was imperative that the government act.

To set the record straight, the Bracks and Brumby governments had been working steadily since the election in 1999 to redevelop Victoria's water system, and members will remember that in June 2004 we announced the Our Water Our Future plan that aimed to make water access for urban and regional communities more secure. In June 2007 Labor announced the next stage of that plan, and the elements of that involved the diversification and boosting of water supplies in Melbourne through desalination, networking the state's water resources in an expanded water grid, modernising Victoria's food bowl irrigation system and capturing lost water.

These measures all need to be understood against the background of that protracted 13-year drought. If it had continued, effectively it would have threatened the state's future viability. The fact is that at that time no-one knew when, or if, the drought would end. Notwithstanding the last two years of fantastically good rainfall that has replenished water storages, the current dry weather in Victoria over this summer and the record-breaking high temperatures are once again focusing Victorians on the underlying reality that south-eastern Australia will be much drier in the years to come. Yes, there has been rain over the last few days, but according to what the scientists tell us south-eastern Australia will be drier and warmer in the future. This is why the legislation before us today is important and

why we on this side are happy to support a bill that moves the state closer to using water more wisely through an improved metering system.

When I started work as one of the members for Eastern Victoria Region the Phillip Island community was in a state of alarm over the lack of water and wanted the then Bracks government to call a halt to future housing developments along the Bass Coast because there was soon to be too little water to supply new residents. The reservoirs in South Gippsland and on the Bass Coast are locally referred to as fill-and-spill reservoirs because they hold relatively small volumes of water; they fill in the winter rain and drain off in the summer. The prolonged drought disrupted this pattern, and something had to give. One of the things the then government decided to do was build a desalination plant near Wonthaggi which can supply Victoria with a new source of non-rain-dependent water that can be effectively distributed to other parts of the state through the water grid.

While there has been a lot of controversy over the desalination plant, the fact is that farmers and senior members of local water authorities — some of them members of The Nationals — have told me that in their view long after the Bracks and Brumby Labor governments have departed the scene Victoria will acknowledge that the water grid was the single greatest achievement of those administrations. Yet the Minister for Water in this coalition government is on the public record as having said in January of this year that it is his personal goal to never order water from the desalination plant. One is reminded of that great Spanish proverb, 'Never say, of that water I will not drink'. That is the arrogance of this government. The arrogance of the statement is breathtaking, especially as it comes on top of the coalition government's earlier decision to shut down the north-south pipeline unless water storages fall below 30 per cent. It shows how ideologically driven this government is and how it sees itself as an opposition in exile.

On 19 February South Gippsland Water announced that Korumburra would go to stage 2 water restrictions. Mr Lenders at that time pointed out that the government could overcome the difficulty faced by Korumburra by supporting South Gippsland Water's proposal to connect Korumburra to the desalination plant. The town's water problem could be solved for an estimated \$21 million. All that the Minister for Water can say is that South Gippsland has always had fill-and-spill reservoirs and that it is fine for residents to wait for additional rain. By 8 March South Gippsland Water had activated emergency supplies, pumping water from the

Tarwin River so that stage 3 restrictions would not have to be activated.

I quote a report from the 'ABC news' website, which states:

Southern Gippsland Water's managing director, Philippe du Plessis, says the stage 2 water restrictions could continue for months.

'Typically it will take some weeks or months of regular rain for the catchments to become wet enough, to then have the water pass through the catchments, potentially go through farm dams and fill those farm dams up and then make their way into our reservoir', he said.

He says stage 3 water restrictions are unlikely but a possibility.

'If we can't get the equilibrium for whatever reason, the weather continues to be exceptionally dry or the infrastructure isn't keeping up with demand, then we might move to stage 3', he said.

This is a stark example of the bloody-mindedness of the government, which refuses for ideological reasons to invest \$21 million to connect Korumburra to the water grid and the desalination plant purely and simply because it was a Labor project. The people of Gippsland are wondering why their local member, Peter Ryan, is not standing up for them at this critical time. It really does take one's breath away.

I return to the specifics of the bill before us today. It is clear that provisions of the bill will have a cumulatively positive impact on water efficiency; however, what I do not understand is why the government on the one hand introduces measures that will enable each water user to see how much water they are using and how they can save money by reducing their consumption and on the other hand drops the Target 155 initiative that was very successful in raising public awareness about being careful with water.

One consequence of the government dropping the Target 155 campaign and easing water restrictions is that average daily water use has soared to 238 litres a person per day — 50 per cent more than 155 litres per person per day. The Target 155 campaign was a simple and effective program that supported everyone — adults and children — through promotions. It offered people a positive and constructive way to think about how they used water on a day-to-day basis and how they could use less of it and add to the public good. The bill does contain positive provisions, and the opposition will not be opposing it.

Mrs PETROVICH (Northern Victoria) — I am pleased to speak on this bill this evening. I have not got very long, but I would like to highlight a number of

issues around the government's plan for water and the commitment it has made to Victoria and to the water corporations, which was to progressively replace water meters in flats and apartment blocks to ensure that in the long term every resident would have his or her own separate meter. This is equitable, fair and the right thing to do.

The government is committed to the most effective and efficient use of all water available across Melbourne and regional Victoria. I was privileged to be on a committee in the previous government's time, the Environment and Natural Resources Committee, which produced a fairly extensive report on water for Melbourne. It looked at a range of issues, including desalination, stormwater collection and the most efficient and effective way of ensuring that we have a continued water supply that is safe and available to all Victorians. There was a minority report attached to that piece of work, which I was pleased to contribute to. It talked about stormwater collection and small localised desalination plants. It is the experience of every other nation in the world that has expertise in building and using desalination plants that they provide desalinated water at a cheap price to their communities.

Mr Scheffer talked about the Spanish experience. In Spain there exist small localised desalination plants which do not cost the sort of money that we are having to deal with in relation to the desalination plant at Wonthaggi, which was commissioned under the previous Labor government and will cost \$1.7 million per day for the next 27 years. The alternatives were small, localised desal plants, stormwater collection and a suite of others.

I have personal experience of many of those constituents who had their land seized, and where a pipe that was a pipedream was built. It caused an enormous amount of distraction and grief to that community.

The government is committed to the most efficient use of all the water available across Melbourne and regional Victoria. Part of achieving this vision is ensuring that Victorians have the opportunity to know exactly how much water they are using so that they can responsibly and efficiently use a finite resource, and they can make decisions about the money they are spending and how much water they are using. We saw the experience during that long period of drought, that 10 or 11 years of dry, where people went onto water restrictions and accepted that and made changes to the way they used their water.

The bill implements the government's policy of encouraging the fitting of water meters for each part of land that may be separately occupied and for each type of water service, and of using meter readings when water corporations apportion service fees amongst lot owners of subdivided properties. The bill also makes a number of general improvements to the administration of water shares, licences to take and use water, and works licences. It clarifies that a water authority may require the installation of meters where there are separate occupancies on land and multiple services are provided to land regarding drinking water, recycled water and private fire services. It makes amendments in relation to the liability of owners corporations or lot owners for fees for services supplied to subdivisions, and a range of other issues that I probably do not have time to go through extensively today. It simplifies the matters the minister must consider when determining applications for the transfer of licence under sections 51 or 67 to successors in title, and provides that a person must not transfer ownership of water shares that is subject to a recorded mortgage unless the minister has approved the transfer.

This is all part of the government's commitment. The Victorian government is committed to making the most water of all water available to people in Melbourne but also in regional Victoria. That is not just about the drinking water available in the catchments but about taking full advantage of rainwater, recycled water and stormwater in our urban areas. There are many examples internationally of where this has been done very successfully.

We have a great opportunity here, under the guidance of the Minister for Water, Mr Walsh, to ensure that we provide sustainable water alternatives for our communities. We have an opportunity to create green, urban spaces and to make our metropolitan areas much more livable. We can reduce the effect of the heat island impact in our metropolitan areas — after this summer we have seen dramatic increases in heat — and that can only improve the livability of the inner metropolitan area. Our government's commitment supports a vision of the implementation of the plan for Melbourne water systems to create a smart, resilient water system for a livable, sustainable and productive Melbourne. That is our vision.

Mr Barber interjected.

Mrs PETROVICH — The Greens are very good on spin and the fast words, but we are actually delivering on that. We are looking at how we make our communities resilient and able to deal with those climate adaptation issues that they are facing regarding

heat and long periods of dry, extremes in temperature and extremes in rainfall. Our government is delivering on that, and I am proud to be associated with the work around that. It is not just spin; it is not just words. It is actually a delivery for all Victorians. It is not producing white elephants that will cost \$1.7 million a day for the next 27 years. What we could do with that money in our budgets; what we could do for our schools and our hospitals. What a waste. What a lack of vision from the previous government.

Mr Leane interjected.

Mrs PETROVICH — I will not say much more, and I will not be drawn on Mr Leane's comments tonight. I think our record stands on its own. We are delivering for Melbourne, and we are delivering for the rural and regional areas. We are looking at Victoria in a holistic way and at how we deliver those services for the betterment of the community.

Hon. P. R. HALL (Minister for Higher Education and Skills) — I thank members for their contributions to the second-reading debate. As some members have indicated, I will seek to have the bill committed on the next day of meeting, which will turn out to be Thursday because of our arrangements in the house. With respect to that, it has been foreshadowed that the government will amend the bill. I ask for the amendments to be circulated at this point in time.

**Government amendments circulated by
Hon. P. R. HALL (Minister for Higher Education
and Skills) pursuant to standing orders.**

Hon. P. R. HALL — Members will have an opportunity to look at the amendments between now and Thursday. I also offer a briefing to any members of the opposition or the Greens. If they wish me to arrange a briefing for them with departmental officials, I am happy to do that during the course of the day tomorrow to enable the efficient functioning of the committee come Thursday. Again, I thank members for their contributions to the second-reading debate.

Motion agreed to.

Read second time.

Ordered to be committed next day.

ADJOURNMENT

Hon. P. R. HALL (Minister for Higher Education and Skills) — I move:

That the house do now adjourn.

Coal seam gas: consultation process

Mr LENDERS (Southern Metropolitan) — The matter I raise tonight is for the attention of the new Minister for Energy and Resources, Mr Kotsiras. In the adjournment debate on 23 May 2012 I called on the then minister to go out and personally chair and oversee a series of coal seam gas public meetings with stakeholders. This was of course after the government had on two occasions refused to let a parliamentary inquiry look at coal seam gas. On 27 November I received a reply saying only that the minister would rely on the federal government's expert panel and that consultation would be through his Earth Resources Ministerial Advisory Council.

An honourable member interjected.

Mr LENDERS — Of course, as the member interjecting said, it is ironic for a state government that does not trust the science of the federal government regarding climate change or alpine grazing to refer this scientific matter to the federal government.

The action I seek from the minister is that he provide an explanation to the house as to why the Department of Primary Industries (DPI) then outsourced the provision of services for the coal seam gas and coal stakeholder engagement and community strategy to a company called GHD Pty Ltd.

The Victorian government tenders database shows that DPI outsourced the ministerial spin doctoring at a cost to the taxpayer of \$165 000. What we have is that this house twice rejected a request to refer an inquiry to a joint investigatory committee to discover the science of coal seam gas, particularly what happens in the aquifers and what the safety issue of it is. The then minister first went on about Labor's 'fracking hypocrisy' before he did a total backflip and started a moratorium on coal seam gas himself. Then, rather than actually going out and engaging Victorians on what is happening in this, the government outsourced to and engaged a company to go out and consult with people on coal seam gas.

The action I am seeking is that the minister explain, particularly in the context of the Department of Primary Industries losing 10 per cent of its workforce under the so-called sustainable government initiative, what this \$165 000 could have done in saving one or two jobs

within DPI for core government activities, rather than this. I ask the new minister to fess up and say why this has been outsourced and why the minister himself could not go out and talk to some Victorians about coal seam gas.

Essendon: traffic management plan

Mr FINN (Western Metropolitan) — I raise a matter for the Minister for Roads, and it concerns issues that were raised at a meeting I had yesterday with representatives of Lowther Hall Anglican Grammar School in Essendon. There are a number of schools in the vicinity of Lowther Hall, including St Columba's College and Penleigh and Essendon Grammar School, and those three schools involve a goodly number of students and inevitably parents who drop the students off, leading to absolute traffic bedlam at the drop-off and collection times later in the afternoon.

To add to that confusion, Buckley Street, Essendon, has a level crossing which is causing some degree of distress for motorists given that the increased number of trains that the north-western suburbs are now enjoying is causing no end of problems for drivers, some of whom have been stuck at the crossing for up to 10 minutes at a time. That adds further to the concerns of parents dropping their children off at the three schools to which I refer — St Columba's, Lowther Hall and Penleigh and Essendon Grammar School — about how they access the area around the school, and it is causing considerable concern.

The parents that I spoke to yesterday have expressed their very great fears that if something is not done very soon, a child will be hit and killed. I have raised this matter with the mayor of Moonee Valley Council, and I will continue to do so. She is a very good mayor and will do what she can to assist because it is at least partially a council matter, but I am asking the Minister for Roads to direct VicRoads, in consultation and cooperation with the Moonee Valley council, to conduct a traffic management plan which will identify options to solve the problems facing hundreds, if not thousands, of people on a daily basis in this area at the moment. It is dangerous, it is traffic bedlam, and what I have asked for will go some way towards solving the problem.

Environment: container deposit scheme

Ms HARTLAND (Western Metropolitan) — My adjournment matter is for the Minister for Environment and Climate Change, Ryan Smith. It relates to an issue that is very important for the people of the Northern Territory and the businesses that have invested in a

recycling scheme there — the container deposit scheme. The Northern Territory 10 cent deposit scheme is based on the very successful South Australian model, and the Northern Territory now enjoys recycling rates amongst the highest in the world.

On Monday, 4 March 2013, the Federal Court of Australia, in the case of *Coca-Cola Amatil (Aust) Pty Ltd v. Northern Territory of Australia* [2013], ruled in favour of beverage companies Coca-Cola Amatil, Lion Nathan and Schweppes that the Northern Territory container deposit scheme was inconsistent with the Mutual Recognition Act 1992 and that therefore the container deposit scheme is invalid.

Large corporations have a responsibility to be good corporate citizens. They should not have used a legal loophole to stop a scheme that helps the environment and helps community groups fundraise. These beverage companies have indicated that they will pull out of the scheme on 18 March 2013. The Northern Territory government has indicated that it will appeal the decision and seek an amendment to the act through the Council of Australian Governments (COAG).

I urge all members of COAG to unanimously grant an exemption to the scheme so that it can resume. Parliament and parliamentarians from all parties must stand together to support the reinstatement of the Northern Territory scheme and to support the introduction of a national container deposit scheme. The action I ask of the minister is whether the Victorian government will work together with other Australian governments to expedite consideration of any application made by the Northern Territory government for an exemption to the Mutual Recognition Act 1992 to support the continuation of the Northern Territory container deposit scheme.

Department of Education and Early Childhood Development: custody dispute

Mr LEANE (Eastern Metropolitan) — My adjournment matter is for the Minister for Education, Mr Dixon, and it relates to a constituent who came to meet with me in the last week. He has a grave concern about the way a school in the outer east dealt with an issue concerning a custody dispute or non-dispute concerning his son. Because it involves a young person — and as the minister will know, these issues can be sensitive — I would appreciate it if rather than mentioning it in Parliament I could give the Minister for Housing a document that was sent to the Minister for Education by this gentleman concerning the details.

Basically the concern of this gentleman is that he believes the school took sides over the custody of this young person. It was later proven the school authorities should not have done that, and they actually worked out that they might have picked the wrong place to be in at the time. He also has grave concerns that one or more of the teachers had a conflict of interest in this area, so he has contacted the department and the minister, and I have that communication here. The action I seek is for the minister to get involved in this issue, and if it is the case that it was dealt with incorrectly, perhaps he could find a way to ensure that such a thing does not happen to anyone else in the future.

Port of Melbourne: Webb Dock development

Mrs COOTE (Southern Metropolitan) — My adjournment matter this evening is for the Minister for Ports, the Honourable David Hodgett, and I take this opportunity to congratulate him on his elevation to the cabinet. I know what a good job he will do. It relates to the work that recently commenced on the \$1.6 billion upgrade of Webb Dock at the port of Melbourne and to reiterating to the chamber the importance of Webb Dock. Webb Dock is located on the left-hand side as you go across the West Gate Bridge towards Geelong. You will see it under shade cloth. It is where many of the vehicles made in Victoria — the cars from Ford and GM Holden and so on — are sent to be distributed overseas. It is an enormous area and a very important part of the economic infrastructure of our state, and I would like to take the opportunity to congratulate the former Minister for Ports, the now Premier, the Honourable Denis Napthine, on the work he started there.

It is a very important gateway for Victoria's economy, and we now have a Premier who takes great interest in the economy of the state and is encouraging the development of Webb Dock. Part of this massive \$1.6 billion investment will include on-ramps and off-ramps from the West Gate Bridge into and out of Webb Dock. This is something that the people of Port Melbourne are particularly interested in because for a long time they have been concerned about additional traffic on Williamstown Road and Graham Street. I am led to believe that these on-ramps and off-ramps leading to and from the port will alleviate the traffic congestion and the build-up of huge container trucks. It is a very important project for people in the Albert Park electorate, particularly those who live in and around Port Melbourne.

The on and off ramps will provide an opportunity for trucks to access the port directly from the motorway, removing the need for them to use local roads such as

Williamstown Road, which runs through Port Melbourne. The action I seek is for Minister Hodgett to keep my constituents informed of the progress that benefits them during the port upgrade through measures such as his recent media release and about the on and off ramps in particular.

Schools: Bannockburn

Ms TIERNEY (Western Victoria) — My adjournment matter this evening is for the Minister for Education, Martin Dixon, and it is in relation to the Bannockburn early years to year 12 school. For more than two years now the Golden Plains shire and the community of Bannockburn have been waiting for what was promised to them by the Baillieu and Napthine governments: a new secondary school and natural gas connection to the township. So far the community has been let down by this government on both fronts.

In a letter to the editor published in the Ballarat *Courier* of 28 February this year one resident, Leah Phillips, described the feelings of the Bannockburn community, stating:

For many years now the residents of the Golden Plains shire have been constantly promised that there would be a new school built in Bannockburn ...

In the budget of May 2012 the hopes were once again dashed as funding was not allocated to allow this to happen, leaving 533 children who attend the primary school now with no more than half a football field to play on.

Ms Phillips's sentiments are an echo of what I have been hearing from this community for over two years now. In mid-2012 the *Golden Plains Miner* newspaper ran a story with the headline 'No school, no gas for Bannockburn district'. Nine months on, nothing has changed.

It is a well-known fact that the Golden Plains shire is one of the fastest growing local government areas in Victoria and that Bannockburn is the fastest growing township within that municipality. One only needs to drive through the town to see how it has exploded over the last five years or so. New homes are being built in what is truly a fantastic place to live and raise a family, but it is incumbent upon the government of the day to provide the necessary infrastructure to accommodate this growth. The community has heard the promises of this government and is saying that it is high time for the government to deliver.

The action I seek tonight is for the minister to fulfil the election commitment made by his government and

commit funding in the upcoming May budget to build the Bannockburn early years to year 12 school.

Local government: business tenants

Mrs PEULICH (South Eastern Metropolitan) — I raise an issue for the consideration of the Minister for Local Government. I think the terms ‘economic development’ and ‘economic activity’ are on everyone’s lips, given that our economy is obviously under pressure. The global financial crisis continues to reverberate, and the high Australian dollar raises many challenges for our export industries. The pressure on jobs, the restructuring of the economy, the carbon tax — all of these things — make the future of business even more challenging.

In particular what interests me is how local government is or is not facilitating business. Ultimately business is about jobs and jobs are about the welfare of our community and our families. Some councils do very well at listening to the voice of business. Many of those that do that well are regional councils — the City of Greater Geelong, the City of Greater Dandenong, the City of Ballarat and so forth. Many of the metropolitan councils, regrettably, have the business voice on the outer. It is not institutionalised in any of their processes of consultation.

An interesting concept I heard being put forward the other day by former mayor of Frankston and current president of the Frankston Chamber of Commerce, Christine Richards, was to consider the best way of giving business a voice — that is, not taxing it without representation. In particular Christine Richards pointed to the fact that business tenants do not have a vote in local council elections. I thought this was an interesting point given that tenants who are residents do have a vote. Businesses, which pay taxes and rates, do not have a vote in council elections.

The matter I would like the minister to consider is the means by which business could end up having its voice heard rather than being left out in the cold, and indeed I would like him to consider the proposal being put forward by former councillor Christine Richards to give a vote to businesses which are tenants in municipalities. There is no better way to get your priorities on the agenda, have them considered and feed them into the strategic plan than actually having an impact on elections. I think it is a serious, sober and visionary proposal, which I would like the minister to consider, along with any other means by which the voice of business owners, who are the ones who generate jobs in the community, could be heard at the local municipal level. We all know that many business challenges are

exacerbated at the local government level. What we need to do is find a way for the voices of business owners to be heard, just like those of any other stakeholders in the community.

Paramedics: enterprise bargaining

Ms DARVENIZA (Northern Victoria) — I wish to raise a matter for the attention of the Minister for Health, David Davis, and the matter I wish to raise concerns the pay and conditions of Victorian paramedics. The results of a recent survey of almost 600 Victorian paramedics who participated in the Ambulance Victoria workforce retention study are of grave concern, as the survey found that 55 per cent of those surveyed planned to quit or were considering quitting the ambulance service within the next five years, meaning that Victoria could lose 1500 experienced paramedics by 2018.

Mr Ian Wines, a paramedic from Echuca, recently informed the *Riverine Herald* that an experienced paramedic in Victoria earns \$56 000 a year. Anything additional to this pay is for working public holidays, weekends or overtime shifts, which are sometimes more than 14 hours long. A matter of extreme disappointment and frustration to him and other Victorian paramedics is that if they worked in South Australia, Western Australia or the Australian Capital Territory, they would earn just under \$25 000 more each year, and if they worked in Tasmania, New South Wales or Queensland, they would receive \$8000 more a year than they do working here in Victoria.

Mr Wines said that much of the reason Victorian paramedics were so far behind in wages compared to those in other states was that they were not recognised as professionals here in Victoria. Although a paramedic’s training involves a university degree on par with that of a registered nurse, unlike registered nurses, paramedics are not recognised as medical professionals.

Mr Wines said that after the union analysed the government’s pay offer it looked like paramedics would be better off by just \$1 a week. What is alarming is that once you do the figures, paramedics are coming in behind the CPI. Paramedics said that night shifts were at least 14 hours and sometimes crept up to 15 or 16 hours, while day shifts were 10 hours long.

The Ambulance Employees Australia delegate for Shepparton and Mooroopna, Mr Paul Almond, said half the region’s resources were sitting within hospital emergency departments waiting to be released. Mr Almond advised that some days ambulance crews

could wait up to 3 hours to off-load a patient before they could be back on the road. This caused huge flow-on effects. Recently four ambulances and one mobile intensive care ambulance unit were ramped outside Goulburn Valley Health.

My specific request to the minister is that, as a matter of urgency, he resolve this pay dispute with Victorian paramedics and pay them commensurate with the pay of those in other states. Northern Victoria cannot afford to lose any of these valuable paramedics.

Responses

Hon. W. A. LOVELL (Minister for Housing) — I have written responses to 19 adjournment debate matters, raised by Ms Crozier on 5 May 2011, Ms Tierney on 29 March 2012, Mr Viney on 14 November 2012, Ms Mikakos on 11 December 2012, Mr Lenders on 12 December 2012, Mr Finn on 13 December 2012, Mr Pakula on 13 December 2012, Mrs Coote on 5 February 2013, Mr Finn on 5 February, Mr Elsbury on 5 February, Mr Ramsay on 7 February, Ms Tierney on 7 February, Mrs Coote on 19 February, Ms Hartland on 19 February, Mr Lenders on 19 February, Mr O'Brien on 19 February, Mr Lenders on 21 February, Mr Pakula on 21 February, and Mr Scheffer on 21 February.

Tonight eight issues were raised and I will pass them all on to the relevant ministers.

Mr Lenders raised a matter for the Minister for Energy and Resources regarding coal seam gas. I will pass that on to the new Minister for Energy and Resources, who is very energised and will make an excellent minister in that role.

Mr Finn raised a matter for the Minister for Roads regarding the dropping off of students at Lowther Hall Anglican Grammar School, Penleigh and Essendon Grammar School and St Columba's College in Essendon. He asked that VicRoads, in consultation with the Moonee Valley City Council, develop a traffic management plan to assist with those drop-offs.

Ms Hartland raised a matter for the Minister for Environment and Climate Change regarding container deposit schemes. She spent a lot of time talking about a court case involving Coca-Cola Amatil and the Northern Territory government, which I am not sure is within the minister's responsibility. She did ask him a further — —

Ms Hartland — On a point of order, Acting President, I was doing that to explain the background. I

think it was quite relevant to the adjournment matter, and I am sure the minister is well aware of the case.

The ACTING PRESIDENT (Mr Ondarchie) — Order! Ms Hartland, that is not a point of order.

Hon. W. A. LOVELL — Mr Leane raised a matter for the Minister for Education and asked me to pass on a document to the minister. I will pass that on to the minister.

Mrs Coote raised a matter for the Minister for Ports regarding the coalition's \$1.6 billion investment in Webb Dock. She asked the minister to keep local constituents informed about the redevelopment of the dock and also the improvements to the on and off ramps that will improve traffic flow in her electorate.

Ms Tierney raised a matter for the Minister for Education regarding a school in Bannockburn. She read from an article that said that for many years that school had not been delivered, so she highlighted Labor's failure over 11 years to provide a new school and called on the coalition to now deliver where Labor never did.

Ms Tierney interjected.

Hon. W. A. LOVELL — Mrs Peulich raised a matter for the Minister for Local Government and asked her to review ways that businesspeople who are tenants can have a greater say in council elections, particularly when their contribution to economic development is taken into consideration.

Ms Darveniza raised a matter for the Minister for Health regarding the remuneration of paramedics and outlined that she believed the enterprise bargaining agreement negotiated by the former government delivered inadequate remuneration to paramedics.

I will pass each of those matters on to the ministers.

The ACTING PRESIDENT (Mr Ondarchie) — Order! The house now stands adjourned.

House adjourned 6.54 p.m.

