

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

**LEGISLATIVE ASSEMBLY
FIFTY-SEVENTH PARLIAMENT
FIRST SESSION**

Wednesday, 9 November 2011

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¹ Resigned 21 December 2010

² Elected 19 February 2011

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Wednesday, 9 November 2011

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

MEMBER FOR ALBERT PARK: CONDUCT

The SPEAKER — Order! I have received a copy of a tweet by the member for Albert Park. I found the tweet to be very offensive to me and the position of the Speaker, and I seek an apology.

Mr FOLEY (Albert Park) — While I am always happy to be guided by you, Speaker, on these matters, I am inquiring as to what the particular issue might be. I regularly send out tweets, and I have regularly commented on rulings on Twitter, so I am seeking your guidance.

The SPEAKER — Order! I find this one to be very offensive to me, and I am asking for a withdrawal.

Mr FOLEY — I am simply seeking your guidance, Speaker.

The SPEAKER — Order! I am not intending to read the tweet into *Hansard*. I am asking for an apology.

Ms Allan — On a point of order, Speaker — —

The SPEAKER — Order! I am on my feet! I found it offensive, and I am seeking an apology.

Ms Allan — On a point of order, Speaker, can I say that in raising this point of order I have not seen the tweet that you are referring to, so I am not commenting on the specific tweet — —

An honourable member interjected.

The SPEAKER — Order! The member for Kororoit!

Ms Kairouz interjected.

The SPEAKER — Order! Maybe she should have been looking. Points of order will be heard in silence.

Ms Allan — I think this is a serious matter, and, as I indicated, I am not commenting on the content of the tweet or its potential reflection on the Chair; I am more concerned about the potential precedent that any ruling or any comment in this chamber may create. I appreciate that where something is offensive to another member of Parliament there is a requirement that members be asked to withdraw in the chamber, and that

is a well-established practice that is acknowledged by all members.

However, this comment was made outside the chamber, and I think in the course of our roles as members of Parliament a lot of things are said. I am sure we have all said things that we may or may not want to have repeated. However, your raising this issue in this place, Speaker, has the potential — and I am not saying it does — to curtail what members of Parliament can say outside of this place. You, Speaker, both during — —

Honourable members interjecting.

Ms Allan — Yes, I appreciate that. I am just indicating that this is a serious matter and I think it deserves some respect from all members of Parliament.

Honourable members interjecting.

The SPEAKER — Order! I will not again raise the issue of members being heard in silence when they are raising a point of order. The next person who interrupts will be out the door.

Ms Allan — I appreciate that the role and position of Speaker requires particular deference and respect from members of Parliament.

Honourable members interjecting.

Ms Allan — I really do not need the assistance of those opposite to make this point, because it goes to — —

Mr Newton-Brown interjected.

Business interrupted.

SUSPENSION OF MEMBER**Member for Prahran**

The SPEAKER — Order! Under standing order 124, the member for Prahran is out for half an hour. He was warned.

Honourable member for Prahran withdrew from chamber.

MEMBER FOR ALBERT PARK: CONDUCT

Business resumed.

Ms Allan — This is potentially establishing what would be a concerning precedent that members of

Parliament cannot say things outside of this chamber. I do not wish to reflect on you or on your role, Speaker; however, you have made comments outside this place both as a member of Parliament and also in your role as Speaker that have reflected on members of Parliament in here. That goes through to the keeper; it is all part of the robust debate that happens outside this place, and it happens in the context of a well-established set of principles around freedom of speech for any member of the community, be they a member of Parliament or a member of the community who may not be here.

I ask that perhaps before we go further down this path we have some conversation outside this place and that this course not be proceeded with now. Perhaps we can have a conversation with you, Speaker, in your rooms to further establish your concerns with the member for Albert Park's comments and we can arrive at the best way to deal with those matters outside this place.

The SPEAKER — I have received a copy of this tweet, which was obviously sent far and wide. I am offended by what it says not only personally but also in my position as the Speaker of the house. I am thick skinned; I have been around for a long time. Yes, I have made comments inside and outside of the chamber, but I am not prepared to allow this to go ahead. I want an apology from the member for Albert Park.

Mr Hulls — On the point of order, Speaker, we are governed by standing orders and Speakers' rulings. I am not aware — and I ask that you, Speaker, simply reflect on this and come back after question time, after you have reflected on it, and if you wish make the same comments or request do so then — of any standing order or Speaker's ruling that would support a Speaker's position or the position of any other member of Parliament who was offended by something that was said outside the house through the use of new technology, such as tweeting, or when a particular bit of social media was directed towards them — and there will be more of this as technology develops — simply coming into this house to demand an apology without first at least investigating the background of the particular tweet or social media expression that has been made public and without having a private word with the member of Parliament in relation to that matter.

I would have thought there were far better avenues for dealing with this matter, because this will set an extraordinary precedent, as I said, in terms of new and developing technologies, such as in social media where people tweet on a regular basis on a whole range of matters. For members to be able to stand up in this

place and seek an apology in relation to such a matter would create, I think, an unfortunate precedent.

I ask you, Speaker, to reflect on this matter for a number of hours and then come back into this house, because there would be a situation where members simply could not send tweets about matters that concern them out of fear of their being dragged before the Parliament and asked to give apologies. I understand you, Speaker, are very thick skinned and robust, but in the interests of not setting an inappropriate precedent it would be good if you reflected on this matter for a few hours and perhaps then returned to the chamber to express views about this matter.

The SPEAKER — Order! The member for Niddrie should be aware now that I have reflected on this matter overnight. I reflected on it again this morning when I came in the chamber. All I am asking for is an apology from the member for Albert Park.

Mr Andrews — On the point of order, Speaker, I am unaware of any avenue under standing orders enabling you to seek an apology. There is obviously an opportunity to ask for a member to withdraw a comment that has been made in the chamber. That is an opportunity that is open to all members. I note there is some discretion in terms of the orderly conduct of the house. But I say to you, Speaker — and I do this respectfully, because you have obviously taken offence at the comment and the matter needs to be resolved hopefully to your satisfaction and for the benefit of all members — the comment was not made within the house, so the issue of seeking a withdrawal would not be relevant. The notion of seeking an apology for a matter you are unwilling to clarify — you will not say what you are asking the member for Albert Park to apologise for — seems to me rather odd and a strange precedent to establish.

I put it to you that the ramifications of this go well beyond — and again I say this with the greatest of respect — any insult or difficulty you may have with the comment. You have made your position very clear in regard to what you seek. I think there is some doubt about whether that is an entitlement under standing orders. You can seek it; you are able to ask for things. I would have a different view of whether you are entitled to them under standing orders.

The other issue I seek some clarification on is: if the member for Albert Park is unwilling to apologise for something he has not been alerted to — you have not explained to him what you want an apology for — what sanction do you propose to apply to him? Surely he is

entitled to know what that is before he considers the request — not the direction, but the request —

Honourable members interjecting.

Mr Andrews — These are very important matters of precedent, and this chamber operates under a set of rules that confer rights, entitlements and obligations on members. If a member chooses to go beyond those obligations, then that is a matter for him or her. You cannot be required to do more than the rules require of you. I put it to you, Speaker, that demanding an apology was perhaps not the best way to handle this.

The SPEAKER — Order! I have heard enough on the point of order. I have sought an apology from the member for Albert Park, and I want that apology. There is in fact a ruling in *Erskine May*.

Honourable members interjecting.

The SPEAKER — Order! The member for Albert Park is very much aware of what he tweeted. In fact he just took the position of showing that tweet on his iPad to other members who are sitting behind him. What I am saying is, he knows exactly what it is. *Erskine May* says:

Written imputations, as affecting a member of Parliament, may amount to contempt, without, perhaps, being libels at common law, but to constitute a contempt a libel upon a member must concern the character or conduct of the member in that capacity.

Reflections which have been punished as contempts have borne on the conduct of the Lord Chancellor in the discharge of his judicial duties ...

There are precedents in the rulings in *Erskine May*.

Ms Allan — Which century, Speaker?

Mr Andrews — What year was that, Speaker?

The SPEAKER — Order! I am not going to argue the point. I have sought an apology from the member for Albert Park for what he has tweeted about me, which reflected on me and my position as Speaker.

Mr Hulls — On a further point of order, Speaker, just by way of clarification, as you will recall I wrote to you and also cited *Erskine May*, in relation to comments you made outside this place about me and about my fitness to be in this place. I sought an apology from you, Speaker, and you refused. Could you please explain what the difference is between you making comments outside this place about a member and a member tweeting about you, when you demand an apology?

The SPEAKER — Order! I have sought an apology from the member for Albert Park. If I do not get it, I am going to suspend him from the chamber.

Honourable members interjecting.

Ms Allan — On a further point of order, Speaker, you have just read into *Hansard*, which is helpful, a matter of precedent to which you have referred. Can I repeat an earlier request that we have a conversation outside of this place. I am not saying that it may not lead to the ultimate course of action that you are seeking; however, what you are bringing to this place is a very serious matter. You are also bringing into this place a ruling that to my understanding has not been used in this place, and I am happy to be corrected by any member of Parliament.

In particular, we are dealing with social media, which is a new form of communication that perhaps requires some new thinking. I would really appreciate the opportunity to have a conversation with you outside of this chamber, and I ask that you postpone your request for the moment. It is not to say that it is not something that we should come back to, but I am just requesting that you postpone your request to the member for Albert Park until we have had an opportunity for some further discussion.

This is not about an issue with the opposition; it is about what all members of Parliament say outside of this place. Many members of Parliament use Twitter as a form of communication, and I have seen some pretty offensive things that have been said on Twitter by members of Parliament. We have to establish some guidelines for this, and I would appreciate the opportunity to have a conversation with you outside of this place before we finalise this matter this morning.

The SPEAKER — Order! The member for Albert Park has reflected on the Speaker of this house, and that is me. I have asked for an apology, and I seek an apology.

Mr Hulls — On a point of clarification on that matter, Speaker, just —

Honourable members interjecting.

Mr Hulls — This is a very important matter. Members can whinge and whine all they like over on that side of the chamber, but this will affect all of us — this will affect everyone in this place. You just want to be sensible about this.

Just by way of clarification, Speaker, if indeed what looks like it may occur does occur, and the member

does not apologise and you kick him out of this place and I or anyone else were to tweet that they believed that such action was totally inappropriate and antidemocratic, would we have to run that past you before we tweeted it to see whether or not that offended you or that it was okay before we were able to tweet it? What I expect will occur if we go down this path is that many people will continue to tweet along certain lines and it may end up with you having an empty chamber, Speaker, because — —

Mr Holding interjected.

Business interrupted.

SUSPENSION OF MEMBER

Member for Lyndhurst

The SPEAKER — Order! I have said that points of order will be heard in silence. Under standing order 124, I ask the honourable member for Lyndhurst to vacate the chamber for 30 minutes.

Honourable member for Lyndhurst withdrew from chamber.

MEMBER FOR ALBERT PARK: CONDUCT

Business resumed.

Mr Hulls — The other point about social media, Speaker, is that there is an opportunity for people not only to tweet something, but to retweet something. Therefore if something, for instance, were said about you by somebody — a member of the public, not a member of Parliament — and that was simply retweeted by an MP, would that also breach this extraordinary precedent that you are about to create?

The SPEAKER — Order! I have listened to members' comments. It has already been retweeted by members in this house since this morning and since the issue was raised with me. I do not want this to go on any further. I have sought an apology, and I want an apology.

Mr Andrews — On a point of order, Speaker, I appreciate that you may not want this to go on any further or any longer, but by the nature of the decision you are making and the sanction you are intending to apply, I put it to you that you are setting a precedent. We are accountable in certain ways for what we say inside this chamber. I believe this ruling will effectively extend those sanctions far wider than this chamber. I

respectfully put it to you, Speaker, using the comment you have just made that you do not want this to go any further, that you ought to take some time to consider this matter.

No-one on this side of the house will doubt your resolve to get an apology and no-one on this side of the house will doubt that you have been offended by this comment, a comment that I am unaware of, but I say to you that in order to make sure that we are not establishing precedents which will be of great detriment to the way this Parliament operates and the way public discourse operates in this state, I implore you to take an appropriate amount of time, perhaps with the member for Albert Park and others, to reflect on this matter.

I say to you again, Speaker, no-one on this side of the house would doubt your resolve in this matter if you were to take what I think would be a sensible opportunity to adjourn the matter for a period and consider what precedents are being set on this seemingly narrow but I would argue really much broader issue.

Mr Pandazopoulos — On a point of order, Speaker, the issue of the rights of the Speaker and respect for the Speaker is paramount, and it is paramount for all sides of this chamber. There are precedents, but precedents can be interpreted in different ways when it comes to new technology. Precedents are in effect norms of the house. I would like to point out that in this case, on the issue of Twitter and new technology, no statements have been circulated as they would have been on previous occasions about the way a Speaker or a President of the Legislative Council will view something that may appear to be covered by a previous precedent and how that will apply to new forms of communication available through new technology.

I would suggest, with the greatest of respect, that we have all been in a position where people say things about us in and out of this chamber that we do not like. Sometimes we get up and ask for withdrawals. At other times we do not. With the greatest of friendship, Speaker, when you were shadow Minister for Gaming and I was Minister for Gaming in and out of this house I was called corrupt and a crook. Whilst I was highly offended, I did not exercise any other rights. I think it is just part of the political gamesmanship that sometimes we regret.

Of course you have been offended. I do not know what the tweet is. You may or may not ask the member for Albert Park to come and see you to have a discussion and provide him with some written advice from the clerks. I do not know whether you have received

written advice from the clerks that can be shared with the member for Albert Park so he can reflect, prior to the end of the week, on whether he should stand up and make a withdrawal. We have not had any communication from the Clerk or yourself about the way an issue such as this would establish a new precedent.

All of us want to continue to follow the norms of this house, some written and some unwritten. There are a whole lot of unwritten norms that we all pursue. I am an Acting Speaker, for example. We do not have to have acting speakers in house. We can just have the Speaker and the Deputy Speaker do all the chairing. We have some unwritten rules and norms so that this Parliament can function effectively and properly. I ask you, Speaker, so we can get on with the business of the rest of this week, to reflect on some of those issues. I think you are establishing a new precedent. In fairness to the house, not only for now but in the future for all members of Parliament, a written statement on how this reflects on previous precedents from *Erskine May* may be the appropriate thing to do.

Dr Naphthine — On a point of order, Speaker, I wish to make a couple of comments with respect to the points of order. I agree with the member for Dandenong. The respect for the Chair is paramount. That respect is not only within this chamber, it is also for all members of Parliament through their entire activities. Indeed there are precedents over the years where people have been asked to have proper respect for the Chair both inside and outside the house. That is fair and reasonable, and that is the situation here. I understand in this case the tweet was made while the member was in the house during question time, so the action was actually taken within the confines of the chamber. But even if it was not, if people in a past era had written letters a week after a sitting of Parliament which reflected on the Chair, those matters would have been subject to consideration by the Speaker, and quite rightly subject to consideration by the Speaker.

There is this issue of respect for the Chair and respect for the Speaker through all the activities of members of Parliament. In that respect that needs to continue to be upheld. There is also this greater issue that has been raised in these points of order, which I agree with, with regard to how the precedents of the house and how the standing orders of the house ought to apply to comments made in social media, particularly if those tweets are made while the house is sitting but even if they are made outside when the house is sitting. I would suggest that the matter of social media and the standing orders be referred by you, Speaker, to the Standing Orders Committee for consideration.

With respect to this immediate matter, I think the matter can be resolved if the member for Albert Park provides an apology to you, Speaker, and we can move on. The broader issue with respect to social media and how those issues are dealt with should be the subject of consideration by the Standing Orders Committee.

Mr Andrews — On a point of order, Speaker, I have tried to provide a way forward, as has the member for Dandenong and in part the Minister for Ports. I do not agree that the member for Albert Park should provide an apology and then we have a discussion about what the provision of that apology means for all of us. I do not think that is an appropriate way to go.

I again make the point that you, Speaker, have clearly demonstrated to us that you were offended by the comment. No-one in the house on my side and, I dare say, on the government side would doubt your resolve were you at this point to sound a minor retreat and have an appropriate discussion about these matters. I think it is unreasonable to expect a member to apologise for something when there has not been a proper explanation of that. What is more, the provision of that apology might very well set a precedent. I think it does set a precedent, and I would again implore you to reflect on this matter.

I will give you one small example, Speaker. Many tweets are sent during the course of the day, some of which are about this chamber, in great proximity to this chamber — from the media gallery during the course of question time. These rules and rulings may well have an influence on the media were they to reflect on you, me, the Premier or anybody else. I just do not think it is appropriate to effectively write a new rule book for social media on the run. That is a separate issue and an important issue, and I would not want to see it get entangled in your upset about this tweet. I would again implore you to take the appropriate time to resolve this matter and report back to us.

The SPEAKER — Order! I am offended by what was in there; otherwise, I would not have raised the issue. As I have said before, I have done and said a lot of things and have copped a lot of flak. I am not prepared to cop the flak on this, because I found it to be extremely offensive to me in my position of Speaker. I have asked for an apology. We will look at this and take it to the Standing Orders Committee, but the matter involves the member for Albert Park having reflected on me as the Speaker. If it had been me not as the Speaker but as a member of Parliament, I would take that. But he has reflected on the Chair — on the Speaker. I have asked for an apology. We will take the issue back to the Standing Orders Committee, and we

will look at social media as a whole, but at this stage I still seek an apology.

Mr Hulls — On a point of order, Speaker, just briefly on that matter, I think the way forward you have enunciated is a good way forward. Whilst I very rarely agree with the Minister for Ports, I think the fact that this now will be referred off, particularly in light of the developing social media, is a good thing. However, to now be demanding, before that is done, that the member apologise puts the cart, if you like, before the horse. It might be more appropriate for that to be held off until this matter is further examined. Otherwise, given that as the Leader of the Opposition has said the media tweet on a regular basis, including during question time, this could mean that until the matter is investigated by the Standing Orders Committee all media tweets that may reflect upon the Chair will be dragged before this house and an apology sought. It sets an unwarranted precedent to have the member apologise prior to this matter being further investigated.

As the Leader of the Opposition quite rightly pointed out, you have said — and I do not doubt your word — that you are upset because of the reflection not on you personally but on the Chair. You seek an apology. Nonetheless, this is a broader issue that should be investigated further. I would implore you not to continue to seek the apology until this matter is further investigated, and then we can come back to the matter.

The SPEAKER — Order! The member is very much aware of what the tweet was. As I said, he showed it to members of his party on the iPad — —

Honourable members interjecting.

The SPEAKER — Order! I seek an apology from him now. We will look later at other issues regarding social media through the Standing Orders Committee. I am seeking an apology from the member now.

Mr FOLEY (Albert Park) — With your indulgence, Speaker, I note that this is a very serious matter that you raise. Like some of the opposition frontbench, the member for Dandenong and indeed the Minister for Ports, I believe you are setting all sorts of new and potentially significant precedents in this area. Whilst you have reflected on my behaviour in the chamber in showing some of my colleagues here a range of tweets I sent yesterday, I can assume there was one in particular that you may perhaps, as you have indicated, have taken offence to. I can only assume that is the one. However, given that I am unaware of any relevant standing orders of this place, and given that I am unaware of anything I as a member of Parliament have

said on the record in this place, I am reluctant, until those broader issues are resolved, to take the opportunity of apologising to you. So I decline, with the greatest of respect, Speaker, your invitation to do so.

Business interrupted.

SUSPENSION OF MEMBER

Member for Albert Park

The SPEAKER — Order! The member leaves me with no choice other than to suspend him from the chamber for 1½ hours.

Honourable member for Albert Park withdrew from chamber.

Business resumed.

The SPEAKER — Order! Last night this house, and in fact the Parliament, became extremely hot — and not just through the debate that occurred during the day! It is a little better today. I understand that to save energy within the place we turn off all air conditioning at 6 o'clock at night and it has to be turned on again manually. That was not done last night. The same situation will not occur in the future; it will be turned on again at 6 o'clock so members will not have to suffer in the way we did last night.

NOTICES OF MOTION

Notices of motion given.

Mr MERLINO having given notice of motion:

The SPEAKER — Order! I have ruled that the words 'lie', 'liar' and 'lying' are unparliamentary, and I ask the member to withdraw.

Mr MERLINO — I withdraw. Would you, Speaker, like me to read the notice of motion in a different format?

The SPEAKER — Order! It will be amended in the records, so you do not have to repeat it.

Further notice of motion given.

BUSINESS OF THE HOUSE**Notices of motion: removal**

The SPEAKER — Order! Notices of motion numbers 1 to 10 will be removed from the notice paper unless members wishing their notices to remain advise the Clerk in writing by 6.00 p.m. today.

PETITIONS**Following petitions presented to house:****Bridgewater-Maldon Road: repair**

To the Legislative Assembly of Victoria:

The petition of residents of central Victoria draws to the attention of the house the failure of the Liberal-Nationals government to ensure the reopening of the Bridgewater-Maldon Road, closed due to damage from the January floods.

The petitioners therefore request that the Legislative Assembly of Victoria demands the Liberal-Nationals government make the funding and repair of the Bridgewater-Maldon Road an urgent priority.

By Ms EDWARDS (Bendigo West) (262 signatures).

Victorian certificate of applied learning: funding

To the Legislative Assembly of Victoria:

This petition of certain citizens of the state of Victoria draws to the attention of the Legislative Assembly the Baillieu government's axing of \$48 million funding for the Victorian certificate of applied learning program.

In particular we note:

1. VCAL provides an important learning alternative to the VCE for students across Victoria;
2. secondary schools stand to lose up to \$125 000 in funding per school which will impact heavily on teachers expected to deliver the support and services despite having inadequate time and resources to do so;
3. funding has been axed despite strong objections from principals, teachers, parents and students across Victoria.

The petitioners therefore request that the Baillieu government immediately reverses its decision and restore funding to this vital program as a matter of urgency.

By Ms GARRETT (Brunswick) (24 signatures) and Mr WYNNE (Richmond) (804 signatures).

Western Region Health Centre: dental service funding

To the Legislative Assembly of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the house the Baillieu government's failure to provide funding for a new 12-chair dental facility at Western Region Health Centre.

In particular we note:

1. without vitally needed funding the Western Region Health Centre will be forced to close a public dental facility at 2 Geelong Road, Footscray and another at 78 Paisley Street, Footscray; and
2. the closure is necessary due to the extensive deterioration of the ageing facilities. Concerns include, but are not limited to, antiquated equipment, termite damage, inadequacy of sterilisation and infection control and dilapidated buildings.

The petitioners therefore request that the Legislative Assembly urges the Baillieu government to immediately commit to funding a new public dental facility in Footscray.

By Ms THOMSON (Footscray) (339 signatures).

Planning: North Melbourne development

To the Legislative Assembly of Victoria:

The petition of residents of the city of Melbourne and neighbouring areas draws the attention of the house to DPCD permit application no. 2011/008241 to develop a site bounded by Canning Street, Vaughan Terrace and Macaulay Road, North Melbourne. This development would include a supermarket, shops and residential high-rise towers that exceed limits proposed in the Melbourne City Council's draft Arden-Macaulay structure plan, which includes this site.

The petitioners therefore request that the Legislative Assembly of Victoria take note of the potential conflict between the MCC's plan for the area and the proposed development within it, and withhold planning approval for application no. 2011/008241 until the council and the government have approved the draft Arden-Macaulay structure plan.

By Ms PIKE (Melbourne) (435 signatures).

Epping Road, Epping: duplication

To the Legislative Assembly of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the house the Baillieu government's refusal to fund the Epping Road project in the 2011 state budget.

In particular we note:

1. Epping Road services some of the most rapidly growing areas in Australia;
2. the intersection of Epping, O'Herns and Findon roads is recognised by the RACV as one of the worst in Victoria;

3. the project continues to receive strong community support.

The petitioners therefore request that the Legislative Assembly urges the Baillieu government to fund and commence work on the Epping Road project as a matter of urgency.

By Ms GREEN (Yan Yean) (336 signatures).

Schools: Doreen

To the Legislative Assembly of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the house the rapid increase in families moving to Doreen and Mernda, suburbs of northern metropolitan Melbourne.

In particular we note:

1. there are now almost 1000 students enrolled at government primary schools in Mernda and Doreen, with that figure set to increase in the years to come;
2. there are no government secondary colleges in Mernda or Doreen;
3. land has been purchased by the previous Labour government for a secondary college to be built in Cookes Road, Doreen.

The petitioners therefore request that the Legislative Assembly urges the Baillieu government to urgently fund the building of a secondary college in Doreen.

By Ms GREEN (Yan Yean) (78 signatures).

Tabled.

Ordered that petition presented by honourable member for Brunswick be considered next day on motion of Ms GARRETT.

Ordered that petition presented by honourable member for Bendigo West be considered next day on motion of Ms EDWARDS.

Ordered that petitions presented by honourable member for Yan Yean be considered next day on motion of Ms GREEN.

Ordered that petition presented by honourable member for Footscray be considered next day on motion of Ms THOMSON.

Ordered that petition presented by honourable member for Richmond be considered next day on motion of Mr WYNNE.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Victorian Auditor-General's Office: independent financial auditor

Mr MORRIS (Mornington) presented report, together with appendices.

Tabled.

Ordered to be printed.

DOCUMENTS

Tabled by Clerk:

Auditor-General:

Annual Financial Report of the State of Victoria 2010–11 — Ordered to be printed

Public Hospitals: Results of the 2010–11 Audits — Ordered to be printed

Water Entities: Results of the 2010–11 Audits — Ordered to be printed

Surveillance Devices Act 1999 — Report of the Special Investigations Monitor under s 30Q

APPROPRIATION MESSAGE

Message read recommending appropriation for Domestic Animals Amendment (Puppy Farm Enforcement and Other Matters) Bill 2011.

BUSINESS OF THE HOUSE

General business

Mr MERLINO (Monbulk) — I desire to move, by leave:

That so much of standing orders be suspended to allow the Leader of the Opposition to immediately remove from general business — —

Leave refused.

**INDEPENDENT BROAD-BASED
ANTI-CORRUPTION COMMISSION BILL
2011 and VICTORIAN INSPECTORATE
BILL 2011**

Concurrent debate

Mr McINTOSH (Minister for Corrections) — By leave, I move:

That this house authorises and requires the Speaker to permit the second-reading stage and subsequent stages of the Independent Broad-based Anti-corruption Commission Bill 2011 and the Victorian Inspectorate Bill 2011 to be moved and debated concurrently.

Motion agreed to.

MEMBERS STATEMENTS

Nurses: enterprise bargaining

Ms ALLAN (Bendigo East) — Regional Victorians have been shocked to read of the extremes the Liberal-Nationals government will resort to in its secret plan to cut nurse numbers. This secret plan harks back to the last time the Liberal-Nationals coalition was in government, when thousands of nurses were sacked. It looks like the coalition is set to do it again.

This secret plan, which according to media reports includes a Qantas-style lockout, will impact badly on regional and rural hospitals, and I am particularly concerned about the impact on the delivery of services to patients in my community at the Bendigo hospital. Nurses at the Bendigo hospital do a fantastic job. Under Labor there was a dramatic increase in nurse numbers. We provided funding for over 280 additional nurses during our time in government and also started building Bendigo's new hospital.

The secret plan, as outlined in cabinet documents, also includes a communication strategy:

... allowing the health minister and selected health service CEOs to make public comments on the negotiations —

and —

... selected hospital CEOs ... commenting on the need for changed working arrangements.

It is apparent the government intends to use hospital CEOs as its mouthpieces in its fight against the nurses. I would hope that this does not include the CEO of the Bendigo hospital. Our region needs to be speaking with one voice against any cuts, and the CEO of Bendigo

Health, as a community leader, has an important role in the local debate and should not be forced by the Liberal-Nationals government to make public comments in support of the government's plan to cut nurses.

I call on the Liberal-Nationals government to protect nurses at Bendigo Health, to protect nurses at regional and rural hospitals and to not have the government's axe swing through regional services.

Fred Hunter

Mrs FYFFE (Evelyn) — Last Friday I attended the Uniting Church at Wandin Yallock for a celebration of the life of Frederick James Hunter. As befitted Fred's life, the church, the supper room and the hallway and doorways were filled with people who came to pay their respects. Fred passed away at the age of 90 after a long and full life. His working life began at 14, working with draught horses and crosscut saws right across the Yarra Valley. He was a tireless worker and one who believed that a job worth doing is worth doing well.

From humble beginnings Fred's years and years of hard work led to him establishing Hunter and McPherson, a farm and handyman dealership in Lilydale. Fred extended the integrity of his personal life into his business and was highly respected. He was passionate about his beliefs, particularly his membership of the Labor Party. Most Saturday mornings the showroom at Hunter and McPherson was filled with locals having a good debate and enjoying Fred's company.

Fred taught all of us how to end a phone call — with no superfluous words of goodbye; say what you want to say and put the phone down. Fred frequently called me asking, 'What are Bracks, Brumby or Hulls doing?', and advising me what to tell them. I valued his friendship, his advice and his phone calls. I will miss meeting him at the Wandin Yallock booth, where he would take great pleasure in introducing me to everyone — both Labor and Liberal voters. He was a good man who was well loved by his family.

Caladenia Dementia Care

Mrs FYFFE — I would like to congratulate the Caladenia centre for the work it is doing on looking after people with dementia. I particularly congratulate Sarah, the manager, and the hardworking, tireless committee.

Greek community: national day commemoration

Ms HALFPENNY (Thomastown) — I had great pleasure in attending the Whittlesea Greek Orthodox community's Greek national day commemoration on 28 October. The commemoration was held at the Epping RSL. Ohi Day is a Greek national day that commemorates those who lost their lives in the Second World War and also celebrates the strength and courage of the Greek people's efforts to stop the rise of fascism. On 28 October 1940 the Greek leaders, supported by their people, said no to fascism.

Greeks and Australians have a great history of cooperation, mutual respect and understanding, which is very much reflected in the Thomastown electorate, where the Epping RSL cooperated with the Greek-Australian community to hold this service. In that same spirit of respect and friendship, I know that many of us here, along with many members of the multicultural community that makes up the Thomastown electorate, are thinking of the Greek people during their time of economic difficulty. However, I am sure that the spirit of the Greek people cannot be broken and that together they will overcome their difficulties.

Children's Week

Mr BURGESS (Hastings) — On 28 October I had the opportunity to attend the Baxter Preschool and read to the children for Children's Week. Children's Week is a national program recognising the talents, skills, achievements and rights of young people. It is based on the articles expressed in the United Nations Convention on the Rights of the Child and highlights play, wellbeing and protection. I congratulate the president of Baxter Preschool, Sharon Howell, and her team on the endless energy and passion they show for the education of children.

Langwarrin: men's shed

Mr BURGESS — On Saturday, 29 October, I attended a sausage sizzle at Frankston Bunnings run by the hardworking Langwarrin Township Committee to raise money for the Langwarrin men's shed. The Langwarrin Township Committee is made up of Langwarrin residents, including president Roz Moran, vice-president Mick Kerin, treasurer and public officer Judy Bradmore, secretary Rae Higman and committee members, including David Stone, Phil Barnes, Elly Stephens, Jacqui Beretta, Ann MacLachlan, Chris Bywater, Rosa Perna, Helen Elston, Jacqui Carroll, Dianne Johnson and Suzanne Johannson. All these

people are dedicated to the betterment of their town and its people.

Men's sheds are truly significant contributors to the health and wellbeing of local men, and the combination of these two great organisations will mean a very strong and bright future for the men of Langwarrin.

EcoFuture Pty Ltd: business awards

Mr BURGESS — It has been another whirlwind year for the success of EcoFuture Pty Ltd. After winning two prizes at last year's inaugural Casey Business Awards, the Tooradin-based business has done it again, taking out the sustainability award this year. EcoFuture specialises in a range of zero-waste, hypoallergenic food-grade cleaning products that are unique in Australia. The company is focused on bringing products to the market that make a real difference in the fight to protect our environment. I congratulate the company's two powerhouse directors, Marlene Hargreaves and David Forscutt.

Battles of Greece and Crete: commemoration events

Mr PANDAZOPOULOS (Dandenong) — It was a great honour, along with the member for Ballarat East, to participate in a Greek community event at the Ballarat prisoner of war memorial at the Ballarat Botanical Gardens in recognition of around 5000 Australian troops who were captured and became prisoners of war in the battles of Greece and Crete 70 years ago. It was a fantastic honour to be hosted by the Ballarat Greek community. We attended a church service at the Greek Orthodox church of St Nicholas, and we heard from the organiser of Return to Anatolia, Sofia Kotonidis.

We also heard a great lecture by Panayiotis Diamadis, an expert on modern Australian history and the history of Australians in Greece, including during World War I and World War II. He spoke of George Treloar, the League of Nations high commissioner for refugees in northern Greece. George Treloar was a member of the Liberal Party, but he was also commissioner for refugees in Salonika, our sister city, and resettled 400 000 Greeks from Asia Minor. It was fantastic to be able to be there to recognise this common bond between Greece and Australia and to reflect on and remember our prisoners of war. Some 50 per cent of Australia's World War II prisoners of war were captured in the battles of Greece and Crete.

A few weeks ago it was also a great honour for me, as patron of the Australian Hellenic Memorial, to attend a

10th anniversary event for the Greek community and Hellenic RSL and to read out the names of the 989 Australians who are buried on Greek soil from conflicts in World War I and World War II. This year is the 70th anniversary commemorating the battles of Greece and Crete, and it is a memorable event in the Greek community. It was a great pleasure to participate in these events.

Support Act: fundraising event

Mrs VICTORIA (Bayswater) — I recently attended the ninth annual In North Melbourne Tonight event. It was held in aid of the music industry benevolent fund, Support Act. The audience was treated to a wonderful night of music from Aussie legends such as Denis Walter, Judith Durham, Mark Holden, Ted Hamilton, Nichaud Fitzgibbon, Mike Rudd and Bill Putt, Ross Ryan, Ronnie Charles, The Nymphs, Buddy England, Brian Cadd and Bobby and Laurie. There were also lots of great newcomers, including some Melbourne University students who call themselves the Tiger Tones. I congratulate Tony Kavanagh and Athol Guy on presenting a sensational performance for a most worthy cause.

Schools: former government performance

Mrs VICTORIA — Reports in recent days have confirmed something Victorians have suspected for a long time — that is, that Labor's spin machine is alive and well. The member for Niddrie spent much of last week pretending to care about the state of our schools. His rhetoric brought back memories of the bad old days of Labor, when shameless spin was acceptable and blame shifting was the norm. Sadly the member for Niddrie has forgotten that during the final years of Labor's reign a supposed education revolution took place. Halls were built at exorbitant cost, signs were erected and, more importantly, billions of dollars were spent by federal Labor in an attempt to create better facilities for our children. Instead of criticising the current government, perhaps the member for Niddrie needs to recognise that during their time in office he and his colleagues dropped the ball by failing to ask federal Labor to spend Building the Education Revolution money on fixing existing facilities instead of just building new halls.

Planning: Footscray development

Ms THOMSON (Footscray) — I have in this house raised the issue of the development of Footscray as an opportunity to grow jobs and residential opportunities for the people of Footscray, both families and singles, as well as provide affordability to ensure the

appropriate development of Footscray, but the Minister for Planning has failed to work with the Maribyrnong City Council on ensuring that that development meets the needs of not only the people in Footscray now but the people who will move into Footscray in the future. His decision to approve a 25-storey apartment block is an example of this government speaking the speak but not taking into account and acting in the best way to do things for the betterment of people in this state.

The minister needs to sit down with the council and not just talk but actually formulate a way of making joint decisions that are in the best interests of the people of Footscray now and into the future. There needs to be a mechanism for ensuring that the decisions are the right decisions for the future — decisions that take into account road, rail and tram transport needs, the need for social infrastructure and the need for proper planning for appropriate housing. I urge the minister to take up the council's invitation to set up a framework for joint decision making for the betterment of all the people in Footscray now and into the future.

National SES Week

Dr SYKES (Benalla) — This week we celebrate National SES Week, and it is ironic that as I speak today State Emergency Service units in north-eastern Victoria are on stand-by in anticipation of potential flooding associated with predicted heavy rains. Victoria is well served by 5500 volunteers and 150 units throughout the state. The Benalla electorate is serviced by SES units in Benalla, Euroa, Mansfield, Bright, Myrtleford, Alexandra and Wangaratta. Unfortunately they are well practised, due to many call-outs to motor vehicle accidents, floods, storms and fires, of which we have had more than our fair share in the past decade.

All Victorians appreciate the efforts of our SES volunteers and staff, and the coalition government is committed to supporting the SES. This year the government has allocated a record \$38 million for Victoria SES. Further, the Minister for Police and Emergency Services is inviting input into a review of the structure and operation of emergency services, with a move towards further improvements in the delivery of service. The principle of 'all hazards, all agencies' is well accepted, and this principle will be built upon to ensure the best possible responses to emergencies by our SES, the Country Fire Authority, police and ambulance units and other support agencies. The coalition government also supports the co-location of emergency services where local groups want that to occur.

I conclude by thanking our SES volunteers and career staff for the work they do. Their efforts are very much appreciated.

Racing: Geelong Cup

Mr TREZISE (Geelong) — I take this opportunity to congratulate the Geelong Racing Club on once again conducting a very successful Geelong Cup. The Geelong Cup is always a great meeting, with approximately 16 000 attending this year's event. It is pleasing to note that local police reported that there were very few incidents on the day, with force command commending the crowd for its behaviour. I have to say that this has not always been the case. I can recall how, many years ago, the cup meeting had degenerated into a car park swill and a house of stoush. Credit for this turnaround, which means that people from all walks of life can go and enjoy a great day at the races, must sit with the Geelong Racing Club, which in recent years has implemented strong and effective policies on the supply and serving of alcohol.

On the track the Geelong Cup once again proved to be an accurate guide for the Melbourne Cup. French horse Dunaden won the cup and of course went on to win the Melbourne Cup, following in the footsteps of last year's Melbourne Cup winner, American, runner-up, Bauer, in 2008 and the 2002 winner, Media Puzzle. Finally, I commend president Paul Bongiorno, vice-presidents Eric Faulkner and James Wilson, treasurer and racing stalwart Bill McFarlane, and committee members Michael Jennings, living legend Les Borrack, Daniel Slater and Jade Augustine, as well as chief executive officer Paul Carroll and his staff at the Geelong Racing Club. To all of them I say: a job very well done.

Forest Hill electorate: principals forum

Mr ANGUS (Forest Hill) — I recently hosted a principals forum for school principals in the electorate of Forest Hill. I was joined by the Minister for Education, who outlined some of the state government's education-related initiatives, as well as answering a wide range of questions from those present. I thank the minister for taking the time to visit the electorate of Forest Hill and listen to the matters raised by local principals.

NewHope Baptist Church: 60th anniversary

Mr ANGUS — I congratulate the members of NewHope Baptist Church on the occasion of the 60th anniversary of the church's founding. The staff and volunteers at the church are also to be congratulated for organising various celebratory

activities as well as for the wonderful contribution they have made to the community over those 60 years. A number of Forest Hill residents attend this church and benefit from the wide range of services provided to both church members and the local community.

Remembrance Day

Mr ANGUS — I had the pleasure last Sunday afternoon of attending the annual state RSL remembrance service at Springvale War Cemetery, together with the Minister for Veterans' Affairs and several other state and federal members of Parliament. It was a fitting tribute to all those men and women who have served in defence of our country. With Remembrance Day coming up this Friday, it is an opportunity for all Victorians to pause and reflect on the great sacrifice made by many Australians in international conflicts and defence service over the years.

Uniting Aged Care: Strathdon facility

Mr ANGUS — It was a pleasure last week to visit Uniting Aged Care's Strathdon facility in Forest Hill to present certificates to residents who had recently celebrated their 90th or 100th birthdays and meet with other residents and staff. I congratulate all those who celebrated these very significant birthdays.

Carbon tax: economic impact

Mr ANGUS — What a terrible day it was yesterday for all Victorians when the illegitimate Brown-Gillard federal government forced its illegitimate carbon tax through the Senate. The adverse impact of this tax will be felt by all Victorian residents and businesses. Prices will rise, numerous jobs will be lost and business and employment opportunities will be forgone because of this disgraceful new tax. State Labor MPs are to be condemned for not standing up for their constituents — —

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

Coptic Christians: peace vigil

Ms KAIROUZ (Kororoit) — On Friday, 4 November, I gathered with members of Melbourne's Coptic Orthodox community at a vigil for peace at Federation Square to commemorate the lives lost on 9 October at Maspero in Egypt during a peaceful protest of young Christians against the persecution and burning of Coptic churches. Many of these young Christians were carrying crosses when they were attacked by police and military forces, resulting in a

massacre and a tragedy that has affected Copts, and indeed all Christians, around the world.

Parallel commemorations and prayer services were held across Australia by the Coptic Orthodox Church in Adelaide, Perth, Sydney and Canberra as well as across the Tasman in New Zealand. Hundreds of people gathered in prayer at Federation Square and heard from His Grace Bishop Suriel of the Coptic Orthodox Church and other guest speakers, including members of Parliament and representatives of the National Council of Churches, World Vision Australia and Liberty Victoria.

I was honoured to lay flowers in memory of those who lost their lives for simply standing up for their freedom to practise their religion in peace — freedom we take for granted here in Australia. May they rest in peace.

Member for Clayton: multicultural dinner

Ms KAIROUZ — On another matter, on Sunday, 6 November, I was honoured to gather with hundreds of guests from Melbourne's multicultural communities at the annual multicultural dinner in Springvale organised by the member for Clayton. I gathered with people from my electorate of Kororoit to celebrate the importance of multiculturalism and tolerance in the community and to highlight the fantastic work and achievements of Melbourne's many migrant communities. My congratulations go to the member for Clayton for a great night.

National SES Week

Ms MILLER (Bentleigh) — This week is National SES Week. It is time to recognise members of the State Emergency Service for their efforts in serving the community. Members of the Oakleigh unit of the SES, based in Bignell Road, Bentleigh, do a wonderful job serving the community, and I thank them for their voluntary efforts and commitments.

Carbon tax: schools

Ms MILLER — Members of the school community have already expressed their concerns about the impact that Labor's carbon tax will have on school budgets. Members of the opposition have not conveyed to their federal colleagues Victorians' concerns about the increasing cost of everything. After 11 years in government, and now in opposition, they still do not get it.

Breast cancer: Bentleigh electorate

Ms MILLER — I recently met with representatives from BreastScreen Victoria and received an update on health strategies to achieve substantial reductions in mortality from breast cancer across Victoria and specifically the Bentleigh community. Together we will address the needs of women aged 50–69 in the Bentleigh community by encouraging them to take advantage of their free mammograms every two years.

Bill Thomas

Ms MILLER — I congratulate Mr Bill Thomas from Bentleigh Secondary College, who was awarded the Prime Minister's Environmentalist of the Year award for 2011. Mr Thomas was one of 13 nominees. Keep up the good work!

Sylvia Gelman

Ms MILLER — I congratulate Sylvia Gelman, who was awarded the General Sir John Monash Award by the Jewish Community Council of Victoria. After years of a fine working history, Sylvia turned her talents to volunteering, where she has touched many lives. Sylvia was honoured to receive the award and a standing ovation.

Bruthen Kindergarten: member visit

Ms MILLER — Earlier this week I met teachers, parents and children at Bruthen Kindergarten, where we all talked about the nutritional value of avocados. Guacamole is their favourite avocado dip.

Bayside Special Developmental School: student artwork

Ms MILLER — This week I met with Bayside Special Developmental School students, who gave the Bentleigh electorate office some lovely artwork to brighten up the reception area. I thank the students and look forward to participating in an art class with them later in the year.

Dr Aydin Nurhan

Ms MILLER — It was lovely to meet the Consul General of the Republic of Turkey last week to celebrate National Turkish Day. Unfortunately the Consul General, Dr Aydin Nurhan, will be departing this week to take up an ambassadorial role — —

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

RPC Technologies: Corio facility

Mr EREN (Lara) — I was proud to attend the opening of the new \$17 million RPC Technologies factory at Heales Road, Corio. I had great pleasure in attending the opening on 2 November, and I was pleased to be invited by the strategy and development manager, Andrew Sarich, and the managing director of RPC, Tony Caristo. It was also great to have the rare pleasure of the Minister for Manufacturing, Exports and Trade, Richard Dalla-Riva, attending my electorate for the opening. Since the new government was elected these sorts of occasions have been few and far between.

RPC Australia received a matching \$2.75 million grant from the Geelong Investment and Innovation Fund (GIIF) for the Corio project. The project has created 40 jobs so far, but it is capable of employing 100 employees per shift as the company continues to grow. RPC Technologies has an annual turnover of \$65 million and employs 500 staff in Sydney, Newcastle, Adelaide and Indonesia — and now additional staff in Corio. The new facility will manufacture composite solutions for the defence, water, environment, mining and energy, piping and transport sectors in Australia and internationally.

Given the economy and this government's lack of action in terms of a jobs plan, it is great to see how the previous government's initiative in creating the GIIF has paid off and attracted businesses to Victoria. It was a fantastic event, and I am always thankful to be a part of helping businesses in my electorate. In light of this government taking the previous government's glory, could it make further investment toward this great Labor initiative?

The Regional Infrastructure Development Fund, which provided so much funding for businesses in my electorate, was a Labor government initiative, and this government —

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

Solar energy: Mildura power station

Mr CRISP (Mildura) — For some time Solar Systems has been planning a concentrated photovoltaic power station based on parabolic arrays at Carwarp, just south of Mildura. The company has now advertised for preliminary site works consisting of site establishment; bulk civil earthworks; access road, hard stands and a car park; surface drainage; and fencing and signage. Expressions of interest for this work closed yesterday.

The Solar Systems team has informed me that there has been considerable interest in the works on offer.

This is a long-awaited start to an important project for Victoria and the Mildura region. The Mildura region is Victoria's best location for solar resources. I hope other projects will follow once Solar Systems is established.

Diwali festival

Mr CRISP — On another matter, the Sikh association invited me to attend a local Diwali celebration function recently. Diwali, also known as the festival of lights, is both a Sikh and a Hindu celebration. The event was attended by members of Mildura's Sikh and Indian communities. The evening was both educational and enjoyable. I thank Dr Pawan Singla and his team for the invitation, and I commend them on their wonderful organisation of the event.

National SES Week

Mr CRISP — As it is National SES Week, I would also like to mention the State Emergency Service and commend it on the work it does in northern Victoria. I worked with the SES during the recent floods. Barely a week goes by without our SES volunteers being out there, saving someone's life, making a difference and making our communities more secure.

Qantas: industrial dispute

Ms HUTCHINS (Keilor) — On Saturday, 29 October, Qantas took the extreme action of shutting down its operations Australia-wide, grounding 70 000 travellers at a time that is extremely important to Victoria's tourism economy — the Spring Racing Carnival, particularly Derby Day. I do not accept that this was the only course of action that Qantas could take. In fact I think it was industrial terrorism on its behalf.

Thousands of residents in the electorate of Keilor work at Qantas and at businesses related to Qantas. I am concerned about Qantas's actions and lack of commitment to resolving the current negotiations with the pilots union, the engineers union and the Transport Workers Union. Negotiations have occurred with the Transport Workers Union over seven months, and minimal industrial action has been taken. In fact members of the pilots union, which was attacked by Qantas, have taken a form of industrial action by wearing red ties which say, 'Have Australian pilots fly Australian planes'.

Victoria needs to bear in mind that Qantas took this shutdown action one day after its annual general

meeting where Alan Joyce, its chief executive officer, gave himself a 71 per cent pay increase. This year Qantas posted a profit of \$552 million pre-tax. Despite its spin Qantas has been a profitable company for over 20 years.

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

Data#3: Braeside office

Ms WREFORD (Mordialloc) — Last week I had the honour of opening Data#3's new Braeside office. This business runs sophisticated data management systems, and it has provided 25 new jobs in the local area. I was pleased to tour the facilities. The \$1.3 million investment is quite significant at a time when the business sector is struggling in the face of Labor's carbon tax threat. Victoria is certainly once again the information and communications technology hub of Australia.

Breast cancer: Melbourne walk

Ms WREFORD — On Sunday, 30 October, I participated in the 2011 Melbourne Breast Cancer Bra Walk. A large turnout of people, mostly dressed in pink, walked from the stage at Federation Square around Birrarung Marr and back to raise funds for and awareness of breast cancer. I congratulate Sue Calder on her initiative in organising the event.

Greek community: Feast of the Archangels

Ms WREFORD — On Monday I had the privilege of attending the Greek Orthodox community of Mentone and district's celebration of the Feast of the Archangels in Parkdale. It was a big event, as you would imagine, given the size of the Greek community in my electorate, and people were spilling out onto the streets. Greek Orthodox Bishop Ezekial of Dervis conducted the vespers service with the assistance of Fr John and members of the Orthodox clergy of Victoria. Eleni Lianidou, General Consul of Greece in Melbourne, was also in attendance. It was a tremendous and significant event for the Greek community.

Bushfires: risk area maps

Mr HOWARD (Ballarat East) — Recently the government adopted a series of maps for planning purposes which designate areas across the state which are seen as being bushfire prone. Last week I travelled around Mount Clear, which is one of the nine communities across my electorate identified as being a high fire-risk community. I note that a chunk of Mount Clear is shown on the newly adopted maps of fire-

prone areas as not being fire prone. I talked to residents whose houses were cut in half by the boundary lines on the maps, and they were very confused about the map boundaries, which show very little logic. For example, four properties along Tinworth Avenue, opposite a pine regrowth forest, were oddly not shown as fire prone while the remaining 50 or so houses on Tinworth Avenue were.

For an area which is 99 per cent built upon, the value of such maps is highly questionable, and it would seem to me and to most of the residents I have spoken with that rather than funding such an unhelpful mapping exercise the government would be better focused on funding the action which was commenced under the former government to reduce the fire risk to established communities like Mount Clear. This would include working with the surrounding plantation managers to reduce vegetation levels in those residential interface areas. Action to fund and build the promised new fire station for Mount Clear and Mount Helen as well as one at Hepburn Springs should also be progressed as a priority. Residents ought to see real action to improve their level of safety rather than seeing funding wasted on the production of farcical maps.

Carbon tax: economic impact

Mr SOUTHWICK (Caulfield) — Yesterday marked a sad day in Australian political history as the federal Gillard-Brown government's carbon tax passed through the Senate and became law. It is a tax which will not work, which is based on a lie and which will hit the hip pockets of all Victorians.

Jewish Community Council of Victoria: community recognition awards

Mr SOUTHWICK — It was my great pleasure on Monday to attend the JCCV (Jewish Community Council of Victoria) community recognition awards ceremony for 2011. This wonderful event recognised more than 30 individuals and organisations who contribute through volunteer work. I have always had a great deal of respect for those men and women who give their time through volunteering. This community spirit is vital to the success of society, and I want to place on the record my appreciation. In particular I must congratulate Mrs Sylvia Gelman, AM, MBE, on receiving the General Sir John Monash Award for her long history of public service. She has contributed greatly to Mount Scopus, Maccabi Victoria and the National Council of Jewish Women of Australia. Congratulations to the team at the JCCV for the event, and congratulations again to all recipients of the awards.

Puppy farms: regulation

Mr SOUTHWICK — I am extremely happy that the coalition has moved to protect animals through the introduction of the Domestic Animals Amendment (Puppy Farm Enforcement and Other Matters) Bill 2011 by the Minister for Agriculture and Food Security. The coalition government is providing strong leadership on this issue and acting to protect vulnerable animals that are being treated so horribly. I wish the bill a swift passage through the Parliament.

G20: leaders summit

Mr SOUTHWICK — I want to record my sincere congratulations to the Prime Minister for securing for Australia the right to host the G20 leaders summit in 2013. This world event is a magnificent opportunity to showcase our country to the world, and I implore the Prime Minister to do the right thing and make her home town of Melbourne, which is the world's most livable city, the host city for this summit.

Remembrance Day

Mr SOUTHWICK — This Friday we will mark Remembrance Day, 93 years since the guns fell silent on the Western Front — —

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

Chewton: pine plantation

Ms EDWARDS (Bendigo West) — The Minister for Environment and Climate Change has ignored the people of Chewton and treated with contempt their requests to have the 5-acre pine plantation in the heart of Chewton removed. After the opposition pursued in this house an answer to the over 100 letters sent to the minister by residents regarding this matter, the minister has now declared that he will ask the Department of Sustainability and Environment to assess the fire risk of this plantation.

According to the minister's own fire maps released recently, the pine plantation and indeed most of the Chewton township are clearly within the fire-risk area. Does this mean the Liberal-Nationals government is ignoring its own fire-risk maps and asking the department to do further risk assessments? If the minister were taking this matter seriously, he would not be delaying a response or a decision on this matter by handballing it back to his department. The plantation is a fire risk, and it is in a government-declared fire-risk area. The minister should stop dithering, have the

decency to reply to the letters sent to him and make a decision.

Bridgewater-Maldon Road: repair

Ms EDWARDS — I was bemused by the announcement of a member for Northern Victoria Region in the other place, Donna Petrovich, that the government has agreed to finally fix the Bridgewater-Maldon Road at Bells Swamp. Mrs Petrovich and her colleague in the other place Mr Drum have not once been to Bells Swamp to see the devastation caused by flooding 11 months ago. In fact Mr Drum declared in the *Tarrangower Times* on 15 July — seven months later — that he did not even know about the inundation at Bells Swamp. The member for Bendigo East and I launched a petition to have this road fixed as a matter of priority. For months we have been agitating to have this section of road repaired. The closure of the road for so long has had a detrimental effect on businesses, tourism and locals. I want to thank the hundreds of people who signed the petition.

Ceres Callisthenics Club

Mr WATT (Burwood) — I want to thank and congratulate the girls at Ceres Callisthenics Club for such a great performance at the Besen Centre on 6 November. It is easy to see why the club is held in such high regard and has achieved such great results at the recent championships. I feel honoured to have been asked to be their patron.

Roberts McCubbin Primary School: artists fair

Mr WATT — On the 5 November I attended the Roberts McCubbin Primary School's artists fair to turn a few sausages on the barbecue. Every year the parents and teachers put on a great fair, and this year was no different. Congratulations on such a great day.

Box Hill Hospital: redevelopment

Mr WATT — On 2 November I attended the beginning of construction of the new Box Hill Hospital development with the Minister for Health, David Davis, and the members for Forest Hill, Mitcham and Box Hill. The Baillieu coalition government has committed an extra \$40 million in the 2011–12 budget, delivering on an election commitment and bringing the total funding for the project to \$447.5 million, which will increase the capacity of what will be a modern, world-class hospital by an extra 100 beds.

The redevelopment includes a larger emergency department with up to 20 beds for short-stay patients, 11 new operating theatres and a new 18-bed intensive

care unit. It will also feature a dedicated precinct for women and children's services, expanded services for cardiology, cancer and renal patients, and the replacement of old, deteriorated wards. The redevelopment will meet the growing demand from people living in Melbourne's eastern suburbs and it will help in addressing waiting times for elective surgery at Box Hill Hospital. Construction of the new hospital is expected to be completed in 2015.

GRIEVANCES

The SPEAKER — Order! The question is:

That grievances be noted.

Minister for Police and Emergency Services: conduct

Mr ANDREWS (Leader of the Opposition) — Today I grieve for the office of the Chief Commissioner of Police, for former chief commissioner Simon Overland and for the complete lack of integrity displayed by the Deputy Premier and Minister for Police and Emergency Services. Just a little while ago we had tabled in this Parliament a very aptly titled report, *Crossing the Line*, which is a report into completely inappropriate behaviour, a report into a culture of inappropriate behaviour at the highest levels of this government and a report into a series of events — a plot, a coup — against the then Chief Commissioner of Police, Simon Overland.

This, I think it is fair to say, is one of the most damning reports that has been tabled in this Parliament for many, many years. It is a report that poses many questions; it has findings, but as we know the Office of Police Integrity (OPI) has limitations on the scope of its work. I will come back to that issue a little later on. The report is a catalogue of deceit, misconduct, inappropriate behaviour and complete abrogation of integrity in government.

At the centre of this report is a ministerial adviser, Mr Tristan Weston, who was hand-picked by the Deputy Premier and Minister for Police and Emergency Services to go into the minister's office to provide advice to him on matters to do with Victoria Police. Time is against me. I need much more than the 15 minutes allocated to me under the rules of the house to provide details and regale the house with the litany of completely inappropriate behaviour that this particular ministerial adviser got up to.

This report, at least, finds that Mr Weston's conduct constituted serious and improper misconduct and may

have involved the commission of the offence of misconduct in public office, may have involved the commission of an offence or offences under sections of the Police Regulation Act 1958 and may have constituted improper conduct within the meaning of the Public Administration Act 2004 and constituted a breach of his contract of employment. They are the findings against Tristan Weston. We may well see more action taken against him.

But who is this person? If the Premier had had his way, then this person would have been a member of Parliament. He would not have been working in the Deputy Premier's ministerial office. He was hand-picked as an adviser by the Deputy Premier; he was hand-picked as a candidate by the Premier. If the Premier had had his way, Tristan Weston would be sitting in this Parliament. Notwithstanding the fantastic work the member for Macedon does, members could only imagine what Mr Weston would have been subjecting the people of that electorate to if he had been lucky enough to fall across the line.

But who is Mr Weston? Let us hear what the Deputy Premier had to say about Tristan Weston. He stated:

He has many talents. Tristan Weston is a fine young man who I think has been subjected to a lot of commentary — as is the wont with these things — which I think is blatantly unfair.

Poor Tristan Weston! He is a fine young man with many talents — many talents indeed!

This report, as I said, shows a culture of inappropriate conduct; it shows a complete lack of integrity in the highest levels of this government. That is best evidenced by the fact that —

Honourable members interjecting.

Mr Newton-Brown interjected.

The SPEAKER — Order! The member for Prahran!

Mr ANDREWS — It is best evidenced by where this hand-picked ministerial adviser was working: he was working in the office of the Deputy Premier and Minister for Police and Emergency Services.

The report details many failings. The report is a damning report. It has cost Mr Weston his job; it has cost the member for Benambra his position as parliamentary secretary. We will come back to that a bit later on today. What it has not done, apparently, is cause the Deputy Premier to reflect on his position. What I say to all honourable members and to all Victorians is that this report poses many questions. The

Deputy Premier has steadfastly refused to answer those questions.

There are two serious contradictions that need further examination. When we as an opposition attempted to seek information on one of those, when playing our rightful role of scrutinising this government — which is a government that likes to talk about integrity but has delivered none whatsoever — we were blocked in our attempts. I want to talk about the first of those discrepancies, which is that the member for Benambra under oath provided an account of attending a meeting — an inappropriate and secret meeting — and he then indicated clearly under oath, with all the penalties that apply to someone who misleads or lies under oath, that he spoke to the Deputy Premier and informed him of that meeting. The Deputy Premier then maintained that he knew nothing of that meeting. He made comments in the media about how he did not remember and did not believe it had occurred.

Yesterday a statement — which was an affront to the Parliament — was handed to the media. I had to table the statement, because the government was unwilling to. Far from clearing this matter up, this statement actually poses, yet again, more questions than it answers. I hope the people who are running the tactics for this mob are not getting paid any success fees, because this is a complete joke. The Victorian community is asked to believe that the Deputy Premier can remember where a meeting was held, when it was held, how long it went for and what was discussed — all of that is as clear as crystal — but apparently he has forgotten or cannot recall being told about a secret meeting about a totally inappropriate plot and conspiracy to undermine the former Chief Commissioner of Police, Simon Overland. That beggars belief.

But it is not the only contradiction in this report. There was another situation. Members would remember when news got out that Ken Jones, the former deputy commissioner of police, had tendered his resignation. There was much debate and discussion. There was much anger in the government over subsequent days when the then chief commissioner exercised his due right to ask Ken Jones to go on leave for the rest of his period of office — that is, not to work until he was due to leave but to go at that point, having tendered his resignation.

We were all led to believe that no-one in the government was told about this and that this was a source of great anger. We remember seeing the scenes of the then chief commissioner being hauled in to see the Premier on a Saturday; we remember seeing all of the confected anger. The OPI report states that according to words out of the Deputy Premier's own

mouth a conversation was had at 11.00 a.m. that Friday in which the chief commissioner made it very clear and sought the Deputy Premier's views, apparently only in principle. The deputy commissioner's resignation was made public on, I think, the Tuesday of that week, and there was a conversation, apparently in principle, on the Friday.

How many conversations did the chief commissioner have about industrial relations principles with the minister in which he did not know exactly who was being talked about? The minister knew, and he green-lighted it. He then forgot to tell the Premier and had to develop this confected nonsense that he did not know, because that was the premise for the Rush review, or the 'wink review' as it is known, at least by Tristan Weston. That is what it is known as, and that is what it may well be, at least according to Tristan Weston and, on his account, the Deputy Premier — this notion that the government was not told about the chief commissioner doing his job. That was the basis for the marathon cabinet meeting, for the attempts to get rid of Simon Overland at that point and for the Rush review.

These contradictions are not from me; they came out of the Deputy Premier's mouth. They are two questions among many that need to be answered, but what do we hear each day when we come in here and ask questions of the straight shooter, the straight talker? I could read out hours of quotes that are incomprehensible — riddles wrapped in riddles from the straight talker. It is verbiage and some of the most carefully chosen language so as not to incriminate oneself that I have ever had the misfortune to have to read, and that is from the straight shooter.

What we need are straight answers from the straight shooter, because we are asked to believe that this misconduct was going on within the minister's private ministerial office for months and months, within a team that he has described as like a family that operates on trust. Yet he did not know anything about it. He did not work it out, and he was not warned and was not told. I do not think that stands up to any credible scrutiny. What is more, it is not as though the Deputy Premier was not warned. On so many occasions I, my colleagues and others warned the Deputy Premier about what was going on in his office and in his government, and all we got back was abuse.

Let me give one example from an interview in relation to the member for Monbulk. The journalist says:

James Merlino says senior government sources are secretly backgrounding journalists.

The Deputy Premier says:

Well James Merlino, spare me — he has no credibility in this saga at all ... it's rubbish, absolute rubbish.

The journalist asks:

It's not true?

The Deputy Premier says:

It's absolute rubbish.

We gave these repeated warnings day after day, week after week, month after month, and all we got back from this excuse for a minister was abuse, when all this was going on in his ministerial office. Let me make a couple of points about this minister and Deputy Premier, the straight talker, the straight shooter, the Chris Judd of the Baillieu government, somebody who walks around this state with a swagger, with arrogance and hubris. We all remember that appalling comment as the ambulance went past — we do not forget that, and nor do Victorians. This is the straight talker who apparently knew nothing. He is co-Premier and minister by day and mushroom by night: 'No, I don't know anything; I am Sergeant Schultz. But, by the way, I am the hope of the side. I am the best performer. I am the brains of this outfit'.

It is absolutely unbelievable that this minister did not know, given his approach to his portfolio and his conduct in this place. That is complete and utter nonsense, and the effort to which this minister is going to avoid scrutiny only confirms that that is a fantasy and a complete concoction designed to protect the Deputy Premier. He does not want to pay the price that he and those close to him forced the member for Benambra to pay. He does not want to have to pay that price. He would rather obfuscate and riddle his way through this in an attempt to let the media cycle move on so that the tactical geniuses who came up with this excuse for a media release and joint statement will win out. Well, they will not win out. Let me be very clear about this.

I think you would have to travel a long way to find a Victorian who believes that this Deputy Premier knew nothing, but even if you were to believe the Deputy Premier's line on this, I say that a person who knows nothing has no place being the police minister in this great state. If you do not know what is going on in your private ministerial office, what hope have you got of providing police with the policy and resources they need to fight crime and keep us safe?

Mrs Victoria interjected.

Mr ANDREWS — The member for Bayswater says that she cannot hear me. The noise that members can hear is the gloss coming off the Deputy Premier.

The SPEAKER — Order! I ask the Leader of the Opposition to ignore interjections. The member for Bayswater!

Mr ANDREWS — The noise the member for Bayswater can hear is the gloss coming off the Deputy Premier. He is not the co-Premier anymore, he is not the straight shooter anymore, because he will not provide straight answers.

Mr Newton-Brown interjected.

The SPEAKER — Order! The member for Prahran will be out again.

Mr ANDREWS — I say to the Deputy Premier that the next time he goes to a passing-out graduation at the academy he should know and understand that every one of those graduates will be laughing behind their hands at him. That is what they will be doing. This Sergeant Schultz nonsense, this saying, 'I don't know what is going on, but believe me, I am the most talented person in the government', does not wash. This minister has no integrity. This minister is deceitful, and this minister will not apply scrutiny to himself. He has behaved in an appalling way. From the heart of his private office he has run the most shameful and scandalous campaign against the chief commissioner and the office of the chief commissioner that the state has ever seen. I grieve for Simon Overland, who is owed an apology from this excuse for a minister. He is owed an apology, and so are all Victorians.

Opposition: performance

Mr WALSH (Minister for Agriculture and Food Security) — I rise to make a contribution in the grievances debate. I grieve for all Victorians about the standard of the opposition that we have in this state. I grieve because the vitriol we have just heard from the Leader of the Opposition effectively questions the role of the Office of Police Integrity and its report. Everything we sat here and listened to was about the Leader of the Opposition's opinion of the OPI, and despite the fact that there has been an independent report, he is saying he knows better than the OPI.

An honourable member interjected.

Mr WALSH — I have read the report and members should go through it. The Leader of the Opposition obviously did not want to talk about it in his contribution; he just wanted to pour out dose after dose

of vitriol. It is an absolute disgrace that as the Leader of the Opposition he will not focus on the real issue, which is that there has been an independent report by the OPI. It has taken quite a few months to produce, and if the Leader of the Opposition had bothered to read it, he would find that the issues he has raised have been dealt with by the OPI. I know that on this side of the chamber the Deputy Premier has our absolute support, as does the member for Benambra. Both members have a very important contribution to make to the success of the Baillieu government in the future, because we have a lot of work to do to fix up the state after 11 long, dark years of the Labor Party here in Victoria.

Honourable members interjecting.

Mr WALSH — If members on the other side of the house could bother to listen for a while, I will go through some of the issues that are raised in the report, particularly the involvement of Tristan Weston and the Police Association —

Honourable members interjecting.

The DEPUTY SPEAKER — Order! The member for Richmond should cease interjecting. If he wishes to speak, he should stand in his place and I will give him the call.

Mr WALSH — At page 8 the report says:

The investigation has shown that Mr Weston:

Frequently used the media to sharpen his attack on Victoria Police senior management in general and the chief commissioner in particular and actively encouraged the publication of critical media articles.

Provided information — including confidential information — to facilitate the publication of such articles.

Misled the minister's chief of staff about his media activities.

The OPI report says that Tristan Weston misled the chief of staff about his media activities, and it goes on to say that Mr Weston:

Represented to Sir Ken Jones that the secretary of the Police Association, Mr Greg Davies, had brokered a 'deal' whereby, if the government accepted the withdrawal of Sir Ken Jones' resignation, the Police Association would soften its approach to a number of industrial relations issues of concern to government.

Persuaded Sir Ken Jones to write and sign a letter withdrawing his resignation from Victoria Police and to send that letter to Mr Weston's private personal email address and to Mr Davies.

Later deleted that letter from his personal email to prevent its discovery in the event of a freedom of information request.

Honourable members interjecting.

Mr WALSH — No-one is denying what is in the OPI report. The Leader of the Opposition may be trying to rewrite history and what is in the OPI report, but we are not trying to rewrite history or what is in the OPI report. Further, on page 9, the report says:

Mr Weston cannot fairly be criticised for getting himself into a position of conflict. As a serving Victoria Police member, he sought and was granted permission to undertake an employment as a ministerial officer. Permission should not have been granted. An unfortunate precedent had been set under previous governments.

If members go back to look, they will see that previous police ministers had active, serving policemen in their offices as well. The director of the OPI in his findings has legitimately said that should not happen in the future.

If we go further into the report, we see on page 10 that:

... in the performance of his role as police adviser Mr Weston pursued his own political agenda with great vigour, whether or not it was consistent with the agenda of his minister.

In his characterisation of the misconduct, the director's report says at page 10:

In my view, Mr Weston's conduct:

Constituted serious misconduct within the meaning of section 3 of the Police Integrity Act 2008.

Constituted improper conduct within the meaning of section 69 of the Police Regulation Act 1958.

May have involved the commission of the offence of misconduct in public office.

May have involved the commission of an offence, or offences, under section 127A of the Police Regulation Act 1958.

I do not think anyone is arguing about the OPI report, except the Leader of the Opposition. The Leader of the Opposition is trying to misrepresent what the OPI has said and is laying blame on the Minister for Police and Emergency Services. This report clearly says that Tristan Weston was acting of his own volition and that the minister and his chief of staff were unaware of what Mr Weston was doing. On page 11 the report reveals that:

The relationship between Sir Ken Jones and Mr Weston, however it began, quickly took a questionable course and involved communications which, in my opinion —

that is, the OPI's opinion —

were totally inappropriate. This investigation shows that Sir Ken Jones:

Conducted a relationship with Mr Weston in a manner wholly inconsistent with the professional and ethical standards to be expected of a deputy commissioner of police.

Honourable members interjecting.

The DEPUTY SPEAKER — Order! I have already asked the member for Richmond to cease interjecting, and I ask him again.

Mr WALSH — Those on the other side may think the OPI report is a joke, but the government has accepted the report's findings and recommendations and plans to take action on them. The other side may like to ridicule the OPI, but all it shows is that opposition members have no respect for the OPI, no respect for this Parliament and, as was demonstrated earlier today, no respect for the Speaker or the status the Speaker has in this house. Opposition members are an absolute rabble, which brings me back to where I started in my contribution today. I grieve for the people of Victoria and the fact that they do not have an opposition which can ever be considered an alternative government here in Victoria.

On page 13 the OPI report goes on to say:

In contrast, the limits of Mr Weston's authority are clear and the evidence of his abuse of that authority overwhelming, confirmed by his own admissions and condemned in the strongest terms by Minister Ryan and the minister's chief of staff, Mr Hindmarsh.

As I have said before, the OPI has made recommendations which the government has accepted and will be acting on. I think that is only fit and proper, and it is what any government would do with the outcomes of an OPI report.

Honourable members interjecting.

Mr WALSH — The other side may consider this is a joke; the government does not consider this is a joke. The government has taken the issue very seriously — —

An honourable member interjected.

Mr WALSH — It is very good of us, because that is the appropriate thing to do. The OPI report goes further in what it reveals about Mr Weston. It states at page 23:

Mr Weston wrote that his application for leave without pay was consistent with force policy. He said:

I am aware of the outside employment and interests policy as contained within the *Victoria Police Manual* and my obligations and responsibilities in this regard.

He also said:

... during periods of leave without pay employees remain subject to the Victoria Police code of conduct and ethics.

He went on to say:

There must be no conflict of interest between the functions and responsibilities of an employee and any private pursuits caused by outside employment. In some instances even the appearance of conflict of interest could itself jeopardise the public integrity of the employee or the Victoria Police.

He then went on to say:

Employees may develop private interests which might conflict with their public duties. Where such conflict of interest occurs, it must be resolved in favour of the public interest of Victoria Police rather than that of the employee concerned.

Mr Weston was clearly aware of his responsibilities in taking outside employment. As the OPI has said, he did not uphold the commitments he undertook in taking outside employment, and the OPI has found quite clearly that the Minister for Police and Emergency Services, the member for Benambra and the minister's chief of staff have all acted honourably.

Honourable members interjecting.

The DEPUTY SPEAKER — Order! Opposition members will come to order.

Honourable members interjecting.

The DEPUTY SPEAKER — Order! Members will cease interjecting so the minister can finish.

Mr WALSH — As I have said, and I will reinforce it, the government takes the OPI report seriously. We have accepted the report.

Honourable members interjecting.

Mr WALSH — The ridicule is coming from the other side, so they do not hold the OPI in high regard at all and they do not hold its report in high regard. The government has accepted the report, the government has accepted the findings of the report and the government has accepted the recommendations that the OPI has made. One of those key recommendations, which I have already talked about but which we need to reinforce, is this issue that in future the government will not have a serving member of the police on the staff of Minister for Police and Emergency Services.

Honourable members interjecting.

Mr WALSH — The issue — —

Mr Carbines — This is embarrassing. Did you write this yourself?

Mr WALSH — The interjections from the other side are bringing the standing of what I think is a great minister in this government into ill repute.

Mr Carbines — He has done that all himself.

Mr WALSH — Let us be very clear that the Deputy Premier is an absolutely — —

Honourable members interjecting.

The DEPUTY SPEAKER — Order! I will not tolerate that level of interjection.

Mr WALSH — The Deputy Premier is an absolutely honourable gentleman, parliamentarian and Deputy Premier, and he is a great champion not only for country Victoria but for the rest of Victoria. He will go on to serve the Baillieu government well into the future, delivering real outcomes for Victoria, because after 11 years of the Labor Party there is a lot of work to do in this state to repair the mess that was created by the previous government. The OPI's report is there; it is an independent report. The government accepts the recommendations. The government will act on the recommendations, and it will make sure that this state prospers under the Baillieu government instead of going backwards as it did under the Labor Party.

The DEPUTY SPEAKER — Order! Before I call the member for Monbulk I point out that if the house has that level of interjection it is difficult for the Chair to hear what is being said, and if any points of order are taken, it will be impossible to rule. The member for Monbulk may begin.

Minister for Police and Emergency Services: conduct

Mr MERLINO (Monbulk) — After that extraordinary performance it is clear that the only person who thinks this report is about us is the Minister for Agriculture and Food Security. Today I grieve for Victoria Police. I grieve that its members have had to endure a most shameful and disgraceful period of political interference in the independent office of the Chief Commissioner of Police. I grieve that Victoria Police has been subject to gross misconduct and abuse of power, as graphically detailed in the Office of Police Integrity (OPI) report entitled *Crossing the Line*. I grieve for Victoria Police that it continues at this stage to endure a minister who was either complicit in the campaign to remove the independent Chief Commissioner of Police or who displayed an extraordinary level of incompetence in that he knows absolute nothing. He is the Minister for I Know Nothing.

The minister feebly likened his senior adviser, Tristan Weston, to the fantasy character Walter Mitty. The only fantasy in this whole sorry saga is the fantasy that the minister knew nothing. His entire political future, tarnished as it will be from now on, is predicated entirely on this fantasy. It beggars belief that the Deputy Premier of Victoria, the Leader of The Nationals, the self-proclaimed co-Premier knew nothing. Give me a break!

The OPI report confirms what the opposition has been saying all year. There was a disgraceful, cowardly and inappropriate and relentless campaign to interfere in the independence of Victoria Police and remove Simon Overland as Chief Commissioner of Police. We have said all year that the campaign was organised from within the highest levels of the Baillieu government. Members of the government, both elected and employed, were actively and enthusiastically involved — backgrounding journalists, holding secret meetings, leaking information, doing deals and making critical comments attributed to gutless government sources.

The campaign headquarters of this scandalous endeavour was none other than the office of the Minister for Police and Emergency Services. All of this was confirmed by the OPI. Have a look at the public record, both in this place and in the media. What is detailed in the OPI report is what the opposition has been warning about for more than six months. Our claims of this government's smear campaign were put to the minister back in April. His response: 'It is absolute rubbish'. On 10 May, following reports in the *Australian* of leaked emails, the Minister for Police and Emergency Services said on Channel 10:

There is a lot of innuendo, commentary swirling around at the moment. If I listened to all of it and acted on it, I would never leave home.

The minister is damned by his own words. He did not act on our repeated warnings because he did not want to. The minister was waiting for the right opportunity. As described on page 30 of the OPI report, the minister's view was that Mr Overland would retain his position 'unless and until circumstances intervened'. That was always the limited extent of the minister's so-called support for Simon Overland. The minister was complicit in the campaign. He did not want it stopped and he did not want to act. He did not want to intervene in what Tristan Weston, the minister's parliamentary secretary and possibly others were up to, because the situation had not reached the point where he felt that he could say to the Chief Commissioner of Police, 'If you tender your resignation, I will accept it'. He had to wait just over another month for that. All it took was another

month of gross misconduct and potentially illegal behaviour, and the Baillieu government got its scalp.

It is simply not conceivable that the minister did not know what was going on. At the height of the crisis, on 6 June, the minister said on ABC radio:

... whatever anybody else may think I can assure you the minister for police is in command of this situation on behalf of the government ...

Indeed he was. Ten days later the minister in command got his scalp for the government. And didn't government members enjoy the day, Deputy Speaker? You would recall it. I will not quickly forget the unashamed joy of government members, the smug smiles, the pats on the back saying, 'A job well done, boys and girls'. The minister had said to the chief commissioner the night before:

If you were to tender your resignation, I would accept.

Simon Overland did the only honourable thing: he duly gave his resignation. He had no other choice. Simon Overland said on the day he was forced to resign:

It's pretty clear that there's been a lot of distractions over the last little while. It seems to me they aren't likely to abate.

Those distractions — the Baillieu government — would not have abated until he was gone. The Minister for Police and Emergency Services, in denial of the crisis he and his colleagues had created, was reported on 28 October as having said:

The government has at all times done the right thing ...

...

... I don't believe there was any circumstance ... where I could conceivably have known that this man was doing what he did ...

That is simply not a believable statement. As a minister, if you find yourself in a position where a particular issue in your portfolio is dominating in the media, if a red-hot crisis is brewing, if there are government sources leaking to the media that you know nothing about and if those leaks are contrary to your view, you do something about it. If you as a minister find yourself in that position, you move heaven and earth to find out what is going on and who is responsible for it, and you put a stop to it. You do not let it fester. You do not say to the media, as the minister did on 10 May, that you are not going to bother to act on innuendo and rumour. The only reason a minister would allow this type of crisis to build and explode would be if that were what the minister fully intended to occur.

I put to you, Deputy Speaker, that not only was the Minister for Police and Emergency Services warned by the opposition for more than six months but he knew about it and was complicit. It is a matter of record that the minister knew the views about Simon Overland held by Tristan Weston and the member for Benambra. The minister knew that Michael Kapel had met with Sir Ken Jones; the minister knew, through Allan Myers, QC, that Sir Ken Jones wanted to meet with him; the minister knew that Tristan Weston had contacted the media; and the minister knew that the member for Benambra and Tristan Weston were absolutely in regular contact. He knew all of this, yet when confronted with the actions of Tristan Weston the minister was 'dumbfounded'. The minister claimed he knew nothing. It is not plausible. As Tristan Weston testified to the OPI:

... a minister's ability to comment publicly is not compromised by what he is told by an adviser — what is explicitly denied can at the same time be implicitly permitted.

And permitted it was. You do not see government members with those smug and smiling faces anymore — not since the OPI report was released, confirming how low into the gutter the government was prepared to sink in order to remove the chief commissioner. Perhaps some of them are even ashamed. There were no smiles after the OPI described the government's behaviour in terms that included 'manifest excesses and impropriety', 'serious misconduct', 'improper conduct' and 'criminal charges'.

The OPI report investigated the behaviour of Detective Leading Senior Constable Tristan Weston. The OPI did not and cannot investigate the behaviour of the minister or his chief of staff. Yet what the report details is so damning, and the abuse of power so blatant, that the Minister for Police and Emergency Services must be held accountable. The Minister for Police and Emergency Services must resign.

The OPI report details a meeting held between the member for Benambra, Tristan Weston and Sir Ken Jones. The meeting occurred on 14 May at Sir Ken's home. According to the evidence given under oath by the member for Benambra — and we know how much the member for Benambra values his oath — the purpose of the meeting was to urge Sir Ken to withdraw his letter of resignation. Page 47 of the report says:

... he —

that is, the member for Benambra —

did not inform Minister Ryan in advance of the visit, but subsequently told him what had occurred.

That is the member's sworn testimony to the OPI, yet on page 53 of the report the minister clearly and emphatically contradicts the evidence of the parliamentary secretary. The report says:

Minister Ryan told OPI investigators he was unaware of Mr Tilley's visit to Sir Ken Jones's home. Minister Ryan said he received no approach from Mr Tilley in relation to Sir Ken Jones after Sir Ken Jones was directed by Chief Commissioner Overland to take leave on 6 May.

Someone, either the minister or the former Parliamentary Secretary for Police and Emergency Services, lied to the OPI. That is the stark reality. It is a grave accusation.

Honourable members interjecting.

Mr MERLINO — Giving false evidence, I say to the member for Benambra, is a criminal offence. That is why both the opposition and the media have pursued this important issue. It goes to the heart of whether the minister is a fit and proper person to continue in his role. Somebody lied.

Responding to questioning about the evidence of the member for Benambra the minister said on 3AW on 28 October:

I don't believe that that was the case — that's not my memory of events ...

I do not recall his having told me that, and I don't believe that he did.

The minister effectively called his Liberal Party colleague a liar. In the *Sunday Herald Sun* of 30 October the member for Benambra was reported to be 'furious, gutted and disappointed' and to have told the *Sunday Herald Sun*, 'I stand by everything I said under oath'. The *Sunday Herald Sun* editorial said:

In claiming he knew nothing of the plotting, Mr Ryan has publicly questioned the honesty and integrity of Liberal MP Bill Tilley ...

...

... in his desperate attempts to save his own skin.

The desperation to hold onto his job reached juvenile and ridiculous levels yesterday.

The member and the minister issued a joint statement, best described by *Herald Sun* journalist Ashley Gardiner, who, dare I say it, tweeted at the time that the joint statement by the Minister for Police and Emergency Services and the member for Benambra seemed to have been written by George Orwell. Apparently they are both right. As we see in the latest reports today, the member for Benambra was not happy

about being forced to resign. He resisted it, and I am certain he is unhappy and embarrassed about the farcical joint statement he was forced to sign yesterday. I was outside the opposition offices at 8.00 p.m. on 26 October, and I saw the very grim face of the member for Benambra as he was being directed to the Premier's office, where he resisted attempts — —

An honourable member interjected.

Mr MERLINO — Yes, good on you for resisting it! Unfortunately they got him in the end. This grievance debate is an opportunity for the member for Benambra to clear the air. We will give up one of our speaking spots if the member for Benambra wants to get up and explain his version of events. The member's political career is permanently damaged. His preselection is possibly under threat, and we know how interested The Nationals are in that seat. His credibility is shot because it remains uncertain as to who lied. How many more Liberal bodies are going to be thrown under the bus to save the hide of the discredited Leader of The Nationals?

I conclude on this point: Simon Overland deserves an apology. The Office of Police Integrity report found that the campaign against Simon Overland was run from the minister's private office. It states that it:

... almost certainly contributed to the course of events that led to the chief commissioner's resignation. In the process, management of Victoria Police was undermined and public confidence in it diminished.

The Acting Chief Commissioner of Police, Ken Lay, was quoted as having said this:

'If I go back to that time, I know Simon said publicly on a number of occasions that we were staying focused but my recollection was, it was an enormously difficult time as a member of police command' ...

'I felt under siege, I thought Simon was under siege.

'It was as hard a time as I can ever remember for a chief commissioner.

'This was a very big part of Simon's decision to resign, I believe.'

Those are the words of the Acting Chief Commissioner of Police commenting once the OPI report had been received. The minister should at least do one decent thing — that is, apologise to Simon Overland, the real victim in all of this — yet he refuses to do so.

I conclude with this commentary on the performance of the minister which appeared in the *Age* of 3 November:

He was supposed to be one of the government's strongest performers.

All the more surprising, then, that Ryan has been linked to almost every cock-up and controversy to strike the Baillieu government's first year.

And that article did not even mention the shambles of the protective services officers policy. The Premier promised before the election to put an end to the cover-ups, secrecy and dishonesty, yet he has made it an art form in this most disgraceful chapter in Victoria's political and policing history.

Former government: performance

Dr SYKES (Benalla) — I grieve for Victorian families who had to endure 11 years of an incompetent Labor government and who have to endure the ongoing consequences of Labor's mismanagement whilst the Liberal-Nationals coalition get on with fixing the mess left by Labor. In particular I grieve for the people of country Victoria who have seen a widening of the social disadvantage gap between country Victorians and our city counterparts. This is a direct consequence of the callous, incompetent, out-of-touch Labor government, the sole motive of which was to remain in power whatever the cost. Fortunately the Liberal-Nationals coalition is connected to ordinary people, particularly country Victorians, and we have already made significant progress in fixing the mess, but much more needs to be done.

Before I go through a number of examples, I will comment on the theme of the presentation by the opposition today. It has launched an attack on the Deputy Premier, a man of great integrity and a man whom I am proud to call my friend. I should also indicate that the member for Benambra is a man with whom I have a good working relationship — —

Ms Beattie interjected.

Dr SYKES — Together we stand up for country Victorians and ordinary Victorians, unlike the previous Labor government which had one interest only and that was power, to hell with the cost and to hell with who it hurt.

The Labor opposition, the rabble on that side of the house, has misrepresented the key focus of the Office of Police Integrity report. The key focus is that Mr Weston abused his position. It is simple: one person abused his position. The second key focus is that we in government — hear that: we are the government — are going to act on the recommendations in the report.

I find it hypocritical that the Labor Party has attempted to take the high moral ground on this position. I recall the relentless attacks on the Premier in the lead-up to

the Altona by-election and the November 2010 election, during which Labor sought to destroy the character and integrity of a fine man and a fine Premier. Who was one of the key players in that game? Someone on that side who is not sitting there at the moment: the member for Niddrie.

I also recall revelations about the corrupt conduct of the Brimbank council raised in this place on 30 July 2008 by the former member for Keilor. In his colourful language he referred to the then mayor of Keilor as the Robert Mugabe of Brimbank. A subsequent investigation of that murky mess — —

Ms Pike interjected.

Dr SYKES — I have heard the member for Melbourne speak up. Congratulations — that is her fifth contribution in the — —

The DEPUTY SPEAKER — Order! The member for Benalla will ignore interruptions.

Dr SYKES — Thank you, Deputy Speaker, I just wanted to welcome the member.

In the subsequent investigation of the conduct of Brimbank council we found some members of the Labor Party were implicated in things like branch stacking and misuse of public money. It raises some concerns when that side of the house is attempting to take the high moral ground.

Let us move on to what the real issue is. The real issue is that the Labor Party in government created a heck of a lot of problems, and now in opposition it is continuing to miss the point. If it wants to be back in government at some time in the next 12 or 16 years, it had better start lifting its game and get on with caring about Victorians, like we on this side of the house do.

Let us look at some examples of the mess we inherited from the Labor government. Let us start with local government infrastructure. After years of cost shifting by the Labor government the coalition has come in and committed an additional \$160 million to rural councils to fix roads and bridges. That equates to \$1 million a year for each of the next four years for the rural councils of Victoria, and that has been extremely well received by people in country Victoria, because this side of the house cares about all Victorians. Secondly, under the leadership of the Deputy Premier we have the \$1 billion Regional Growth Fund whereby local government and local communities will be benefiting from around \$2 million for each local government area over the next four years, which is to be invested in infrastructure of the priority and choosing of the local

communities. Similarly, \$2 million is also available for other community projects.

In relation to health services the coalition is certainly challenged by the mess left by the outgoing Labor government. There are major problems with the ambulance services. The coalition has responded by funding over 300 extra paramedics, replacing the board of Ambulance Victoria and halving ambulance membership fees. However, more needs to be done to fix the problems with ambulance services, including the hospital ramping situation. In the Hume region a lot more needs to be done to fix poor response times.

More also needs to be done as a result of the problems we inherited from the negligent Labor government in addressing the ambulance service needs of the alpine resorts. In the case of the growing community of Nagambie we need to take the load off the Nagambie community emergency response team. This group, which is made up of volunteers, has worked very hard to provide ambulance services, but it needs support. I am confident that the Minister for Health, as part of the coalition government, will address these issues in time, but we are hamstrung by the mess left by members of the outgoing Labor government, including a lack of money in the bickie barrel because of Labor's demonstrated inability to manage money.

Let us also look at the hospital situation left to us by the former government. Under the Labor government the residents of Mansfield had to do their own fundraising to contribute to the cost of putting a roof on part of their hospital. The local community had to find a couple of hundred thousand dollars for that. Mansfield hospital needs further upgrading. That can be done step by step, starting with a primary health-care unit and aged-care facility upgrades. I seek the Minister for Health's support for a Mansfield hospital application to the federal government for funding in the current round of funding opportunities that exist.

If we turn to the Strathbogie shire, there we have a situation of there being many public patients and no public hospitals. The former bush nursing hospitals at Nagambie, Violet Town and Euroa do a good job within existing constraints and provide a good range of health services. Since the coalition has come to power funding has been provided for better community health services at Euroa and two transitional care beds have been assigned there. However, the need for public hospital beds remains. I thank the Minister for Health for agreeing to meet with a deputation from Euroa next parliamentary sitting week.

The minister will also be meeting with representatives of Alpine Health and community and health advisory groups that have sought improved funding and broader access to the Victorian patient transport assistance scheme. Under the former government this program was due to lapse in 2011 and 2012. This put significant pressure on the incoming coalition government to fund it in its current form, because Labor had walked away from country people, as it has done so many times.

There are other examples of the government fixing the mess. We have the situation where much of Victoria experienced significant flood damage back in September, October and November of 2010 and into January 2011. The situation when we came to government was that local governments and other agencies had to undertake all of the repair work and then submit their invoices. After a thorough and lengthy examination of those invoices, which could take months, payment would be made. This put enormous pressure on small, cash-strapped rural shires.

The Deputy Premier, the man who has been the subject of some commentary today and over the past week, put in place a simple solution. He authorised payment — in cooperation with the Treasurer, I am sure — so that 50 per cent of the cost of those flood repairs could be made available upon the presentation of the initial estimates of the cost of the damage. The second 50 per cent would be paid upon validation of all of the costs. It was a common-sense, practical solution that took pressure off communities that were already reeling from the effects of the natural disasters.

The coalition government has also sought to help ordinary people in relation to energy concessions. We have extended the energy concessions to provide a 17.5 per cent rebate on electricity all year round. That means that when the weather starts to warm up throughout Victoria, particularly northern Victoria, instead of our frail, elderly and other Victorians being wary of turning on their air conditioning due to the costs involved, they now know that because of the energy concessions being extended and applying all year round they can have some comfort in their homes as a result of this initiative by the coalition government.

When we came into government we came in with the theme of restoring law and order and making our streets safe. We have implemented a number of initiatives driven by the Attorney-General and the Minister for Police and Emergency Services. These initiatives include the progressive removal of the suspended sentencing option and the removal of home detention while still providing other options for people for whom jail is not appropriate.

It is interesting to note what these other options for offenders are. We recently saw an example in Benalla, when people doing their community service-type work came into the Benalla west area and set about cleaning the graffiti off some of the walls. That was a very productive exercise; they got satisfaction out of the job, and the community was better off. Similarly those people have done a tremendous amount of good work in relation to fencing repairs and other clean-up activity post the floods and post the fires. In government we will encourage that sort of application of community-type service, because we believe everyone becomes a winner as a result.

The Minister for Police and Emergency Services — that same man — is responsible for the government implementing the 67 recommendations of the 2009 Victorian Bushfires Royal Commission. I note that the former Labor government walked away from a number of these recommendations and sought to mislead the public of Victoria. But the Deputy Premier, who is also the Minister for Police and Emergency Services and the Minister for Bushfire Response, is getting on with the job and is being well supported by all on this side of the house. Unfortunately we have a rabble on the other side of the house who continue to criticise.

The minister and this government have come out in strong support of the Country Fire Authority volunteers. No more riding roughshod over them, no more deals with their union mates; the CFA volunteers charter is now enshrined in legislation. We will look after the volunteers, and the volunteers are very appreciative of that. But we also recognise the contribution of our career CFA firefighters. This government has integrity, and it is delivering.

This side of the house is getting on with the job. We recognise the mess left to us, the mess that Victoria was left in by a government that was out of touch, could not manage money and had only one objective, which was to remain in power at all costs. That government failed to deliver, and after 11 dark years of Labor government the people of Victoria saw through it. The people of Victoria recognised what all of us knew, and that is that Labor, under the so-called leadership of the unelected Premier, John Brumby, should be tossed out of government because he was unelectable and the rabble on that side was unelectable. We on this side will deliver on the job, and those on that side will stay there for decades to come.

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

Minister for Police and Emergency Services: conduct

Mr HULLS (Niddrie) — You would have thought they would bring out the big guns to defend the Leader of The Nationals; instead they brought out the pop guns. That is what they did, they brought out people with no substance, with nothing to say. But it was notable that the member for Benalla said that he believes the Leader of The Nationals is a man of integrity but did not comment on the integrity of the member for Benambra. His failure to comment says volumes about his view of the member for Benambra.

I grieve today because of the lack of integrity shown by this government in relation to its commitment to being open and transparent with the people of Victoria. I have to say at the outset that I am proud to be a member of Parliament. I have no doubt that all of us who are privileged enough to enter this place do so initially with very good intentions and appropriate motives — we all want to try to make a difference and hopefully make our state a better place. Whilst we do not always agree with each other and may have different philosophical views on a whole range of important social, economic and environmental issues, what the community wants from their MPs and their government is integrity. Once you mislead, once you tell untruths, once you obfuscate, once you slip and squirm, you abrogate your responsibility to the public of Victoria, you lose your integrity, you lose the trust of the people who put you there, and indeed you are no longer fit to hold office.

In the late 1980s and early 1990s I lived in Queensland and was in effect elected to the federal Parliament on the back of the Fitzgerald report into corruption in Queensland. As we now know, the Fitzgerald report revealed corrupt practices with dodgy ministers and dodgy advisers working hand in hand with dodgy police and dodgy underworld figures. Many people went to jail in Queensland, including former police and former government ministers. In fact so many ministers went to jail that it was often said that the best place to hold a cabinet meeting in Queensland was at Boggo Road jail.

The Fitzgerald report exposed a very sad era in Queensland politics. The OPI (Office of Police Integrity) report that has been handed down recently certainly has some parallels with the Fitzgerald report in Queensland. It has exposed outrageous conduct emanating directly from the office of the police minister. This outrageous conduct was all about ousting a Chief Commissioner of Police — a Chief Commissioner of Police who had the audacity to take on organised crime and who had the audacity to try to

change the culture of the force, and in so doing got up the noses of a lot of people, including politicians, advisers, certain sections of the media and at times the Police Association.

The act of engineering the downfall of a Chief Commissioner of Police is corrupt. It is corrupt, and all those involved must be held to account. Page 8 of the OPI report, which was quoted earlier today, says:

Mr Weston's activities have additional significance because they almost certainly contributed to the course of events that led to the chief commissioner's resignation. In the process, management of Victoria Police was undermined and public confidence in it diminished.

It is important that we all understand that that is what the OPI has found to be a matter of fact. This assertion is a fact and indeed has not been denied by the Minister for Police and Emergency Services, nor has it been denied by the Premier. What we have as a fact is that Simon Overland's downfall was in large part due to the totally inappropriate, possibly illegal, practices emanating directly out of the office of the police minister and Deputy Premier and carried out by a person appointed directly by the minister who was working for and answerable to that minister.

It has been said before that if the minister knew of and/or encouraged Mr Weston's activities and/or gave misleading evidence to the OPI, then quite clearly he is not fit to be a minister of this state. Further to that, if he has given false and misleading evidence to the OPI, whilst we expect that was not under oath, no doubt further investigations ought to take place in relation to that matter. What we do know is that the member for Benambra gave his evidence on oath in the full knowledge of the repercussions and ramifications of giving false evidence under oath. He is a former police officer; he knows full well those ramifications.

However, if the minister is to be believed when he says that he knew nothing about Mr Weston's activities, that Mr Weston was on a frolic of his own and that he therefore believes he does not have to take any responsibility for what occurred in his office, then he is not fit to be a minister under the Westminster system because of his failure to take responsibility in such circumstances. In any event, any minister with any ounce of dignity at all who knows that a member of their office played a crucial role in unfairly and possibly illegally undermining the Chief Commissioner of Police should have the decency to apologise. This minister has not done so because, like this government, he lacks decency — indeed he lacks integrity.

Let us not kid ourselves that a minister needs to have directly instructed an adviser to act in a certain way before that minister needs to take responsibility. Indications and generally implied expectations can be given without either written or specific verbal instructions. That is quite clear.

What we do know from page 30 of this report is that the Minister for Police and Emergency Services told OPI investigators that his adviser Tristan Weston had expressed his disapproval of Mr Overland in very strong terms and felt that Sir Ken Jones would do a much better job. This is an adviser telling the minister in effect that the Chief Commissioner of Police is no good and that someone else would do a better job. This should have raised alarm bells with any competent minister. Instead, on the minister's own evidence, he told Tristan Weston — a man he knew hated Simon Overland and wanted him out — that Overland would retain his position 'unless and until circumstances intervened'. In other words, he tells a bloke who wants to get rid of Overland, 'No, Overland has got to stay there unless and until other circumstances intervene'. That was tantamount to giving Weston a green light to embark upon or continue his undermining of Simon Overland.

Further to this, as mentioned by the Leader of the Opposition, at page 44 of the report we have Tristan Weston saying on oath that he was given 'a wink' by the minister after the minister set up the Rush inquiry. He said to the minister, 'I hope you are not setting up an inquiry when you do not know what the outcome is going to be'. He gets a wink from the minister and then the minister is told that hopefully this inquiry will not be needed and the minister says, 'I hope that is the case'.

At page 43 of the report we have Weston saying he spoke to the minister about Sir Ken Jones withdrawing his resignation and the Police Association in return pulling back on some industrial relations issues and that a written report was provided to the minister. Funnily enough that document has gone missing. Funnily enough that has gone. It beggars belief that Tristan Weston could meet Sir Ken Jones on four or five occasions at his home, that the minister's parliamentary secretary could meet with Sir Ken Jones at his home, that the Minister for Corrections could then meet with Sir Ken Jones, that the Premier's chief of staff could meet with Sir Ken Jones and the Attorney-General's senior legal adviser, no doubt acting on the Attorney-General's instructions, could organise a meeting between Sir Ken Jones and the Minister for Corrections and all this went on without a supposedly competent minister knowing anything about it. It is just nonsense.

To make an analogy, despite the fact that the minister is not from Barcelona, he is taking the Manuel defence from *Fawlty Towers*. We all remember *Fawlty Towers*. Whenever Manuel is asked something and he does not want to answer he says, 'Qué? Qué? Qué?'. That is all he says — 'I know nothing, Mr Fawlty'. That is exactly what this bloke is like. It is just absolute rubbish, because the minister has form in this area, and I experienced it personally over the demise of the former Director of Public Prosecutions, Jeremy Rapke. In relation to the demise of the former DPP, Stephen Payne was to Jeremy Rapke what Tristan Weston was to Simon Overland. Payne did not like Rapke, and he spread demeaning, inaccurate and idle gossip about Mr Rapke in an attempt to bring him down.

Both Weston and Payne have one thing in common — that is, their very close association with the Minister for Police and Emergency Services. Previously in this place the minister said that about 20 years ago he had an association with Stephen Payne and had had very little contact with him since. He indicated that Mr Payne wanted some rumours about the DPP passed on to the Attorney-General and that the minister for police — the shadow minister as he then was — met with me as Attorney-General about those matters.

I have already said in this place that the minister was not full and frank with me about his association with Stephen Payne. For instance, when he met with me to spread these rumours he did not tell me that this was the same Stephen Payne who had been sacked as a board member of the Central Gippsland Health Service by the former government because of inappropriate activities by that board. The minister did not tell me this was the same Stephen Payne who had applied for promotion within the DPP and that the minister was his referee. He did not tell me that he had produced some time earlier a handwritten memo to me asking me to consider Stephen Payne as a magistrate. In other words, the now Deputy Premier has form for not being full and frank and not being up-front with the facts.

The Deputy Premier reminds me of Captain Queeg from the *Caine Mutiny*. We all remember the *Caine Mutiny*, and we all remember Captain Queeg. He was initially welcomed by the crew as a tough, no-nonsense veteran who would shape up the ship appropriately; however, it became very clear that he had a compulsive habit, which was handling a pair of ball bearings that produced an incessant sound. I do not know if the Deputy Premier has any ball bearings, but indeed Captain Queeg displayed an oppressive command style and was prone to unprovoked anger. Not only that but he ended up blaming everybody else for his own mistakes, and that is exactly what this minister is doing.

I call on the Deputy Premier to be up-front about what he actually knows about this matter, and that is why there needs to be a parliamentary inquiry. I do recall some time ago that the minister asked me as Attorney-General in this place:

... when did the Attorney-General first become aware that telephone conversations between government members of Parliament and Victoria Police as well as government staff in Victoria Police had been secretly recorded by the Office of Police Integrity?

I outlined to him how the telephone intercept legislation worked. I outlined to him in that answer that it was quite clear that under state telecommunications law the OPI has to provide the minister for police with warrants for phone intercepts. Under the Brumby government the OPI provided the warrant to the minister as soon as practicable after the issue of the warrant and as Attorney-General I was advised when the warrant had expired at the end of the process.

I call on the minister to explain to this house whether that same process is in place now in relation to OPI warrants. I call on him to explain when it was that his office became aware — if indeed his office did become aware — of these warrants, because if the same practice was adopted under the federal Telecommunications Act 1997 that was adopted by the previous government, there is a grave question mark about whether the minister actually knew about the telephone intercepts in relation to a member of his staff, Mr Tristan Weston. It is absolutely crucial that the minister comes clean in relation to this matter.

As the Leader of the Opposition has said, the police minister has strutted around this place wanting everyone to believe he is a straight talker — the co-Premier, a man of integrity who wants to be loved and trusted. The fact is I think he had been described as the Judd of the government. After this episode, he is not the Judd; he is the dud. That is the reality. He is not the Judd; he is the dud. The Leader of the Opposition said the Deputy Premier talks in riddles. We only have to have a look at what the Riddler was like in *Batman*. It is an apt description, because the Riddler was a malignant narcissist obsessed with riddles and word games, and that is exactly what this minister is about. There is a stain on this minister that is now permanent. He has made his adviser the fall guy. He has created a lifelong enemy in the member for Benambra. Colleagues are openly talking about him behind his back, and it is just a matter of time before this Captain Queeg of the government faces his own mutiny.

Schools: former government performance

Mr DIXON (Minister for Education) — Today I grieve for Victorian government schools and Labor's legacy in terms of maintenance. All of this was revealed last week, and it is a very sad and sorry story. The Deputy Leader of the Opposition should have been talking about this and not railing on about the Deputy Premier. This is a real issue — a bread-and-butter issue — that confronts parents and teachers every day of the week when they attend our government schools.

Following an audit of 492 government schools in Victoria, which is about one-third of the schools, \$150 million worth of maintenance requirements have been identified — \$150 million. That is an incredible amount of money. Taking into account the number of students in Victorian government schools, let alone the number of schools there are, on a conservative estimate there is a \$300 million maintenance backlog in Victorian government schools. That is an absolute indictment of the previous government.

If you look back to 1999–2000, when the Bracks government took over, you see that it inherited a maintenance backlog that had been whittled down by the previous government from \$450 million to \$150 million. Eleven years ago the former government inherited a \$150 million maintenance backlog. What did it do about it? It conservatively doubled it over the last 11 years, despite record revenue and record margins. It had money coming in from all over the place, which it wasted everywhere. It had the federal government giving it money, it had GST revenue and it had all sorts of windfall gains, yet over that time the amount of maintenance needed in government schools — a bread-and-butter issue — more than doubled. It is a shameful legacy.

One of the arguments often put by those on the other side is, 'But we have been spending money on capital works, therefore we do not need maintenance'. You could argue on the one hand that schools had to be rebuilt because the maintenance was let go — they were so bad that you just could not spend any more maintenance money on them — but when you start delving into the figures this audit has thrown up you find that maintenance and capital works are two completely different things. For example, you might have a rebuild of a science block in a secondary school. That does not mean that all the maintenance issues in the rest of that school have been solved; no way known. But that is the argument we hear from the other side, 'We spent record amounts of money on capital works'. Capital works and maintenance are quite separate.

I have five examples found in the recent audit which put paid to that argument quite clearly. Rosehill Secondary College received a capital investment from the previous government of \$563 000. According to the previous government that school would no longer need maintenance because it had had a major capital investment. This maintenance audit has thrown up \$580 000 worth of maintenance needed at that school. Look at Scoresby Secondary College. The previous government said, 'We spent \$400 000 on capital works at that school, therefore it should no longer have a maintenance issue'. The fact is that nearly \$1.1 million worth of maintenance is needed at that school, and this government has inherited that.

At Castlemaine Secondary College the previous government invested \$606 000 in capital works. According to the opposition that school should not have any maintenance issues now, but the maintenance audit found that \$836 000 worth of maintenance needed to be done at that school. Shepparton High School received capital works of \$589 000 from the previous government. According to the previous government, that school would not have any maintenance needs because it has had a major capital injection. In fact \$676 000 worth of maintenance is required at that school. At Lilydale Heights College, which the Deputy Speaker might know something about, the previous government invested \$644 000, so according to the previous government all the capital works have been done and maintenance is not needed. In reality \$727 000 worth of maintenance is still required at that school. This is a shameful legacy. The argument that the previous government spent record amounts of money on capital works is totally irrelevant to the amount of maintenance requirements this government has inherited.

But we are doing something about this. The audit we are talking about here was a rolling audit that was carried out over the last 12 months. We are immediately, starting this month, conducting a full audit of every single government school in Victoria. All 1540 schools, approximately, will be audited over the next five to six months. We will not hide on that issue; we will get the true picture of what we inherited, and I reckon it will be more than the \$300 million that is the conservative estimate. We will tell schools what their requirements are; we will tell them the amount of maintenance that is required. We will also prioritise the maintenance and tell schools that. We will be open about it, too, and let the Victorian public know that this is the shameful legacy we have inherited, and we are certainly going to be doing something about it.

I want to supply a few further details about the audits over the last 12 months. Over that period 490 schools were audited. This included all 288 secondary schools in Victoria and 204 primary and special schools. It is only a percentage of those schools. That represents about 49 per cent of the total enrolments in government schools in Victoria. As I said, \$150.1 million of maintenance was found to be needed in the schools that were audited. If you are looking at all 1500 schools, you can conservatively double that \$150 million, making the figure \$300 million — and as I said, that is a conservative figure.

When you drill down you find there are some damning figures. Of that \$150 million, about 11 per cent is required for urgent maintenance. This is not just a hole in the carpet or something, this is urgent maintenance. The fact that \$17 million worth of urgent maintenance was just let slip by the previous government and not addressed is something we have to tackle and we will be tackling.

More than \$1 million worth of maintenance is required at 27 schools. That is an incredible amount of money. How can the previous government say it stood up for public education when 27 of its schools needed more than \$1 million worth of maintenance. Over 11 years it had record margins and record money, yet it had 27 schools which needed more than \$1 million worth of maintenance. Between \$500 000 and \$1 million worth of maintenance was needed at 81 schools. There are 108 schools that require massive amounts — six and seven-figure amounts — of maintenance. That is an incredible amount and a huge percentage of government schools in Victoria. Also, 248 schools needed more than \$50 000 worth of maintenance. These are not isolated examples; this is a massive sample. There are massive numbers of schools requiring massive amounts of maintenance.

One of the three worst affected schools which require maintenance is Essendon Keilor District College in the electorate of Niddrie, the former Deputy Premier's seat. He let that school go to the extent that \$3.4 million of maintenance needed to be done. He was a senior member of the government, and he sat idly by and let that school literally fall down around the ears of the teachers and children. He has been performing stunts like delivering a door to this place and calling on me to fix the problem that he allowed to go on for 11 years. It is incredible. We had to intervene because \$600 000 of maintenance was required urgently to deal with dangerous issues — not only drainage but also sewage overflows. We have already tackled that, but as I said, there is a lot more to do.

Of course the school needs a lot of capital works, because it was let go by the previous government to the tune of more than \$3 million. Keysborough Secondary College needs \$2.5 million spent in maintenance and Cranbourne Secondary College needs \$2.1 million spent on it. These are extraordinary figures. It is an indictment of the previous government that it let schools crumble to that extent.

But we are doing something about it. We are increasing the amount of maintenance that each school will receive. In 2000–01 the then government allocated \$73 million for annual school maintenance — a reasonable amount. But what did it allocate towards school maintenance in 2009–10? Members would have seen these numbers grow and seen these million-dollar requirements, so they might think the government put more money into school maintenance in that year. No way — funding slipped right down to \$59 million per annum. It went from \$73 million to \$59 million in 10 years.

Mr Angus interjected.

Mr DIXON — As the member for Forest Hill said, it went backwards. Not only did maintenance funding go backwards but the condition of the school went backwards, and the previous government went backwards as far as maintenance was concerned. However, we are acting decisively. We are not just doing the audit; we are actually doing something — we have already done it. We have increased the annual allocation for school maintenance. We are increasing the annual maintenance figure from the previous government's most recent figure of \$59 million to \$87.5 million — that is more than a 50 per cent increase, and it is well above the 2000–01 figure. This is what the previous government should have been spending on maintenance at the very least.

It will take us a while to fix this big problem and it will take a lot of money. We will find out the real cost next year, when all the audits are finished. However, this will go some way towards helping schools with their priorities. A share of half the new funding for school maintenance will go to every school. Every school's base funding for maintenance will be increased. The other half of the extra money will be spent on the highest priorities. That is what the audit will show — the highest priorities. It will show where we need to spend; on what issues and in which schools that money needs to be spent. I daresay there will be a long queue for the other half of the money, but we have already addressed this issue.

I have gone to many schools to talk to people as both shadow minister and obviously as minister. When I have gone to schools this year the first thing they have shown me is the physical condition of the school — what they have inherited from the previous government. They want us to fix it. We will work on that. It will cost a lot of money and will take a long time, because we have inherited \$300 million-plus of maintenance work that needs to be done, and this is aside from all the capital works that are required. As I pointed out earlier in my contribution, capital works and maintenance are quite separate issues. The previous government just let maintenance go. It was a bread-and-butter issue and did not make for glossy brochures or media stunts, so it was neglected. The students and teachers in our government schools were the ones who suffered as a result of that neglect.

It has been interesting to visit schools and see some of the Building the Education Revolution (BER) projects on which so much money was spent. I have visited some government schools where the principals and school councils said to the previous government, ‘We will not buy into this one-size-fits-all program. We will not put facilities in our school that are not what we need. We do not want to be micromanaged and we do not want to be managed from the centre — we want to meet the needs of our school’. The principals who dared do that are the ones who have fantastic results. They used the \$500 000, \$1 million, \$2 million or \$3 million of BER money to refurbish their schools. They built some new facilities, but they also refurbished their schools. If schools had been allowed to spend the \$14 billion worth of BER money allocated to Victoria by the federal government on needs they identified, we would not have anything like the maintenance backlog we have inherited.

We have learnt from that. When we came into government, 12 schools had not even had a BER project started or a contract signed even though the BER program had been running for three years. We said to those schools, ‘We will allow you to use the money to renovate or do whatever you need in your school’. We also gave them the option of having the department run the program. No school chose that option. Schools said, ‘No, we know the needs of our school. We want to use that money to address those needs’. We have not only done this with the BER projects. We have said to schools that have been allocated some of the \$206 million in capital works funding in this year’s budget, ‘You have the option — you can use that money in the way you need to address the needs of your school’. That is what this is about — professional trust in schools. You say to school councils and principals, ‘You understand your school and its

needs. Here is the money; we trust you to do the best thing for your school community’.

The micromanaging, top-down approach of the federal government and the previous state government does not work. As I said, the best and worst example — if you could put it in those terms — is the conservative figure of the \$300 million-plus maintenance backlog we inherited from the previous government. Shame on the previous government for letting go of the basic bread-and-butter issue of school maintenance. It is the coalition government that is reversing the trend. We understand what the issue is, and we have put our money where our mouth is.

Government: performance

Ms HENNESSY (Altona) — It is interesting that the previous speaker talked about shame, because today I grieve for the people of Victoria and the fact that they are governed by a shameful government that is without an ounce of integrity. This is a government stained by its own failings. It has a hunger for preserving power at all costs, and it has an absolute contempt for its own promised standards of integrity.

It has been famously said that if you want to test a man, you should give him power and that how he handles power — how he uses it, what he wields it for — will provide the greatest insight into his character. The OPI (Office of Police Integrity) report into this government entitled *Crossing the Line* puts beyond any doubt the fact that this government has failed the test of having one shred of integrity, and it has provided the greatest insights into the personal integrity of senior government members.

The coalition government has demonstrated its complete and utter contempt for openness, accountability and transparency, and beyond a shadow of a doubt it has trashed its own brand on integrity and transparency in less than one year. You have to work pretty hard to do that in less than 12 months, but when it comes to trashing its brand on integrity, the coalition has worked like a team. It has worked incredibly hard in undermining all Victorian institutions, in trashing reputations and in destroying careers, including its own. What a report card. The tawdry and underhanded activities of this government in less than 12 months since being entrusted with power by Victorians have now fundamentally defined it.

This government’s ruthless assault, including an assault on its own reputation and character, has far-reaching consequences not only for the confidence that Victorians can have in respect of Victorian law

enforcement institutions but fundamentally for their confidence in the capacity to trust anything this government says and does. We all remember the day the Premier was sworn in. He promised he would lead a government of openness, accountability and transparency. That was the absolute promise he made. This was going to be the defining issue of his premiership. It is interesting that Kim Kardashian managed to stay married for longer than this government managed to keep that promise.

This government's passionate embrace of all things dodgy began long before the dodgy OPI Weston-Ryangate affair. It is no wonder that this government has not set up its anticorruption commission, because it has done everything to hide from its promise of transparency. It is no wonder that we do not have the fabled OPI commissioner. Instead we have an apparatchik in the Premier's office making all sorts of decisions to try to hide from Victorians the true facts about this government. They put a supervisor of secrecy in the Premier's office to try to hide the facts. We now know why we do not have a ministerial code of conduct: because this government has so much to hide.

We managed to get a little bit of information about how this government set up a cash-for-access program around political fundraising. We can hear the sound of the white shoe brigade shuffling into Victoria. We see shady dealings with developers, some of whom just happen to be mates with the Minister for Planning, just happen to have donated to the Liberal Party, just happen not to have declared it and just happen to be making enormous amounts of money from planning decisions. We know about George Orwell's *1984*, but this is the Joh Bjelke-Petersen of 1984. Being dubious has become this government's calling card, and hiding from the truth is now its brand. The government likes to talk about transparency, but it is only transparency on its terms, it is only disclosure on its terms and having integrity is something that you say but never something that you do.

This all pales into insignificance when we see the absolute rotteness that the OPI report has set out for us. We now have a Deputy Premier who is embattled and will forever be so until he resigns. With this unsavoury affair the explanations and the spin have run out. The government simply cannot spend its way out of the OPI report. Despite the incredibly embarrassing joint statement that was circulated yesterday that effectively says, 'Yes, okay, our evidence contradicts each other's' and 'Gee, we can't retract, because that would mean we would have to admit to perjury', the government cannot hide from what the OPI report says actually happened, because the report tells us a story of

a slimy campaign to destroy the careers of the officers of the independent law enforcement and integrity agencies of this state.

Where was this campaign being run from? It was being run from the office of the Minister for Police and Emergency Services, from the office of the Deputy Premier, from the office of the Parliamentary Secretary for Police and Emergency Services, from the office of the Minister responsible for the establishment of an anti-corruption commission, from the office of the Attorney-General and from the office of the Premier. It was a campaign waged by those individuals, who have brought together a concoction of lies, manipulation and deception. They must be very proud.

What did we hear from the Premier about this? He said they are doing a terrific job. He thinks it is fantastic when independent bodies are relentlessly white-anted by senior members in his government and their agents; it is just terrific. It must be very frightening for any potential IBAC (independent, broadbased anticorruption commission) commissioner to put their hand up for the job. Imagine the sorts of pressures that an IBAC commissioner would come under from this crowd, because this is a government that says constantly, 'Do what we say, or we'll come after you'. That is what it has done and that is what the OPI report has revealed. When it is revealed, where are the tough guys then? They resort to absolute and unequivocal political cowardice. They hang people out to dry, and they refuse to take responsibility — to step up and accept responsibility for their actions.

Any opportunity this government had to establish a reputation for integrity was 'dead, buried and cremated' in less than 12 months — and I do not quote lightly from Tony Abbott. What have we seen? We have seen the undermining of the Office of Public Prosecutions; we have seen the mistruths and suppression of information regarding the Vincent review; we have seen the Deputy Premier's involvement in the Vincent review; we have seen the circumstances of how a conflict of interest in regard to the Vincent review was improperly managed; we have seen the departure of the Director of Public Prosecutions, Mr Rapke; we have seen the relentless undermining of the police commissioner Simon Overland; we have seen the concocted Rush review; we have seen the leaking of confidential police information by representatives of this government; we have seen the constant and mendacious denials by the police minister that the government was leaking to the media; and we have seen the threat by representatives and agents of this government to acting chief commissioner Ken Lay that 'You are either with us or against us'.

We then saw the government characterise the now Acting Chief Commissioner of Police as a ‘sycophantic toad’. We saw the secret meetings between the Premier’s chief of staff and Sir Ken Jones; we saw the litany of secret meetings between the police minister’s adviser and Ken Jones behind the back of the police commissioner, and we were asked to believe that the police minister knew absolutely nothing about it. It is interesting that we also see allegations, which are borne out in the OPI report, that the agent of the first law officer of this state, the Attorney-General, claims that the Ombudsman is on side and in their back pocket.

We also saw the attempted undermining of the deputy ombudsman — the conspiracy to blacken the name of the deputy ombudsman — just as collateral damage to try to bring down Simon Overland. How ironic that we saw the so-called Minister responsible for the establishment of an anti-corruption commission offering the job at the still yet to be established IBAC to Ken Jones behind the back of the chief commissioner, despite the fact that the minister has told this Parliament, the Public Accounts and Estimates Committee and the media time and again that it will be up to the IBAC Commissioner to determine who gets the job, while he was secretly offering it to people. It is unbelievable.

We are also asked to believe that the police minister did not know about it. He knew nothing about this conspiracy. After all, it was just the Attorney-General’s office that set it up in conjunction with the police minister’s office. Every day the police minister was reading media report after media report about government sources backgrounding them about this, but he knew absolutely nothing about it. Where did this so-called secret meeting between the so-called Minister responsible for the establishment of an anti-corruption commission and Ken Jones occur? It occurred at Parliament House. This was a meeting that no-one was meant to know about. The Parliament is many things, but it is really not the place where you would hold a secret squirrel meeting, and it is hardly a cone of silence. It is unbelievable. If the anticorruption minister really wanted to do this secretly, he would have chosen somewhere a little more private.

We saw the Parliamentary Secretary for Police and Emergency Services leaking information, followed shortly by him threatening to quit unless the government sacked the police commissioner. Then we had the stench that hangs over the circumstances of the procurement of Simon Overland’s resignation. There is conflicting evidence in relation to the Minister for Police and Emergency Services and the member of Benambra. That effectively and unequivocally shows

us — and the government can put out as many joint statements as it likes — that somebody lied. I am backing the member for Benambra on this. He understands that lying to the OPI is perjury; he understands that giving false evidence is a crime. We believe him, but what a price he has paid, what an assault on his personal integrity and what a professional demotion he has been subjected to.

The Minister for Police and Emergency Services would have had the OPI report for a significant period of time. It has taken him two weeks to concoct a statement that effectively says that he has amnesia, but the member for Benambra is so confident of the evidence he gave that he gave it under oath. I am sorry, but that makes the police minister the Alan Bond of the Victorian Parliament. He cannot remember what occurred — this is his grand defence. This is the Deputy Premier of this state; this is the Minister for Police and Emergency Services.

What did we get in the period just before the OPI report became public, when the police minister had the report and the government would have been aware of its contents? We got a deal with the Police Association in relation to police pay arrangements that the government cannot cost. We got a Public Interest Monitor Bill 2011 rushed in so the Public Interest Monitor can oversee how the OPI uses its phone-tapping powers, because the government is very grumpy that it has been listened to. We saw an legislative attempt to introduce an IBAC. The bill purports to introduce an IBAC, but it will not. It is a public relations strategy that does not hide the truth about what this government is and who government members really are.

Governments come and go and political leaders will rise and fall, but their stewardship and integrity will be reflected in the level of confidence that the people have in their politicians. Government accountability means more than putting yourself before the people on election day. Integrity in government is an essential part of the democratic contract. It is the foundation of public trust. Public trust is the basis and foundation of all government action. Because of this government’s actions, the foundation is now permanently cracked. The member for Benambra might have fallen down the crack, and we might see the police minister trying to straddle it, but it will widen.

The odds are shortening in terms of our new numberplates, because we are fast becoming the moonlight state. The director, police integrity chose the title of his report very carefully; he called it *Crossing the Line* because this government crossed it. There must be some accountability for this. The government cannot

just hide from the consequences of what we know about a part of its behaviour.

A very famous man called Alan Simpson, who was a United States senator, once said that if you have integrity, nothing else matters and if you do not have integrity, nothing else matters. Until this government admits and makes amends for this whole sorry saga, nothing it does or says about integrity will ever matter.

Former government: performance

Dr NAPHTHINE (Minister for Ports) — I grieve for the hypocrisy of the Victorian Labor Party which is seeking the high moral ground with respect to decency and good governance after 11 years of incompetence and scandal after scandal. We only have to look at the incompetence of the desalination plant deal. Opposition members should hang their heads in shame, because everyone in Victoria, including Melburnians, will pay \$2 million a day for the next 30 years for that absolutely disgraceful display of hubris from a former Premier who wanted to have the biggest desalination plant in the southern hemisphere irrespective of whether it was needed or not.

What about the north–south pipeline? It is a billion-dollar white elephant. Not content to build this billion-dollar white elephant, the former member for Thomastown described the people who opposed the pipeline as ugly people and quasi-terrorists. That is the way the Labor Party has sought to abuse anybody who has opposed anything it has done. Labor Party members have always thought they were right and everybody else was wrong. They would not listen to the community.

What about smart meters? What about myki? The former leading lights of the Labor Party — the Chifleys, the Curtins, the Evatts and the Calwells — are turning in their graves as they see this modern Labor Party being taken over by the charlatans who are here today. They are latte sippers and pinot noir drinkers from the inner suburbs of Melbourne who do not listen to the people and who would not know what a blue singlet looked like let alone what a working family looked like. They are the branch stackers, the factional warlords and those who abuse immigrants who come to this country and this state.

We had 11 years of Labor. In 11 years of government Labor did not introduce an independent, broadbased anticorruption commission. Why did Labor never introduce an independent, broadbased anticorruption commission? I remember that in the 1990s the member for Niddrie came into this chamber and railed against

Crown Casino. He talked of the corruption involving Crown Casino and said that Lloyd Williams and Ron Walker were evil people. He said that if the Labor Party ever came into government, he would demand a royal commission into the scandal and corruption. But what happened when he got into government? Hypocrisy knew no bounds. There was no royal commission. There was a \$1000-a-head fundraiser run by Progressive Business at Crown Casino. There was 11 years of scandal and mismanagement.

We particularly remember one word, ‘Brimbank’. I remember a grievance debate held on 30 July 2008 in which a member said:

I grieve today on behalf of the people in the Keilor electorate and the city of Brimbank, particularly because of Natalie Suleyman, who is the Robert Mugabe of Brimbank. She runs Brimbank in the same way that Robert Mugabe runs Zimbabwe. She does this with her supporters — the convicted fraudster Andrew Theophanous, who was in jail for three years for fraud; the other twice-convicted supporter, Charlie Apap; and the standover man, Hakki Suleyman, who controlled Brimbank. They are controlling Brimbank and those councillors that form the majority in Brimbank —

that is, the Brimbank City Council. Who said that? Was it a Liberal Party member? No. Was it a member of The Nationals? No.

The DEPUTY SPEAKER — Order! I ask the minister to speak through the Chair.

Dr NAPHTHINE — It was a former Labor member of Parliament, George Seitz. They were George Seitz’s words exposing the scandal and corruption of the Labor Party in the City of Brimbank — and it was rotten to the core. George Seitz recognised that it was rotten to the core because he was part of it; he was at the core of that rotten corruption, that branch stacking at Brimbank. When the member for Niddrie was Attorney-General, he thought Hakki Suleyman was good enough to be appointed as a justice of the peace, and of course he worked as an electorate officer for the now member for Essendon. That bastion of virtue, Hakki Suleyman was a trusted staff member of the member for Essendon. Is it any wonder that there was no anticorruption commission under the Labor Party?

An article in the *Brimbank Leader* of 7 May states:

Brimbank council was ‘dysfunctional’ and littered with bullying, in-fighting, conflicts of interest and inappropriate influence from outsiders including Labor MPs, a damning Victorian Ombudsman report found today.

The council was ‘influenced’ by people outside of council, including ‘individuals who would be, or were in the past, precluded from holding office because of criminal convictions’, Ombudsman George Brouwer found.

Labor MPs Theo Theophanous, Telmo Languiller and George Seitz, Dr Andrew Theophanous — husband of former deputy mayor Kathryn Eriksson — Labor Senator Stephen Conroy and former mayor Natalie Suleyman's father, Hakki, and campaign manager Craig Otte were named as people who had exercised influence over councillors.

What a shameful page in the history of the Labor government. Is it any wonder that Labor members are sitting over there like stunned mullets, embarrassed and ashamed? What is more, an article in the *Age* of 15 September states:

Strife-torn Brimbank City Council has been sacked after a report from a state government-appointed monitor called for its 'suspension and or dismissal'.

The article quote goes on:

The action came after local government inspector Bill Scales also found elements of the ruling Victorian ALP were still trying to apply undue influence on Brimbank council.

Further, it says:

In addition, at least one organisation in Brimbank, the St Albans branch of the ALP, is still trying to apply undue influence on certain councillors, even though the appropriateness of this was specifically highlighted in the Ombudsman's report.

We had an Ombudsman's report saying things were crook and that there was outside influence, and six months later they were still at it — and the Labor Party is still at it today because its members are like leopards and cannot change their spots. It is full of branch stackers. They are people who are peddlers of influence and who try to corrupt the processes of local government and state government.

If we move on to the city of Geelong, an article in the *Geelong Advertiser* of 5 June 2009 headed 'Geelong councillors David Saunderson and Cameron Granger stand down' states:

David Saunderson and Cameron Granger are standing down from their positions on the City of Greater Geelong Council ...

The incident began when Cr Saunderson and Cr Granger failed to declare they received donations for the 2004 council elections from Lascorp when a vote involving the developer was debated recently.

An article in the *Geelong Advertiser* of 16 April 2009 says:

Both Cr David Saunderson and Cr Cameron Granger received cash from Lascorp for the 2004 council election and on Tuesday night they failed to declare this when a vote involving the developer was debated.

I further quote:

It is a major embarrassment for the right wing of the Labor Party with both having to stand down from key roles with local MPs.

Cr Saunderson stood down from his position with Corio MP Richard Marles and Cr Granger has stood down from his work with Lara MP John Eren.

This was reported in 2009, but the article states that only two years earlier, in 2007:

... the Supreme Court upheld a conviction against Cr Saunderson for failing to disclose a \$17 500 gift from Lascorp Development Group ...

The cash paid for campaign material for Cr Saunderson and four other would-be Labor councillors in the 2004 council elections, one of whom was Cr Granger.

Then what about the City of Hume and former mayor Cr Mohamad Abbouche? An article in the *Age* of 1 July 2005 states:

On May 6 left-wing union official Stephen Roach lodged a dispute against former Hume mayor Mohamad Abbouche, who does electorate office work for a couple of very senior right-wingers, John Brumby and Stephen Conroy.

This related to a \$5000 donation from a property developer.

Mr Nardella interjected.

The DEPUTY SPEAKER — Order! The member for Melton will cease interjecting.

Dr NAPHTHINE — The article further states:

Mr Abbouche has confirmed receiving this donation which, according to the Peet & Co annual return, was sent to Mr Abbouche's personal address ... The donation was not forwarded by Mr Abbouche to ALP Victorian branch for central banking.

This fellow was working for John Brumby and Stephen Conroy — and what about branch stacking? Let us go back to 2005. On 6 March 2005, an article in the *Sunday Age* headed 'State MP accused of forgery' states:

A Labor MP and six party officials have been accused of branch stacking, forgery and organising phantom meetings in an investigation —

conducted by the ALP. The article goes on:

The report recommends the party's administrative committee consider charging Derrimut MP and Parliamentary Secretary for Health Telmo Languiller with providing funds to pay for branch memberships. It says Costas Socratous, an electoral officer to Mr Languiller and secretary of the Albion Greek branch, should be charged under party rules.

Further, the article says:

More than 90 per cent of ALP membership renewal in Gorton was paid for in blocks with large amounts of cash or blank cheques.

The article goes on to say:

The investigation received —

this is an ALP investigation —

a statutory declaration from a member saying that ‘money for the payments of others’ memberships has been placed in his personal bank account by another person, that being Telmo Ramon Languiller MP’.

Then a couple of years later an article by Paul Austin in the *Age* of 18 May 2010 refers to Mr Costas Socratous, and I quote:

A former staff member of federal and state ministers has told the *Age* he systematically sorted ALP branch membership numbers in Melbourne over the past decade, to benefit Premier John Brumby’s right faction.

Costas Socratous, who until last year worked in the electorate offices of federal home affairs minister Brendan O’Connor and former state industry minister Theo Theophanous, says he personally paid the membership fees of hundreds of branch members in the Labor heartland of Melbourne’s western suburbs, using cash and postal orders.

He says the money, up to \$5500 a year, was provided to him for branch stacking through MPs’ offices and via shadowy fundraising events.

...

He says that in the lead-up to May each year from 2003 to 2009 —

this is a quote —

he withdrew money from the bank account of Mr Languiller’s Derrimut electorate, to pay people’s membership fees. ALP membership annual renewals come due at the end of May.

What an absolute disgrace!

But we move on of course to the Windsor Hotel. What a great thing is the Windsor Hotel. The now member for Essendon said that he knew nothing, that it was all the poor girl’s fault — ‘I know nothing; I am innocent’ — but what we found out from the *Herald Sun* of 10 February is that:

A government watchdog’s findings today suggested Mr Madden knew about a sham consultation planned for the Windsor Hotel, having been at a meeting where his chief of staff raised the issue, a government watchdog has found.

And we have more! In the *Herald Sun* of 13 March 2007, in an article headed ‘MP’s crim pitch’, it is reported that:

A state Labor MP gave character evidence in court for a drug dealer linked to underworld identity Carl Williams.

Who was it? The member for Derrimut! It continues:

The revelation follows the resignation of federal Labor MP Kelvin Thomson —

another Labor MP —

as shadow attorney-general.

Mr Thomson quit after it was disclosed he signed a glowing reference seven years ago for fugitive drug lord Tony Mokbel.

So you know where to go if you want a reference.

Then we had the scandalous 2006 police pay deal, about which the *Herald Sun* said in an editorial of 15 February 2007:

The secret pre-election deal negotiated by the Bracks government with the Police Association has an unsavoury odour.

And we can go on and on. We can talk about Progressive Business and Bill Shannon. We can talk about Philip Staindl and his involvement with property developers in the Melton area or his involvement as a consultant on desalination as the former president of Progressive Business. There is scandal after scandal. Labor Party members are absolute and utter hypocrites coming in here today; they ought to hang their heads in shame.

Mr Brooks — On a point of order, Deputy Speaker, if the member is going to make unfounded accusations about someone who is not in this house, he should have the courage to outline what those accusations are.

The DEPUTY SPEAKER — Order! That is not a point of order.

Mr O’Brien — On the point of order, Deputy Speaker, if the member for Bundoora is asking for an extension of time for the Minister for Ports, I would second the motion.

The DEPUTY SPEAKER — Order! The Minister for Gaming knows that is not a point of order.

Question agreed to.

STATEMENTS ON REPORTS

**Public Accounts and Estimates Committee:
Victorian Auditor-General's Office
independent financial auditor**

Mr MORRIS (Mornington) — I am pleased to rise to make some comments on the report of the Public Accounts and Estimates Committee entitled *Termination of the Independent Financial Auditor of the Victorian Auditor-General's Office Appointed by Parliament under Section 17 of the Audit Act 1994*, which I presented to the house this morning. In many ways this report is unprecedented. It is a report which arises from a request by the financial auditor of the Victorian Auditor-General's Office (VAGO) to the Public Accounts and Estimates Committee (PAEC) and recommends that the Parliament determine to terminate the services of the financial auditor prior to the expiry of his contract in 2013.

As background to the report, the Audit Act 1994 requires both houses of Parliament to appoint both a financial auditor and a performance auditor for the Victorian Auditor-General's Office. They take the form of two separate motions and are dealt with as such. The Public Accounts and Estimates Committee is responsible for making recommendations to both houses on a suitably qualified person to undertake the audits. The maximum period for the contract is usually three years.

On 6 May last year the Public Accounts and Estimates Committee of the 56th Parliament tabled a report recommending the appointment of Mr Peter Sexton to conduct the financial audit of VAGO. The recommendation was that the audit be undertaken at fixed fee levels — \$29 750 plus GST for the year to 30 June 2010, \$30 600 plus GST for the year to 30 June 2011 and \$32 200 plus GST for the year to 30 June 2012. Motions were moved by leave and agreed to in both houses. The contract paperwork was subsequently executed and Mr Sexton was appointed. Mr Sexton has now completed two of the three audits, for the financial years ended 30 June 2010 and 2011, so essentially what the report relates to is the audit for the year ending 30 June 2012.

There have been some changes in circumstances which have brought about this report. Australian professional and ethical standards 110 code of ethics for professional accountants was reissued on 1 July this year. That particular section of the code specifically precludes auditors from carrying out what is termed 'certain other services' for listed entities, and the reissue broadened that to include public interest entities. It is likely that

VAGO would be classified as a public interest entity. As a consequence, Mr Sexton has written to PAEC and requested that Parliament consider terminating his appointment.

I make it clear that the committee emphasises that the financial auditor was proper in the way he alerted the committee, and the Parliament through the committee, to a potential conflict of interest. He is required by his contract to do this. Mr Sexton certainly has not contravened any obligations imposed by that contract. Also, the committee considers that its action in submitting this report to the Parliament should not and must not in any way be construed as Mr Sexton having done anything to impair his professional independence, particularly in relation to the last two audits of VAGO that he has carried out on behalf of the Parliament.

It is up to the house to determine the matter, and no doubt a motion will be brought forward in due course. When that time comes I ask members to bear in mind that there has been a change in the circumstances and that is the only matter that needs to be considered in this case.

**Public Accounts and Estimates Committee:
budget estimates 2011–12 (part 1)**

Ms GRALEY (Narre Warren South) — It is a pleasure today to speak on the Public Accounts and Estimates Committee (PAEC) report on the budget estimates 2011–12, part 1. I am going to focus my remarks on the Department of Transport hearings, in particular on an issue that directly affects my electorate.

Last time I spoke on this report I spoke at length about the proposed car park extensions at the Merinda Park and Narre Warren railway stations. In the transcript of the hearing there was reference to the extension of the Merinda Park station car park. As was pointed out during the hearing by the member for Preston, this project was funded by the Labor government in the 2010–11 budget allocation for park and ride.

The project included at least 350 additional car parking spaces. The former Minister for Public Transport joined me at Merinda Park in October last year to announce this much-needed project for local commuters. Six weeks later — two days prior to the election — a four-page Liberal Party advertisement appeared in the *Berwick News*. It read in part '\$600 000 for 500 more car parks at Merinda Park and Narre Warren train stations'.

This funding was subsequently included in the Baillieu government's first budget. What happened after that is

undoubtedly the biggest miscalculation on the back of an envelope I have ever seen.

During the hearing the member for Preston asked the minister a simple question:

... how many additional car parking spaces over and above the 350 already funded this additional funding of \$600 000 will create and where will they be?

This is the same question that the community has been asking all year. It is the same question that I and local journalists in my electorate have been asking all year. It is a question that the minister has been dodging all year. Substantial extensions to car parks, of which the Merinda Park project is one, cost millions of dollars to complete. I am fully aware of this because our government, the Labor government, invested greatly in park-and-ride facilities, including in my electorate. I knew when I first heard of the Liberal Party's \$600 000 commitment that it would not equate to the 500 additional spaces the Liberals were promising.

The community wanted answers. After two Freedom of Information requests, several parliamentary speeches, questions on notice, letters and newspaper articles, we have finally been given some answers from the Baillieu government. Before I relay those answers to this house, I must say how ironic it is that a government that came into office on a platform of being open, honest and transparent would not release this information without months of laborious scrutiny by me, the Public Accounts and Estimates Committee and local journalists.

But here is the current status of the extensions of the car parks of Merinda Park and Narre Warren stations. After delaying construction on the Merinda Park project, the minister wrote to me in response to my adjournment debate request and advised that 400 extra spaces would be provided at Merinda Park station, including the 370 funded by Labor — that is, just 30 spaces out of the 500 promised by the Liberal Party. I gave the Baillieu government the benefit of the doubt and expected that 470 additional spaces would be provided at Narre Warren station.

Months after my receiving this letter a member for South Eastern Metropolitan Region in the Council, Inga Peulich, announced that the total number of additional spaces at Merinda Park will be 360, while the sign that went up at the station says 370. They cannot even get their stories straight. At around the same time the minister announced that 130 extra spaces will be provided at Narre Warren station. So after all the dithering, the question asked by the member for Preston at the PAEC hearing has been answered. We now know

that the Baillieu government has broken its promise to provide 500 additional spaces at Merinda Park and Narre Warren stations. The minister has cheated Narre Warren commuters by announcing 370 fewer spaces than they were promised by him. During the hearing the minister's response to the member for Preston's question was:

That is the way you do business; it is not the way we do business ...

We have seen the back-of-the-envelope way this minister and this government do business in this case. Their handling of these two projects in my electorate has been nothing short of shambolic and is indicative of an incompetent, dithering and, dare I say, dodgy government. I urge all members to read the PAEC reports and see how far short of reality the government's words concerning the delivery of major transport projects in our electorates fall.

Public Accounts and Estimates Committee: budget estimates 2011–12 (part 1)

Mr BULL (Gippsland East) — It gives me great pleasure to speak on part 1 of the Public Accounts and Estimates Committee report on the 2011–12 budget estimates. I would like to talk on the hearings relating to the Department of Primary Industries, mentioned on page 103 of the report. I wish to speak firstly on fisheries and the government's commitment to sustainably manage the resources for both the commercial and recreational fishing sectors. Both of these sectors are strong drivers of the East Gippsland economy, with the Lakes Entrance fishing fleet and the Mallacoota Fishermen's Co-operative being the leaders in the commercial field. Both sectors have faced their challenges in recent times, including a reduction in fishing grounds. This government is committed to working with the various players in both sectors to ensure that they have an optimistic and bright future to look forward to.

One important aspect of the data in part 1 of the PAEC report is the commitment by the government to improve consultation with the industry and the fact that the government sees that as a key priority. It is important that governments of all persuasions take into account industry views and observations in all decision-making processes and that strong consideration is given to the future operations of this important industry in any decision making. It has been very pleasing that the government has been able to achieve some positive outcomes for the commercial fishing sector. This includes the Melbourne Wholesale Fish Market and the receipt of a sea dumping permit in recent weeks to keep

the port of Lakes Entrance open for the commercial and recreational fishing fleets. I thank the Minister for Ports and the Premier for their efforts in securing this.

Recreational fishing is also a very important economic driver in the region, not just in the coastal communities of Mallacoota, Paynesville, Metung, Bemm River and Marlo, which all rely heavily on recreational fishing, but also in inland townships such as Swan Reach, Nicholson and Omeo, where river fishing is popular and important to the local tourism trade. In my electorate in recent times we have seen new fishing platforms opened through funding from the Recreational Fishing Licence Fund. I thank the Minister for Agriculture and Food Security for making himself available to come and see these platforms firsthand — and indeed to see fish caught from them. We were lucky enough to walk onto the platform at Mallacoota just as a rather large salmon was being caught, which showed the effectiveness of the platform.

We continue to have large numbers of tourists come to the area to enjoy recreational fishing, so it is equally important for this government to consult with recreational fishing stakeholders to ensure that their best interests are taken into account and that their views are considered and acted upon.

Sitting suspended 1.00 p.m. until 2.03 p.m.

Business interrupted pursuant to standing orders.

QUESTIONS WITHOUT NOTICE

Former Parliamentary Secretary for Police and Emergency Services: conduct

Mr ANDREWS (Leader of the Opposition) — My question is directed to the Premier, and I ask: did the Premier or any member of his staff prepare a letter of resignation for the member for Benambra?

Mr BAILLIEU (Premier) — As members would know, the member for Benambra resigned his position as Parliamentary Secretary for Police and Emergency Services following the tabling of the OPI (Office of Police Integrity) report into various matters. That report was an extensive and detailed independent examination of a number of matters. The report had a lot of commentary in it but also had a number of conclusions and recommendations, and those conclusions we accept and the recommendations we accept.

In regard to the resignation of the member for Benambra, the evening before the OPI report was tabled the member for Benambra did meet with

members of my staff. I read some suggestions about the nature of that meeting in the press this morning, and the characterisation of that meeting is simply incorrect. Indeed I confirmed that myself with the member for Benambra this morning.

My staff members meet with members of Parliament on a regular basis. That is their job.

Mr Andrews — On a point of order, Speaker, with respect to relevance, the question very directly related to the preparation of a resignation letter. I sought an assurance from the Premier: did he or any member of his staff prepare a letter of resignation for the member for Benambra? It is a simple issue, and I would ask you to draw the Premier to that issue.

The SPEAKER — Order! I do not uphold the point of order, because the answer was relevant to the question asked.

Mr BAILLIEU — The characterisation of that meeting in the media this morning, as I said, was incorrect. I am advised — and indeed the member for Benambra confirmed this with me — that the meeting was courteous and professional. The member for Benambra sought an assessment of the situation in regard to those matters in the OPI report which referred to him. No pre-prepared letters of resignation were presented to the member for Benambra. The member for Benambra subsequently sought a meeting with me, which I was happy to have with him, and at that meeting he offered his resignation. The terms of his resignation and the reason for that are set out in the letter. That letter was prepared after the member for Benambra left the meeting with me. He returned to his office, got some letterhead and prepared that letter of resignation.

Victorian Comprehensive Cancer Centre: development

Mr WAKELING (Ferntree Gully) — My question is to the Premier. Can the Premier advise the house of what the Victorian government is doing to reduce the impact of cancer in the Victorian community and to support cancer treatment?

Mr BAILLIEU (Premier) — I thank the member for the question. The Victorian Comprehensive Cancer Centre (VCCC) will be a very important addition to the health assets of this state, particularly, obviously, for those suffering from cancer. I do not in any way pretend that the previous government did not have a significant hand in the development of the Victorian

Comprehensive Cancer Centre, so let me put that on the record.

The project has two components: firstly, the creation of a collaborative entity formed by a number of member institutions that will work together effectively in the fight against cancer through seamless patient care, with joint research protocols and shared use of facilities; and secondly, the development of purpose-built new facilities in Parkville.

The centre is a joint venture, and it continues to grow, with Western Health and St Vincent's Hospital Melbourne recently joining as members. The members include the Peter MacCallum Cancer Centre, Melbourne Health, the University of Melbourne, the Royal Women's Hospital, the Walter and Eliza Hall Institute of Medical Research, the Royal Children's Hospital and, as I said, Western Health and St Vincent's. Members may be aware that in August the Ludwig Institute for Cancer Research provided notification of its decision to close its Parkville branch and to seek withdrawal from the joint venture, and that is what has occurred.

It was pleasing this week that the Minister for Health was able to move one step closer to the construction of the facilities. The Minister for Health was pleased to announce that the Plenary Health consortium, otherwise known as Plenary, has been appointed by the government as the preferred bidder under the public tender for the VCCC project. Lead members of the Plenary consortium are the Plenary Group, Grocon, PCL as the builder and Honeywell as the facilities maintenance manager, and the architectural design is led by Silver Thomas Hanley and DesignInc in partnership with McBride Charles and Ryan.

The government intends to move as quickly as possible to finalise the tender with Plenary Health. The next milestone will be the contract signing, which we hope to achieve later this month. Construction is scheduled to be complete by the end of 2015 — that is certainly the intention — and facilities are scheduled to be operational in 2016.

The VCCC will be a world-class cancer centre. It will translate research into new and innovative treatment, and it will be a place to train cancer specialists for many years to come. I am sure the VCCC will become a prominent development in the Parkville biomedical precinct. It will house extensive clinical facilities, including inpatient cancer beds, a large intensive care unit, same-day beds, a dedicated clinical trials unit, medi-hotel beds, operating theatres, procedure rooms and a number of therapy bunkers. The VCCC will span

two sites, with the main building being on the site of the former dental hospital in Parkville, which is currently being prepared for construction, and redevelopments at the Royal Melbourne Hospital's city campus.

We look forward, as I am sure do all Victorians, to the VCCC playing a significant role in the future of cancer treatment and cancer research in this state and this nation. There is obviously a contribution to this centre from the commonwealth and state from the sale of Peter Mac's East Melbourne site, and there is also a contribution made through philanthropic activities. We look forward to the further development of the VCCC.

**Minister for Police and Emergency Services:
former adviser**

Mr ANDREWS (Leader of the Opposition) — My question is again to the Premier, and I ask: when did the Premier first become aware that Mr Tristan Weston's phones were being tapped by the Office of Police Integrity?

Mr BAILLIEU (Premier) — Like all members, I had read speculation about this in the newspapers, but when I became aware was when I read the Office of Police Integrity report.

State Emergency Service: volunteers

Mr CRISP (Mildura) — My question is to the Deputy Premier, who is also the Minister for Police and Emergency Services. Can the minister advise the house how the coalition government is supporting State Emergency Service volunteers in the great job they do in protecting Victorian communities?

Mr RYAN (Minister for Police and Emergency Services) — I thank the member for his question and for the wonderful work he does in his electorate. As he has remarked today, he has had occasion in the past 12 months to work with the State Emergency Service. This week is National SES Week, and I want to take the opportunity to recognise the magnificent work which is contributed by the 5500 volunteers of the VICSES (Victoria State Emergency Service) for the safety of all Victorians.

This year has been a trying time for the SES. We have faced severe storms in our state, and we have had campaign flooding. I am advised that last year in Victoria alone the SES volunteers responded to more than 37 000 emergencies, of which 23 000 were storm related, 13 000 were flood related and another 1000 were road crash rescues.

Today is Wear Orange Wednesday. In recognition of these volunteers who perform such a difficult job, that is the attire which is being worn by some members in this place this very day. I was pleased on Monday night, along with the volunteers from the Footscray unit of the SES, to light up Parliament House in a glow of orange. Many buildings around Australia are also being lit up in orange this week in recognition of the SES. These include a variety of iconic buildings such as the Sydney Opera House, federal Parliament House, the Big Banana, along with AAMI Park and the Victorian Arts Centre spire in Melbourne.

I am also pleased to say that our government has contributed \$38 million to the great work of the SES in our 2011–12 budget: \$9.6 million for the VICSES emergency response volunteer support program, \$9.3 million for the VICSES Valuing Volunteers program, \$13 million for additional staff and \$6 million to purchase command and control vehicles. The government, through its volunteer emergency service equipment program grants, has also provided another \$2 million to the VICSES grants, which total over \$3 million, to assist units to purchase light rescue and four-wheel drive vehicles and also to deal with building extensions.

In addition to the funding announced in the state budget to assist in this area, the government is awaiting the final report of the flood review, which is being led by Neil Comrie, AO. The government has also recently released its green paper entitled *Towards a More Disaster Resilient and Safer Victoria*, and that is with a view to modernising Victoria's emergency management arrangements.

I would also like to take this opportunity to update the house on advice from the Bureau of Meteorology that, following the heavy rain experienced yesterday in my area of Gippsland and across the eastern suburbs of Melbourne, we can expect heavy rainfall across Victoria, with the potential for flash and riverine flooding in the north-east of the state later today. Rain and thunderstorms are likely to result in widespread rainfall totals of 25 to 50 millimetres; however, locally higher falls can be expected, leading to riverine and flash flooding. The advice also indicates that catchments in the north-east can expect to receive anything in the order of 50 to 100 millimetres.

Flood watches are current for the greater Melbourne, north-east, Goulburn, Broken, Campaspe, Loddon, West Gippsland and South Gippsland catchments. I take the opportunity to remind Victorians to never walk, ride or drive through floodwater. All too often that leads to the ultimate tragedy of someone dying.

The coalition greatly values the work of the SES. It does wonderful work on behalf on our community. We congratulate it, particularly in National SES Week.

**Minister for Police and Emergency Services:
former adviser**

Mr ANDREWS (Leader of the Opposition) — My question is to the Deputy Premier, who is also the Minister for Police and Emergency Services, and I ask: when did the Deputy Premier first become aware that Mr Tristan Weston's phones were being tapped by the Office of Police Integrity?

Mr RYAN (Minister for Police and Emergency Services) — I thank the Leader of the Opposition for his question. Since he has asked, I will answer. I became aware of the prospect at least of phone taps having been involved on 6 June. I remember it well, because it was the day my brother died. I received a call when I was in Newcastle, in the hospital room with my deceased brother. That call came from my chief of staff, who advised me that he had only recently received notification through the office of the Chief Commissioner of Police that the Office of Police Integrity had been in touch with the Chief Commissioner of Police to indicate that there were difficulties detected by the OPI in the conduct of Mr Tristan Weston. The permission for secondary employment was withdrawn there and then, and my chief of staff advised me accordingly.

Very obviously I did not know of the detail of the position that had been put to us through the OPI. Indeed that was not confirmed until such time as subsequent events led to my being interviewed by the OPI, when these matters did become apparent to me. Ultimately the extent of all of this and the conduct of the gentleman, Mr Weston, was only fully revealed to me when the report was tabled in the Parliament.

Carbon tax: economic impact

Mr BURGESS (Hastings) — My question is to the Treasurer. Given that the Labor-Greens coalition carbon tax has now passed through federal Parliament, can the Treasurer update the house on the impact and pressures this will have on the Victorian economy?

Mr WELLS (Treasurer) — I thank the member for Hastings, and I understand his concern about job losses in his electorate. Yesterday the federal government passed the carbon tax bills through the federal Parliament. This is a very bad outcome for Victorian families and businesses. We saw a lot of self-congratulation and backslapping, but what is forgotten

is the hurt that will be passed on to Victorian families and businesses by way of rising power prices and greater job uncertainty. We all remember that yesterday people were running around saying it was a historic day. It was a historic day because it exposed another classic Labor lie. When the Prime Minister said in the run-up to the last election there would be no carbon tax under the government — —

The SPEAKER — Order! The Treasurer would be well aware that I have said that the words ‘lie’, ‘liar’ and ‘lying’ are unparliamentary, and I ask him to withdraw.

Mr WELLS — I withdraw the word ‘lie’. The Prime Minister said:

There will be no carbon tax under the government I lead.

That is what the Prime Minister said in the run-up to the last election. There is a particular case for people who run small businesses and people in industries in the Latrobe Valley, Geelong, Ballarat and Bendigo will be hit hard by higher power prices. Victoria has about 500 years supply of brown coal, and that is an advantage in that we are able to provide cheaper power than other states. The tax is also going to hit our manufacturing sector. That sector adds about \$30 billion worth of economic activity, and this carbon tax comes at the worst possible time. Not only is this state facing a high Australian dollar, but we are now going to have to contend with the carbon tax as well. It is the wrong policy, and it has certainly arrived at the wrong time. It will disadvantage us locally and in respect of our exports.

Deloitte Access Economics estimates that as a result of the carbon tax, by 2015 the Victorian gross state product will be 1.8 per cent lower than it would have otherwise been, per capita income will be around about \$1000 lower than it would otherwise have been, there will be 35 000 fewer jobs and there will have been a negative impact on the state budget. It will be felt by Victorian families every single time they turn on their television sets or use power in their houses. It will also impact on schools and hospitals — and there is no compensation package for those industries. What we need to find out is: where does the state Labor Party stand on the carbon tax? Will those opposite be puppets to their masters in Canberra, to Bob Brown — —

Mr Nardella — On a point of order, Speaker, I ask you to bring the member back to answering the question. He is now debating the question before the house.

The SPEAKER — Order! I ask the Treasurer to come back to answering the question.

Mr WELLS — The federal coalition in Canberra of the Greens and Labor Party is making sure that life is incredibly difficult for Victorian families and businesses. The Baillieu government has placed a strong focus on keeping the cost of living low for Victorian families, but this carbon tax policy by the Labor-Green alliance in Canberra is disastrous. Those in Canberra are going out of their way to make life more difficult and costly for Victorian families and Victorian businesses.

Minister for Police and Emergency Services: conduct

Mr ANDREWS (Leader of the Opposition) — My question is to the Deputy Premier, who is also the Minister for Police and Emergency Services. Does the Deputy Premier still maintain that Simon Overland did not tell him about the future employment arrangements — that is, Ken Jones going on leave — until after the decision was made? Does he still maintain that that is the case in light of his evidence to the Office of Police Integrity?

Mr RYAN (Minister for Police and Emergency Services) — I thank the Leader of the Opposition for his question. The material contained at page 40 and at page 39 of the report conveys the totality of what occurred in relation to the matters with regard to which the Leader of the Opposition now inquires. As is reflected at page 39 of the report, the former Chief Commissioner of Police has provided considerable additional material to the investigative process, and there is more to be reported upon in relation to that. That information was obviously not known to me at the time that I had the conversation with the chief commissioner, which is reflected at page 40 of the report.

Mr Merlino interjected.

The SPEAKER — Order! The member for Monbulk is on a warning.

Schools: maintenance

Mr TILLEY (Benambra) — My question is to the Minister for Education — —

Mr Wynne interjected.

The SPEAKER — Order! The member for Richmond is on a warning.

Mr TILLEY — My question is to the Minister for Education. What action is the government taking to address the shocking maintenance backlog in Victorian schools?

Mr DIXON (Minister for Education) — I thank the member for Benambra for his question and for his incredible advocacy for the schools in Wodonga and north-eastern Victoria; he is a great member. Through a rolling audit that was conducted over the last year, which actually covered over 490 schools of the approximately 1500 schools here in Victoria, we found that there is a \$150 million maintenance backlog. It is an incredible amount of money. If you extrapolate from those figures, you see that actually represents about 49 per cent of the students in Victorian schools but only a third of the schools. We can easily say, conservatively, that there is about a \$300 million maintenance backlog that we have inherited from the previous government.

School maintenance is an absolute bread-and-butter issue, and it was totally neglected by the previous government. In fact when you look back at what the previous government inherited, you see it inherited a maintenance backlog of about \$150 million from the Kennett government, so what you have seen in 11 years is the maintenance backlog double under the former government. With record income it still could not cope with that backlog. The sorts of problems we have seen — —

Mr Hulls — On a point of order, Speaker, the minister is now clearly debating the question. He needs to explain how cutting \$481 million out of the education budget and halving the capital works budget is going to assist schools.

The SPEAKER — Order! I do not uphold the point of order. The minister was being relevant to the question that was asked.

Mr DIXON — The audit of those 492 schools that were assessed found 76 853 individual faults. Those faults ranged from mouldy walls to floors that had no bearers to roofs that leaked and gutters that were rotted — it was just incredible! — and \$17 million of that \$150 million related to maintenance items that were urgent. On top of that, when we drilled down into the figures, we saw that there were 27 schools which required more than \$1 million worth of maintenance. There were 81 schools that required between \$500 000 and \$1 million dollars worth of maintenance. That is an incredible amount of maintenance — —

Honourable members interjecting.

The SPEAKER — Order! The member for Ferntree Gully and the member for Kilsyth are both on warnings.

Mr DIXON — The school that had the greatest degree of maintenance need — \$3.4 million worth of maintenance, an incredible amount of money — was in the electorate of the member for Niddrie, who was a senior member of that government but who totally neglected the school. No wonder he brought a door in here — it fell off its hinges due to the lack of maintenance!

The SPEAKER — Order! The member for Bendigo East on a point of order.

Honourable members interjecting.

The SPEAKER — Order! Points of order will be heard in silence.

Ms Allan — On a point of order, Speaker, the minister is very much debating the question before the Chair. I ask that you ask him to come back to answering the question in a factual, succinct and relevant way.

Dr Napthine — On the point of order, Speaker, we have twice now had frivolous points of order from opposition members, who are embarrassed by this litany of failure and mismanagement of the previous Labor government. The minister is being very relevant to the question.

Honourable members interjecting.

Questions interrupted.

SUSPENSION OF MEMBER

Member for Eltham

The SPEAKER — Order! I ask the member for Eltham to leave the chamber for an hour.

QUESTIONS WITHOUT NOTICE

Schools: maintenance

Questions resumed.

Dr Napthine — I was saying, Speaker, on the point of order, that the Minister for Education was being very relevant to the question. Clearly the Labor Party is absolutely embarrassed by its 11 years of mismanagement — —

Honourable members interjecting.

The SPEAKER — Order! I do not uphold the point of order. The minister was being relevant to the question that was asked in regard to the condition of schools, and I ask him to return to answering the question.

Mr Andrews — On a further point of order, Speaker, I fully respect the ruling you have made, but we sought a ruling in relation to debating, and I think it is pretty clear that whilst the subject matter may be relevant — I am not making that point; it may well be relevant — the minister is clearly debating. Question time is not an opportunity to attack the member for Niddrie or any other member of this house, and I would ask you to draw to the attention of the minister the clear standing orders of this place.

The SPEAKER — Order! I ask the minister to return to answering the question.

Mr DIXON — This government is doing something about this maintenance backlog. What we are doing, in contrast to reducing it by 20 per cent, is actually increasing maintenance funding. We have committed to providing an extra \$100 million over the next four years for extra maintenance and cleaning. That means that maintenance funding will increase by about 50 per cent per annum over the next four years. Of that extra money going into our schools, a proportional amount will go into every single school for base maintenance funding. An audit we will do of every single school will inform the priority of funding after that.

Minister for Police and Emergency Services: conduct

Mr ANDREWS (Leader of the Opposition) — My question is to the Deputy Premier and Minister for Police and Emergency Services, and I ask: does the Deputy Premier maintain that he was never told about the meeting between Sir Ken Jones and the Minister for Corrections despite this meeting occurring in this building, Parliament House, and being organised by his own office and the office of the Attorney-General?

Mr RYAN (Minister for Police and Emergency Services) — I thank the Leader of the Opposition for his question. Of course this again goes to the totality of the content of the report which has been tabled in the Parliament and which has been the subject of considerable discussion. That report of course is exhaustive in its content and touches upon a range of issues that led to its findings and to the recommendations that have been made. Those

recommendations having now been agreed to by the government — —

Mr Hulls — On a point of order, Speaker, I simply ask you to ask the minister to answer the question and not continue to be slippery and slimy.

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

Mr RYAN — The question of course is an element of the questions that have been asked over the course of these past couple of days, and they all fundamentally go to this dark conspiracy in which the government has supposedly been involved.

Mr Andrews — On a point of order, Speaker, the question was very simple, and I think all members and all Victorians are entitled to an answer, not a lecture and not these riddles from the Deputy Premier.

The SPEAKER — Order! The Leader of the Opposition would be very much aware that I cannot direct the minister to answer a question in a way that may suit the opposition or the questioner. I do not uphold the point of order.

Mr RYAN — So, Speaker, there is no conspiracy theory.

Mr Andrews interjected.

The SPEAKER — Order! The Leader of the Opposition!

Mr RYAN — This is John Cleese and the dead parrot — there is no conspiracy.

Honourable members interjecting.

The SPEAKER — Order! I warn the Deputy Premier not to be so provocative in the way that he answers questions. I ask him to come back to answering the question.

Mr RYAN — As I answered in the house the other day when I was asked a question of a similar ilk, the answer is: I did not know of it, so the answer is yes to the question that was put to me.

Film industry: government initiatives

Mrs VICTORIA (Bayswater) — My question is to the Minister for Innovation, Services and Small Business. Can the minister advise the house of recent successful initiatives to attract a major international production to Victoria?

Ms ASHER (Minister for Innovation, Services and Small Business) — I would like to thank the member for Bayswater for her enduring support for the film industry in Victoria. I am delighted to advise the house that since December 2010 the state government has secured 23 film and TV projects for Victoria, and that represents \$150 million worth of production expenditure in Victoria. The film and TV industries are of course vital to the economy of Victoria, and I am pleased to announce today that Victoria will be the production location for the feature film *I, Frankenstein*.

Honourable members interjecting.

The SPEAKER — Order! The house will come to order. The Minister for Ports is on a warning. I thought he may have learnt yesterday.

Ms ASHER — I am pleased to advise obviously that the Victorian government has supplied a grant to secure this very important production. It does make the very strong point that Victoria remains a quality production destination both nationally and internationally. The project will spend up to \$37 million in Victoria and employ approximately 495 Victorians. I am also pleased to advise the house that the film will be based at Docklands Studios Melbourne — we are very pleased the studios are going to be used — and will feature several other Melbourne locations as well. Pre-production will commence shortly, and shooting will commence in February 2012.

Since December 2010, as I have said, 23 film and TV productions have been secured for Victoria, and members of the house may be pleased to know of some other projects that have been secured. For example, *Conspiracy 365* has been secured — a TV production where there will be an estimated \$10 million spend. Of course *Ghost Rider* post-production has been announced previously. That will be an \$8 million production spend in the state of Victoria.

But we have secured a film which will be of great interest. This film is based on a TV program with which I think many members of this house will be familiar — that is, we have secured the film called *Kath and Kim — The Filum*. That is the title of the film, not my pronunciation. I am delighted, and I am sure many members of this house will be delighted, that this has been estimated to be a \$9 million Victorian spend. One of the aims of *Kath and Kim — The Filum* is to increase the awareness of *Kath and Kim* in the American market.

Honourable members interjecting.

Mr Hulls — On a point of order, Speaker, when is she going to announce *Kill Bill III*?

The SPEAKER — Order! That was a frivolous point of order.

Ms ASHER — I am delighted that *I, Frankenstein* has been secured for Victoria. As I said, it is a very significant spend for the state of Victoria — \$37 million — and it will employ approximately 495 Victorians. I am also delighted we have secured *Kath and Kim*, and I hope all members of this house will have great pleasure in watching that film when it is produced.

STATEMENTS ON REPORTS

Public Accounts and Estimates Committee: budget estimates 2011–12 (part 1)

Statements resumed.

Mr BULL (Gippsland East) — I am pleased to resume my comments on the Public Accounts and Estimates Committee report on the 2011–12 budget estimates part 1, and in particular on the hearings relating to the Department of Primary Industries mentioned on page 103 of the report. As I was saying in commenting on recreational fishing, it is very important that this government consults widely with stakeholders to ensure that their best interests and views are considered and acted upon in relation to recreational fishing matters. In my electorate of Gippsland East I am a keen recreational angler, and I certainly recognise the importance of angling not only to my region but to wider Victoria.

The second area I wish to comment on is forestry. This government has declared it will provide improved longer term security for the industry and maximise the value of the state's timber resources. It is well known that the previous government committed a further 45 000 hectares of forest in my electorate to national park during its last term with a promise of no net job losses, but of course this was not the case. This government has been left to deal with the mess and pick up the pieces.

We will continue to work with representatives of the industry to achieve positive outcomes and return a level of confidence to what is another important industry in my electorate, particularly for such timber towns as Orbost, Cann River and Heyfield, which rely very heavily on employment from this sector as a key economic driver. Indeed as part of that consultation and liaison with the industry, in a few weeks time the

member for Narracan, the Parliamentary Secretary for Forestry and Fisheries, will be coming to the far east of the state and into my electorate to talk about timber forestry and commercial fishing issues. I certainly welcome his attendance. I commend the report to the house.

**Scrutiny of Acts and Regulations Committee:
review of Charter of Human Rights and
Responsibilities Act 2006**

Ms CAMPBELL (Pascoe Vale) — I rise to speak on the Scrutiny of Acts and Regulations Committee (SARC) review of the Charter of Human Rights and Responsibilities Act 2006, a report that was tabled in September. Human injustice poisons society, and parliamentarians have a responsibility to foster cooperation for the benefit of our citizens. Whilst the SARC report has majority and minority views, they are both contained within the body of this report and therefore the government will be responding to both of those views.

There was an immense sense of common purpose in the SARC deliberations. We all want to ensure that people have their human rights realised in Victoria. Essentially the difference boils down to whether the charter provisions should be legally enforceable by a citizen against a public authority. My conclusion was that there needed be legal redress because the evidence showed me and others who hold the minority view that the dialogue model, coupled with legal remedy, placed increased pressure on public authorities to ensure that many citizens had better services; for example, housing, mental health, aged care, free speech, safe work places and the myriad cases where part 2 of the charter act applied.

As parliamentarians, it is incumbent upon us to examine and consider the nature of man and what is inherent in his nature. In turn that leads to an analysis of what rights are owed to every human person by an individual and by us as a society. We need to recognise the communitarian nature of people. Human rights instruments give the community a clear, modern framework, and the Victorian charter of human rights provides a proven, positive course for the Parliament and Victorian community to engage in contemporary human rights dialogue and, importantly, its delivery.

I affirm the dignity of each and every human being; their dignity lies in their membership of the great human family. The charter has delivered to many Victorians rights that otherwise would be unattainable. By nature we are social beings who reach our full potential in relationships with others. It is therefore our

duty as MPs to assist the realisation of human rights through legislation, regulation, the financial resources of the budget and our legal and moral responsibilities to our constituents.

The government has until March to respond to the 35 recommendations in the SARC report, and I urge it to ensure that, whatever amendments are made to the charter, there is clear access to the courts when public authorities breach our human rights. Every person needs others; every person needs this Parliament's support. Our social nature makes it evident that the progress of the human person and the advance of society itself hinge on each other. The subject and goal of all social institutions is and must be the human person, who by their very nature is completely in need of social life. We all have and recognise a growing interdependence on each other.

The common good makes true human existence and human fulfilment accessible by providing the right to food, clothing and shelter; the right to choose a state of life freely and found a family; and the right to education, to employment, to a good reputation, to respect, to appropriate information, to activity in accord with the upright norms of one's conscience, to protection of privacy and to rightful freedom, even in religious matters. The human rights instruments echo much of these realities. The United Nations Universal Declaration on Human Rights and the International Covenant on Civil and Political Rights have preambles that recognise the inherent dignity and the equal and inalienable rights of all members of the human family. That is the foundation of justice, peace and freedom in the world. Every person is our neighbour, and in justice every single member of this Parliament has a responsibility to their constituents to provide the necessary means for every human to live in dignity.

Any amendments made to the charter of human rights need to recognise the foundational premise that we as individuals have a communitarian responsibility to each other. As parliamentarians we will be voting according to our conscience on matters that come up in this arena in the future. I urge members of the cabinet to support the charter of human rights.

**Public Accounts and Estimates Committee:
budget estimates 2011–12 (part 2)**

Mr ANGUS (Forest Hill) — I am pleased to rise this afternoon to speak briefly on part 2 of the Public Accounts and Estimates Committee's (PAEC) report on the 2011–12 budget estimates. I note that part 1 focused largely on the public hearings conducted by the committee and in part 2 there is a more detailed

analysis of the 2011–12 budget. Specifically, in part 2 there is a two-part objective in relation to the 2011–12 budget. Firstly, the committee is responding to its duties as set out in the Parliamentary Committees Act 2003 in terms of investigating the budget and so on. Secondly, the committee is responding specifically to a request from the Minister for Finance to review the performance measures proposed to be substantially changed in the 2011–12 budget.

Part 2 of the PAEC report is a 53-page document which results in 24 recommendations. These recommendations have been made with a view to assisting the government to further improve financial reporting, so PAEC plays a very constructive role in relation to this part of the budget estimates process. I note that the recommendations are contained in the first few pages of the report, and as I said, there are 24 of them in total.

Just to recap in relation to the PAEC process, we had the public hearings in May and then a questionnaire was sent to all government departments asking them to expand on some of the information provided. There were then further requests for information from ministers and a report was subsequently produced analysing the budget estimates and budget papers.

I note in passing that the Minister for Finance stated in part in his appearance before PAEC on 13 May 2011 that:

The government is therefore moving in this budget to enhance accountability for its performance measures ...

To me, that really sums up the new government's approach to a range of matters, certainly to the financial management of this great state of ours. We are looking to improve and enhance accountability for performance, to make the financial side of the state budget more transparent for those who are looking at it and to provide not only that transparency but better analysis and an overall improvement in what is provided for all taxpayers in Victoria.

Turning to some of the specific chapters, chapter 2 is entitled 'Better practice in performance measurement', and it summarises in point form four of the key findings of the committee. I will note a couple of them. The first finding states:

Performance measures are an important tool for government accountability, management and improvement.

The finding also notes that there is room for better practice in performance management and reporting. That is a fundamental point that arises from this report, and a good one for all of us in this place and for all

Victorian taxpayers, because we want to improve government accountability, management and transparency in relation to these financial matters, enabling better analysis and ultimately improving the use of the resources Victoria has at its disposal.

Chapter 3 is entitled 'Performance measures in the 2011–12 budget'. The first key finding says:

The 2011–12 budget contains 1233 performance measures across 139 outputs.

The third key finding goes into the issue of performance measures and analyses them in terms of various components within the budget. Chapter 4 is entitled 'Performance targets in the 2011–12 budget' and notes that:

... the government has decreased the targets for 122 measures, increased the targets for 326 measures and left the targets the same for 651 measures.

There is a detailed analysis in this chapter. Chapter 5 is entitled 'Issues arising from the 2011–12 budget estimates hearings'.

In conclusion, as a member of PAEC I wish to place on the record my thanks to the staff involved in putting this report together. It is a well-prepared document, and I commend the report to members.

Public Accounts and Estimates Committee: budget estimates 2011–12 (part 2)

Mr McGUIRE (Broadmeadows) — On a cold Thursday a new President stood in an old room. He spoke of challenge and difficulty, of pursuit and purchase, of hope and hard work. He declared:

I believe that this nation should commit itself to achieving the goal, before this decade is out, of landing a man on the moon and returning him safely to Earth.

On the evening of 25 May 1961, in a speech that epitomised the ambition of his presidency, John F. Kennedy launched a rallying call of a generation — —

The SPEAKER — Order! I ask the member to tell us what report he is talking about.

Mr McGUIRE — I am just doing the set-up; I am coming to it.

The SPEAKER — Order! We should know that at the start.

Mr McGUIRE — It is the Public Accounts and Estimates Committee's report on the 2011–12 budget estimates, part 2, which was tabled in June.

John F. Kennedy's rallying cry instilled in the American people — and the world — a sense of wonder and gave licence to the quest for innovation, discovery and science. Just over eight years later, Neil Armstrong descended the ladder of his landing craft, and then set foot on the moon. It was a triumph of science, innovation and political will that has delivered discoveries and benefits to mankind beyond the realm of expectation.

It is with such achievement and the international reputation of Australians as innovators in mind that I comment on the Public Accounts and Estimates Committee's report entitled *Report on the 2011–12 Budget Estimates — Part Two*, tabled in June. The critical point I note is that there is only one mention of science in the entire report — 'Strategic and applied scientific research' in the Department of Primary Industries.

The paradox of science is, as Dr Karl Kruszelnicki noted, 'You don't know where it will end up'. He used the example of the Hubble space telescope and said:

... the technology that was needed to try and tease those little grey dots out of the grey background, they have to invent special software. And now whenever a woman anywhere in the world gets a breast scan that technology is used to find cancerous lumps in an otherwise healthy female breast.

And at the time the scientists, the astronomers, had no idea that their software would have a direct medical application.

Groundbreaking discoveries that had no practical purpose or began as no more than fortuitous accident are numerous. They include life-saving inventions and discoveries such as penicillin, the x-ray and the electron.

Unfortunately, as Realpolitik has evolved to distort day-to-day politics, we have lost much of our sense of the value of discovery. This is why we need greater investment in science and research. There has never been a more important time for science or a greater need for discovery. This is why we should encourage all young people to consider science for study and their careers.

Further funding for science is crucial to our cultural and economic evolution. It is vital to my electorate of Broadmeadows as manufacturing increasingly disappears overseas and we try to find new ways to move from muscle jobs to smart jobs. That is why I am placing this issue on the agenda today and why I will highlight its significance in the inaugural economic and cultural development summit that I will host in Broadmeadows next week. Victoria needs a coordinated strategy. It is with this approach in mind

that I raise further investment in science to build our future as an issue of state significance.

This need is understood by La Trobe University and its La Trobe Institute for Molecular Science (LIMS), which has established an outreach program to develop career paths for high school students. Critically, La Trobe University — the local university of Melbourne's north, of which Broadmeadows is the capital — is one of Australia's finest universities in these disciplines. The university's outreach program is a significant innovation to encourage and stimulate a greater understanding of the value of science through allowing year 9 and Victorian certificate of education (VCE) students to experience what it is like to work in a research lab and to study science at tertiary level. Secondary students conduct experiments such as making aspirin and testing its quality against a commercially manufactured sample. They build robots and create gold that scientists then use in nanotechnology. They receive presentations from scientists and researchers, and they are able to mingle with university students and experience uni life. Science lights up their entire brains.

At the beginning of the recent program the head of LIMS, Professor Nick Hoogenraad, asked who was interested in science and three students raised their hands. At the end of the program he asked the same question and all students raised their hands. These programs not only stimulate interest in science but raise aspirations. This is particularly important in areas such as Broadmeadows, which has one of the lowest uptakes of tertiary education in the nation. LIMS has been such a success that private schools are now incorporating it into their VCE science programs.

However, there is a cost associated with these experiences, and for some this is a challenge that cannot be met. La Trobe University wants to expand its outreach program to allow greater participation of students from public schools, and in particular those from disadvantaged areas. To do so requires the refurbishment of old classrooms — —

The ACTING SPEAKER (Mrs Victoria) — Order! The member's time has expired.

Mr McGUIRE — I did not get the bells.

Mr R. Smith — There are no bells; there are clocks.

Mr McGUIRE — I did not get the bells, and I had an interjection earlier.

To do so they need to refurbish classrooms and labs at an estimated cost of \$500 000 — —

The ACTING SPEAKER (Mrs Victoria) — Order! I apologise to the member, but the time has expired. I also did not hear the bells; however, the clocks are there for all members to observe.

Mr McGUIRE — Can I get an extension of 30 seconds? I was waiting for the bell. I just want 30 seconds.

Mr R. Smith — No, the member's time has expired. It is 5 minutes for statements on committee reports.

The ACTING SPEAKER (Mrs Victoria) — Order! The time for statements on committee reports has expired.

JUSTICE LEGISLATION FURTHER AMENDMENT BILL 2011

Second reading

Debate resumed from 26 October; motion of Mr CLARK (Attorney-General).

Mr BROOKS (Bundoora) — The Justice Legislation Further Amendment Bill 2011 amends three justice acts. Part 1 sets out the purpose and commencement of the provisions, and part 2 deals with the amendment of the Criminal Procedure Act 2009 to allow police prosecutors to appear on behalf of protective services officers (PSOs) in the Magistrates Court. Part 3 deals with an amendment to the Major Crime (Investigative Powers) Act 2004. It deals with the sunset provisions of sections 49 and 50 of the act, which relate to the power of the chief examiner to charge somebody with contempt and the related provision preventing double jeopardy. Part 4 deals with an amendment to the Road Safety Amendment (Hoon Driving and Other Matters) Act 2011 and relates to some provisions in that act that were introduced by this government which will be affected by the timing of the implementation of a federal act dealing with the Personal Property Securities Register. Part 5 deals with the repeal of the act as an amending act.

I will turn first to the amendments to the Road Safety Amendment (Hoon Driving and Other Matters) Act 2011. The bill before us changes section 2 of the act, which relates to the commencement provisions. The proposed commencement provisions will see sections 11, 13, 14, 15, 16, 17 and 22 come into operation on a day to be proclaimed as opposed to the default date of 1 February 2012, which was originally proposed in the legislation. As I said before, that is in relation to the later than anticipated commencement of the federal Personal Property Securities Register, which

relates to the provisions in the act that I just mentioned. Under the proposal, the arrangement will be that where a motor vehicle is seized by police for forfeiture or immobilisation under the act, it will be up to the Chief Commissioner of Police to then advise the commonwealth Personal Property Securities Register, which is being set up as a consumer protection to ensure that people who may be interested in or who are considering purchasing or taking a security interest in a particular vehicle are made aware of any impending police action.

The Attorney-General's second-reading speech mentions the delay in the implementation of the federal register. One interpretation of the speech could be that his opinion is that the federal government's late introduction of the provisions is delaying the introduction of parts of this hoon driver legislation. It is important for members to be aware that the federal legislation is a very broad-sweeping reform which deals with the introduction of a single law and one set of rules governing personal property security interests or interests that are held in property other than land that secures a debt or other obligation.

The effect of this new federal legislation will be to simplify over 70 commonwealth, state and territory laws, common law and the rules of equity which govern security interests in personal property. It will also replace the many different registers of interests that are currently held in the different states and territories. As I understand it, the personal property securities reform is still expected to commence early in 2012, which is not much later than the 1 February 2012 commencement provisions contained in the original antihoon legislation.

The Personal Property Securities Register has been built and is ready for the final stage of implementation testing. As I understand it, that will take place with key industry stakeholders, who will be the ones who will be using the system ultimately. We are talking here about financial institutions, including banks. After the completion of the trial, I understand that about 4.6 million records will be migrated to the new register from existing commonwealth, state and territory registers. We are talking about a large reform and a large register, which is obviously a very complex reform. It is one that I am sure all states and territories as well as the commonwealth will want to make sure is done properly and carefully, particularly the stakeholders, being the finance companies and the banking industry, to make sure that such a complex and difficult reform is properly tested and ready to go into operation before it goes live. It is something that stands

in contrast to the way the government in Victoria legislates on the run.

I turn now to the amendments to the Major Crime (Investigative Powers) Act 2004, which will extend some sunseting provisions in sections 49 and 50 for a further four years. These provisions relate to the ability of the chief examiner to charge a person with contempt if they fail to answer questions or produce a document. We need to remember that under the act the chief examiner is vested with some significant coercive powers, and although we all support the objectives of the legislation in combating organised crime, it is important that when we vest bodies with these powers we do so in a cautious way and in a way that considers their best application. It was therefore somewhat surprising to see that there was very little in the way of analysis or supporting argument in the minister's second-reading speech; it just makes reference to the fact that the amendments:

... allow the continuation of the provisions to be revisited by the Parliament at a later time.

I would have thought that more argument would have been made for such an important set of powers. In fact we need to go back to 2008 when the sunseting provisions were extended for a period of three years by the previous Labor government, which is a lesser period of extension. The then Minister for Police and Emergency Services, Bob Cameron, who was a very fine minister, told the Parliament that based on a report pursuant to section 62 of the Major Crime (Investigative Powers) Act 2004 by the special investigations monitor, who oversees the chief examiner's office, the sunseting provisions should be extended. That report was tabled in June 2008, several months before the minister presented a second-reading speech in Parliament proposing that the provisions be sunsetted three years further down the track. It is a very comprehensive report on the power and the operation of the office of the chief examiner.

In relation to sections 49 and 50 of the act — section 50 deals with double jeopardy — the report, on page 111 under the heading 'Contempt', states:

Victoria Police submit that s. 49 is an important means by which compliance with the coercive powers regime by witnesses is achieved. Reference is made to proceedings in the Supreme Court for contempt of the chief examiner where a sentence of six months' imprisonment was imposed (2006–2007 annual report).

The chief examiner supports the position of the Victoria Police. There has been no submission to the contrary.

There are comparable provisions in the Police Regulation Act. These provisions were reviewed in the SIM's s. 86ZM

report (pages 63 and 64). It was recommended they continue (recommendation 3).

The SIM agrees with the views expressed by Victoria Police and the chief examiner in their submissions. As stated in the s. 86ZM report, the process under s. 49 should only be used as a last resort and then with care, the role of the Supreme Court in the process being critical and an important safeguard.

The SIM is satisfied that s. 49 should in the public interest, continue to be part of the legislative regime supporting the chief examiner and consequently it follows that s. 50 should also continue.

The report sets out the rationale for this Parliament to now support the amendment proposed by the government. If we extend these provisions for a further four years, there should be substantive analysis or an argument put forward by the Attorney-General for this change. It is hoped that in the lead-up to the sunseting of these provisions in four years time when the next government is in power, irrespective of the political persuasion of that government, there will have been a level of work done to ensure that these issues will have been considered carefully and that the Parliament is able to make a decision in the best interests of Victorians.

Clause 3 amends section 328(c) of the Criminal Procedure Act 2009 to provide that police prosecutors will be able effectively to appear on behalf of protective services officers (PSOs) as well as on behalf of police, on whose behalf they already appear in the Magistrates Court. That is an obvious change, and it is not opposed. The government has a very clear, if shambolic, policy to have protective services officers on the platforms of train stations at certain times of the day. It would only follow that police prosecutors would be able to act on behalf of those protective services officers in prosecutions. However, that opens up a question in relation to the impact on police prosecutors in terms of their taking on a number of potential new cases and a class of work that is different from pure police work.

It is important to remember not just that there will be a budget blow-out of \$85 million — a large amount of money — as a result of the protective services officers initiative but also that police prosecutors need to manage and plan for their workload. It is difficult to determine how many protective services officers will be stationed at different stations in the future. The Minister for Police and Emergency Services said originally that a quarter of the total number of protective services officers would be on train stations during the first financial year of the government's period in office. That would work out at around 235 protective services officers — —

Mr Wynne interjected.

Mr BROOKS — I have just been asked by interjection how many we will actually have. At Public Accounts and Estimates Committee hearings we found out there were to be only 93 protective services officers deployed this financial year. The government was supposed to deliver 235 officers this financial year, and it has delivered only 90. Aside from demonstrating that the government does not have a grip on this particular initiative yet, that also makes it difficult for police prosecutors to plan for what workload they will have at magistrates courts around the state. It is difficult for them to judge what their workload will be when the government does not seem to know how many PSO positions will be rolled out at different stations across the state. There is also the complex issue of which magistrates courts will have the heaviest workloads.

The government indicated that protective services officers would be installed at the stations that needed them most. We would imagine those stations would be chosen based on crime statistics — that is, the Frankston, Ringwood, Dandenong, Footscray, Broadmeadows, St Albans and, possibly, Flinders Street stations would be first targeted by the government.

The Minister for Police and Emergency Services even promised that 13 regional stations would get protective services officers. He said in this house that protective services officers would be on the platforms of all the major regional stations. There are 13 stations throughout the Bendigo, Ballarat, Geelong and Latrobe Valley areas. The community had expectations and so did other people such as police prosecutors, who have to manage the workload in relation to the rollout of the protective services officers initiative. Only four regional stations were funded in the budget to receive protective services officers. The very poor planning that has gone into the rollout of the initiative has meant that the community has lost confidence in the government's ability to manage the process and that those who have to implement this policy will also lose confidence in what this government says.

On a very serious note, the opposition has consistently raised in this place and outside concerns about the lack of training provided to protective services officers. This is a concern. Police prosecutors might be left to clean up the legal mess that this government has created through very poor planning and poor legislation. In March of this year the government said eight weeks of training for protective services officers was sufficient. The government stuck to that line doggedly, but everyone in the community recognised that it was insufficient for people who were going to be fully

armed with firearms, capsicum spray, batons and handcuffs. The government gave ground. I hope the government received advice that at least 12 weeks of training was better than that.

The government is now proposing 12 weeks of training, but when that is compared to the 33 weeks of training that Victoria Police officers receive we still think that 12 weeks is inadequate. In effect protective services officers will receive a fraction of the training that Victoria Police officers get but will be performing a front-line policing role. The other thing we need to remember is that protective services officers will not have supervision following their graduation from the academy. We know that when police officers graduate they are often supervised by a more senior member of the police force, but these PSOs will see no supervision. They will be put on a train station with another officer and left to fend for themselves.

As I say, police prosecutors, amongst others, are the ones who will have to deal with the problems created through the lack of planning and care that this government is taking in the rollout of this policy proposal. We know that protective services officers will be deployed at railway stations that do not have toilets. At the moment that is half of the metropolitan train stations — as the transport minister who sits opposite laughs. Half of the railway stations at which these people will be stationed do not have toilets. We had the embarrassment of the government admitting in the upper house that the local police might have to come down in a divvy van and run the PSOs up to the local station to go to the toilet.

When you think about the role of police prosecutors as outlined in this bill, you realise that it is quite a serious matter, because they will have to deal with the legal issues that are created through a lack of planning here. What occurs if, for example, a protective services officer is in a divvy van on the way to a toilet break with police officers and they witness or are called to a serious offence? Does the protective services officer get involved in the apprehension of offenders? Does the protective services officer stay in the vehicle and wait for the police officers to return? What are the legal ramifications if the protective services officer is involved in the apprehension of an offender while on a toilet run? These are questions the government has not answered, but as I say, police prosecutors will have to deal with these issues and clean up the mess this government is creating.

We remember that the minister for police said that the recruitment standards for protective services officers will be as high as for police officers and that the

protective services officers will receive an appropriate level of training that has regard to the new powers they will be able to exercise. From the facts that have just been put forward, you can tell that that is not true. Like many things we hear from the minister for police, we have to wonder about the factuality of those comments. Following an FOI request by the *Herald Sun* newspaper we saw the revelation that a third of the current protective services officer recruits had failed to qualify for the police force. The *Herald Sun* reported that failed police recruits were advised to try out as protective services officers.

This again goes to the point that police prosecutors, who do a fine job, are going to be asked to handle the prosecutions and legal ramifications that flow from events that occur on railway stations and in railway precincts where these protective services officers are operating. It is imperative that the protective services officers who are recruited are the best people, that they are well trained and that they are able to do the job — and many people in the community are questioning whether that is what this government is delivering. The opposition is also very concerned about the potential for excessive use of force and particularly about the escalation of situations that might occur on train stations and in train station precincts into very violent situations unless protective services officers are provided with more and better training.

I recall that the key representatives from peak bodies working among some of Victoria's most vulnerable communities and people — such as mental health groups, people who represent the homeless, people who represent those with substance abuse problems; that is, experts in those fields — were not consulted by the government in the development of its protective services officer policy. That is a great shame, because I am sure they would be the ones pointing out that these are serious problems that need to be addressed by the government to ensure that we do not have the eruption of violent situations that result in either protective services officers or members of the Victorian community being injured. These are concerns that the government is going to have to work through.

The amendment to the Criminal Procedure Act 2009 proposed in the bill before us is straightforward and one which the opposition will not be opposing. As I said, the entire bill is fairly straightforward and the opposition will not be opposing it.

Mr BULL (Gippsland East) — I rise in support of the Justice Legislation Further Amendment Bill 2011. As we have just heard, this bill makes three distinct and unrelated amendments to different acts within, or

closely related to, the justice portfolio, but the amendments have been combined into a single bill as each is time critical.

The three acts the bill amends are the Criminal Procedure Act 2009, the Major Crime (Investigative Powers) Act 2004 and the Road Safety Amendment (Hoon Driving and Other Matters) Act 2011. Firstly, the bill amends section 328 of the Criminal Procedure Act 2009 to allow a police prosecutor to appear on behalf of a PSO (protective services officer) acting as the informant in criminal proceedings in the Magistrates Court. This amendment is consistent with the existing section that allows a police prosecutor to appear on behalf of the informant in such proceedings where the informant is a member of the police force. The government is now taking the step of allowing police prosecutors to appear on behalf of PSOs in court proceedings. This is required due to the increased powers given to PSOs under the Justice Legislation Amendment Act 2011.

The change acknowledges that PSOs are likely to prosecute offenders in the Magistrates Court. The full extent of offences the PSOs will have the power to enforce has been outlined in detail in the Justice Legislation Amendment Act 2011, and they include the ability to arrest a person reasonably believed to have committed an indictable offence; the ability to detain persons under the age of 18 believed to be under the influence of volatile substances and who are a risk of injury to either themselves or others; the power to enforce antisocial behaviour offences, including moving on persons who are loitering around stations — they will now have the ability to move them on; the ability to take action against persons reasonably believed to be in possession of firearms or weapons; the ability to take action against offenders who commit graffiti or carry graffiti implements; and the ability to take action against people who breach legislation covering possession or consumption of alcohol in public places. These are just some of the areas where PSOs will now be able to act, and they will be adequately trained to carry out these duties.

We are delighted to have PSOs on our train stations improving public safety and cracking down on crime, but they must be supported appropriately. This amendment addresses one of the areas relating to that in the field of prosecution support. Many people in my electorate have already expressed their support and relief that when they travel to metropolitan areas there will be PSOs on train stations. They have already said this will give them a much greater sense of safety. Having PSOs represented by private lawyers in the case of prosecutions, if and when they should arise, would

have been a costly, time-consuming exercise and an unnecessary one when Victoria Police already has specialist prosecutor divisions in place with the necessary skills to represent both police and PSOs in the Magistrates Court system.

Secondly, the bill amends the Major Crime (Investigative Powers) Act 2004 to extend the duration of the operation of contempt powers where a person fails without reasonable excuse to answer questions, produce documents when required, be sworn or make an affirmation or otherwise behaves in a manner that would constitute contempt of the Supreme Court. Quite rightly this bill extends the sunset period. As we heard from the previous speaker, this was also done by the previous government. The amendments also allow for the continuation of the provisions to be revisited by the Parliament at a later time.

The Major Crime (Investigative Powers) Act 2004 allows for the questioning of persons, including organised crime offenders, their associates and victims. The definition of 'organised crime' includes that it involves two or more offenders, involves substantial planning and organisation in preparation for that crime, forms part of continuing criminal activity and has a purpose of gaining profit, power, influence or sexual gratification where the victim is a child. These are all very serious offences. Orders that have been made under the scheme have related to such serious offences as murder, arson, extortion, conspiracy, drug offences, fraud and tax evasion, to name a few. As mentioned, these are very serious offences, to say the least.

It is common sense that a substitute sunset date be implemented to ensure that the contempt powers will continue to be available for a further four years, when they will again come up for revision. Allowing these powers to continue for a further four years is a strong indication of the government's confidence in the effectiveness of the contempt powers and the appropriate exercising of those powers.

The bill also amends the Road Safety Amendment Act 2011 to ensure that certain provisions of that act will not come into operation prior to the provisions of a related commonwealth act, as we have also heard from the previous speaker. The commonwealth recently advised that the commencement of the Personal Property Securities Act 2009 has been delayed from October 2011 to late January 2012 with a strong likelihood that the commencement date may be delayed further still. This delay has ramifications for as yet unproclaimed provisions in the Road Safety Amendment Act 2011, which amends the Road Safety Act 1986 and the Police Regulation Act 1958.

Those amendments will, when they come into force, provide that where police are taking or have taken a vehicle into impoundment under the hoon driving legislation through immobilisation or forfeiture enforcement action with respect to that vehicle, the Chief Commissioner of Police must lodge a notice called a financing statement with the registrar of the commonwealth personal property securities register.

The main purpose of the lodgement of a financing statement on the commonwealth register is to inform any person who may be considering purchasing the vehicle or taking a security interest in the vehicle of the enforcement action that has either been taken or is pending with respect to that vehicle. This measure will no doubt provide greater protection for consumers. Like other members of the house, I am sure that if anyone was purchasing a vehicle either for themselves or a family member — a child or a spouse — they would want to know if it had been driven by someone who had been apprehended under the hoon driving legislation.

In summing up, these three amendments to the different acts have been rolled into one bill. They are time critical, and they each relate to very common-sense outcomes. I commend the bill to the house.

Ms CAMPBELL (Pascoe Vale) — I rise to make a brief contribution to the debate on the Justice Legislation Further Amendment Bill 2011. As usual I take particular note of the human rights issues and the comments made by the Scrutiny of Acts and Regulations Committee in relation to this particular piece of legislation. The bill before us amends section 328 of the Criminal Procedure Act 2009 to allow a prosecutor to appear on behalf of a protective services officer (PSO) acting as the informant in criminal proceedings in the Magistrates Court. That is a sensible piece of legislation, and the Scrutiny of Acts and Regulations Committee makes no comment on that.

There is a particular amendment to the Major Crime (Investigative Powers) Act 2004 to extend the duration of the operation of contempt powers currently available to the chief examiner where a person fails without reasonable excuse to answer questions, produce documents, be sworn or make an affirmation or otherwise behaves in a manner that would constitute a contempt of the Supreme Court. The extension for a further four years is made to 1 January 2016. In relation to this provision, the Scrutiny of Acts and Regulations Committee sees that there are no human rights issues to be brought to the attention of the Parliament.

There is a further amendment to the Major Crime (Investigative Powers) Act 2004 which extends for a further four years to 1 January 2016 a no-double-jeopardy provision, so a person who is both guilty of an offence under the Major Crime (Investigative Powers) Act 2004 and found to be in contempt of the chief examiner is prosecuted only once. As far as the Scrutiny of Acts and Regulations Committee is concerned, there are no matters in that amendment we wish to draw to the attention of the Parliament.

In relation to commencement by proclamation, the committee did make a comment, and that was in relation to the delegation of legislative power where commencement was to coincide with the commonwealth legislation. The committee notes that:

... the explanatory memorandum and the second-reading speech concerning the reasons for removing a default commencement provision of 1 February 2012 for certain sections of the amending legislation. The committee is satisfied that commencement by proclamation to coincide with commonwealth laws is necessary.

Those are the comments I wish to make in relation to the Scrutiny of Acts and Regulations Committee, but I also want to make a couple of points in general. The first is that the government claims that it is going to deliver its law and order policy, which was chief amongst its many electoral commitments. It promised to deliver prompt services, and it also claimed to be open and transparent. That second component has obviously been found to be utterly false in relation to matters that the house has discussed this week.

We had commitments by the opposition leader and now Premier to recruit, train and deploy 940 new PSOs if elected. We all know that is a commitment that has been extremely difficult to deliver, is way behind schedule and is fraught with unplanned issues. The fact that the government has not planned the basic provision of toilets and rest facilities for these PSOs is an indication that this was policy on the run. It is one thing to promise things in opposition, but the government should have been aware of the matters that would arise if it was elected came to govern. PSOs have been a debacle in terms of recruitment and in terms of the divvy van toilet break scenario. There is utter confusion about how the new PSOs will operate.

We heard real hootin' tootin' law and order stuff in relation to the PSOs and how they were going to have massive new powers provided. The reality is that one size does not fit all. It is an illogical policy, and this government has been found wanting in delivering on its PSOs policy. We are here today with this legislation because such a policy and power has brought new

challenges to the government and to this Parliament. However, it is appropriate that this bill allows the public prosecutor to represent all PSOs in criminal proceedings, particularly given the paucity of training they will be provided with. With those comments, I commend the bill to the house.

Mr THOMPSON (Sandringham) — In commenting upon the Justice Legislation Further Amendment Bill 2011 I note that it makes procedural amendments to three other acts: the Criminal Procedure Act 2009, the Major Crime (Investigative Powers) Act 2004 and the Road Safety Amendment (Hoon Driving and Other Matters) Act 2011.

Hoon driving is a critical issue that confronts the Australian community. People who get behind the wheel of a car are responsible for adverse consequences when drugs, alcohol or excessive speed result in crash outcomes. In the city of Bayside only a week or so ago a 16-year-old was killed as a result of a stolen vehicle being driven by a 14-year-old rolling over on a straight road without obstacles. The unnecessary loss of life and level of injury are a tragedy that will involve suffering on the part of family and friends for decades to come.

The hoon driving legislation has as its objective a punitive impact on hoon drivers. Initially a car could be seized for a weekend, and that period has since been increased for subsequent offences. That increase was designed to have a greater punitive impact to regulate behaviour in the wider community and to send enforcement messages home. I believe that a number of important reforms have been achieved through its operation.

There are some regional communities that have a high incidence of hoon driving. In some of the outlying suburbs there is also a high incidence of hoon driving. It is important that people are able to develop their driving skills to compete effectively, but not on the roads of Melbourne, where people's lives might be placed in jeopardy and where there are a range of adverse impacts and adverse community outcomes which I have referred to.

The bill correlates with federal legislation, in particular the legislation that will introduce the personal property securities register. There has been a delay in the establishment of the commonwealth register. The object of the bill as it deals with road safety is to defer the commencement date, which was originally noted as the default commencement date of 1 February 2012 as provided for in the commonwealth Personal Property Securities Act 2009. This bill extends the date of commencement of operation in the Victorian legislation

so that there will be some parallel impact with the federal legislation.

In relation to the role of PSOs (protective services officers), public transport and the security of public transport has been an important issue. The Sandringham electorate is served by five railway stations, four directly and one indirectly. The stations of Highett, Cheltenham, Mentone and Sandringham fall directly within the electorate of Sandringham. The Hampton railway station serves a good proportion of the Sandringham electorate but is just outside the electorate. This is the fulfilment of our election commitment. Public transport was a major issue at the last state election, especially the issue of promoting the security of patrons on the railway line.

On the weekend I had a discussion with a constituent who thought that the placement of conductors on trains and trams could be a good way forward, but the placement of a ticket collector on a train may not necessarily guarantee the security and safety of train patrons. The presence of conductors on trains would not guarantee the safety of transit from the station platform to the car park, to a nearby bus stop or to a point of collection by a family member, relative or friend for young people coming home from the city at night, for elderly people commuting on the suburban train network or even for people who have their own car parking arrangement at the station. Hence the role of PSOs in the railway station precinct will be an important security benchmark between 6.00 p.m. and the last train to give security within that whole precinct for public transport commuters.

It will be very interesting to monitor and observe whether there is a quantum shift in public perceptions of safety and an increase in patronage on the public transport network within metropolitan Melbourne. People might have a view that the system is safer to travel on. This will have a number of other advantages in reducing reliance on private vehicles. If a greater number of people are using public transport, this will improve access and reduce congestion on the roads. A shift in the commuter public to the public railway network will produce a more efficient use of public resources and public transport modes.

I am reminded also that PSOs will be able to monitor issues in relation to not only people's security but other law and order offences, one such example being graffiti. Members of the Friends of Mentone Station and Gardens are playing a relevant role in one local area and Michael Schirman is playing a role in another area. A number of community-minded representatives within my electorate have taken a very keen interest in

minimising and removing the graffiti that is painted in the local area. The PSOs will have the opportunity to take action to intervene in that.

The specific purpose of the bill as it relates to PSOs is to amend legislation to enable skilled and trained police prosecutors to prosecute matters in court where a protective services officer is the informant in relation to an offence. I am reminded of a circumstance a number of years ago where a lady well into her 60s observed a young person around the age of 14 or 15 committing an act of vandalism in a train carriage — defacing it with graffiti — and this lady, who was of robust spirit, apprehended the offender, took him to the station ticket box and said, 'This man was defacing the carriage'. Unfortunately the railway station staff were not empowered by law to take over from this lady, who had undertaken a citizen's arrest. They said they would have to ring the local police, but the lady did not have time to wait, so the offender was able to get away.

Under the reforms introduced by the current government there will be scope for PSOs to be trained and have the appropriate processes in place to enable them to apprehend offenders in appropriate circumstances. Prosecutions will then be able to ensue. As I said, this bill makes a change in the law to enable police prosecutors to prosecute cases where the informant is a PSO.

It will be very interesting to see how this policy initiative will work across Melbourne in the times ahead in terms of improving public confidence in the safety and efficiency of the Victorian public transport network.

Mr LANGUILLER (Derrimut) — I rise to speak on the Justice Legislation Further Amendment Bill 2011. The purpose of the bill is to amend the Criminal Procedure Act 2009 to allow police prosecutors to appear on behalf of protective services officers (PSOs) in Magistrates Court proceedings and to amend the Major Crime (Investigative Powers) Act 2004 to extend the operation of sections 49 and 50 of that act. As preceding speakers have said, this bill amends the procedures provided for by the 2009 act to enable prosecutors to appear on behalf of protective services officers in Magistrates Court proceedings relating to the exercise by PSOs of extended enforcement powers. This is a good exercise and will be good practice. We look forward to hearing more about the training that will be extended to PSOs and the strengthening of their capacity to discharge their responsibilities properly.

Clause 6 of this bill amends section 2 of the Road Safety Amendment (Hoon Driving and Other Matters) Act 2011, affecting the commencement of that act.

In relation to the Major Crime (Investigative Powers) Act 2004, this bill amends the sunset period, changing it from 1 January 2012 to 1 January 2016. That relates to the powers of the chief examiner to deal with matters of contempt and protection against double jeopardy. It also authorises the chief examiner to issue a charge and warrant for arrests relating to failure to produce or respond to a summons to a witness.

I would like to come back for a second to the important amendments that relate to road safety. The member for Sandringham, others and I recently attended an important conference in Western Australia that related precisely to saving lives on our roads. It was in fact a conference very much aimed at collectively and constructively investigating the ways in which all government agencies, road users and stakeholders — motorcyclists, organisations such as the Transport Accident Commission and VicRoads, and other such stakeholders — can improve our outcomes and diminish the number of casualties and serious injuries on our roads.

Much discussion took place in relation to hoon driving, which was one of the areas covered in one of the workshops, as I recollect. Of course there are measures related to hoon driving that are aimed at sending a very clear message principally to young drivers to the effect that driving irresponsibly or recklessly will be bad for them — tragically a lot of young people become part of the road toll — and that not driving recklessly will prevent the deaths of and injuries to others that might otherwise be caused by those young drivers.

The strong message is there. Other jurisdictions, incidentally, have been much tougher than we have. They have been confiscating or impounding whatever vehicles have been used, whether cars or motorcycles, for weeks, if not months, on end. We are yet to see the evidence, but we are told that when governments are tough on these issues the data is likely to show that the number of deaths on the roads is reduced.

I look forward to the new road safety provisions coming into operation. We are waiting with interest for that to happen, because this bill amends the Road Safety Amendment (Hoon Driving and Other Matters) Act 2011 to remove the default commencement date of 1 February 2012 for provisions that depend upon commencement of the commonwealth Personal Property Securities Act 2009. There will be a delay, so we need to live with that, but I insist that we have to do

everything we can to save all lives — and in the case of hoon driving the data shows that those involved happen to be predominantly young people. We therefore should do whatever we can do to discourage young people from hoon driving. We are all in the same boat on this. We are mums and dads — or dads and mums — of young people, and we wish they would not engage in activities which are detrimental to their lives.

Before being elected the government made it clear that the delivery of its law and order agenda was chief among its priorities, and it promised to deliver promptly, properly, openly, transparently and accountably on its promises. We ask the government to come through with all that agenda and to come clean, desist from continuing to think about it and instead actually bring about those reforms and deliver on those actions that are urgently warranted and required. With those remarks and being mindful that there are other speakers who are waiting, I am delighted to have spoken on the Justice Legislation Further Amendment Bill 2011.

Ms RYALL (Mitcham) — It is a pleasure to speak in support of the Justice Legislation Further Amendment Bill 2011. Essentially the bill consists of minor amendments to three acts: the Criminal Procedure Act 2009, the Major Crime (Investigative Powers) Act 2004 and the Road Safety Amendment (Hoon Driving and Other Matters) Act 2011. The amendments to the Criminal Procedure Act 2009 allow police prosecutors to appear on behalf of protective services officers (PSOs) in Magistrates Court proceedings. The amendments to the Major Crime Investigative Powers Act 2004 extend the sunset period in relation to the power of the chief examiner to deal with a person involved in contempt issues before the Supreme Court and change the date listed in section 50(2) from 1 January 2012 to 1 January 2016, which will extend the period Parliament has available if it wishes to revisit the legislation at a later date.

The amendments to the Road Safety Amendment (Hoon Driving and Other Matters) Act 2011 will ensure that the commencement of certain provisions under the commonwealth measures will come into operation. These provisions of the Road Safety Amendment (Hoon Driving and Other Matters) Act 2011 are currently subject to a default commencement date of 1 February 2012. This default date was deliberately chosen to ensure that the Victorian provisions come into force simultaneously with the commonwealth personal property securities regime. The bill also removes the default commencement date to ensure that the relevant procedures of the Road Safety Amendment (Hoon Driving and Other Matters) Act 2011 will not

commence operation until the commonwealth personal properties securities register commences operation, which was meant to begin in October 2011 but which has been delayed until the end of January 2012.

Essentially the Justice Legislation Further Amendment Bill 2011 supports our very strong law and order platform, particularly in relation to organised crime and our election commitment to introduce protective services officers (PSOs) at rail stations. Introducing PSOs into our public transport system will certainly deal with antisocial behaviour. In my electorate of Mitcham there are five stations, and there is a fairly short distance between the first and the fifth. There are significant concerns in the community about safety, both perceived and real, and therefore the community is looking forward to the introduction of PSOs at those five stations. In recent times I have spoken to my youth council from the secondary schools within the electorate, and I know that our youth are looking forward to it. It will ensure that they can ask for help if they need it, and they will know that issues of antisocial behaviour will be dealt with accordingly and prosecuted without them being put at risk.

Essentially the amendments to the Criminal Procedure Act 2009 deal with violence and antisocial behaviour to ensure that matters in the Magistrates Court will be prosecuted in the same way as if a member of the police force had brought the original charges before the court. Victoria Police, the chief examiner and the special investigations monitor support the contempt amendments and certainly the provisions dealing with double jeopardy.

PSOs will have the right to apprehend people and arrest them if it is believed they have committed an indictable offence. Then a sworn police officer can be contacted for the suspect to be handed over. PSOs will be able to arrest people who are in breach of bail under the Bail Act 1977; people who want to harm themselves in some way, whether because of a mental health issue or through self-harm generally; and people under the age of 18 who might be a risk to either themselves or others from being under the influence of a substance.

We are dealing with antisocial behaviour through having PSOs on railway station platforms. PSOs currently do a tremendous job at Parliament House, in the courts and at the shrine, and they will certainly do a very good job at our railway stations as well. They will also deal with issues in the transport system under the Summary Offences Act, such as dealing with a person who is loitering or is believed to have a firearm or prohibited weapon and requiring a person to show a valid ticket when requested to do so. They will deal

with people who put our rail safety at risk. As was mentioned by a member earlier, they will also deal with people in relation to graffiti and alcohol possession and consumption. They will deal with people who are under the influence of alcohol and with vehicles that might have the capacity to cause safety issues as well.

Victorians want to see these measures implemented. The member for Derrimut talked about making sure that our commitments are fulfilled. We are committed and we will fulfil them, which is why they are our commitments, unlike what we have seen from the federal Labor government recently, with its commitment to not introduce a carbon tax and then its introduction of a carbon tax. Unlike that government, we will fulfil our commitments to make sure that PSOs are on rail stations; that the community's needs and wishes are being fulfilled in terms of restoring law and order to our community; that the places that people are travelling to and from are safe and they are able to ask for assistance, if needed; and that people will be apprehended in the event that they engage in antisocial behaviour on our transport system. It is with pleasure that I support the Justice Legislation Further Amendment Bill 2011 and commend it to the house.

Ms KAIROUZ (Kororoit) — I am very pleased to speak on the Justice Legislation Further Amendment Bill 2011. Labor does not oppose this bill. This bill is fairly simple and straightforward. It amends the Criminal Procedure Act 2009 to enable police prosecutors to appear on behalf of protective services officers (PSOs) in Magistrates Court proceedings relating to the exercise of the extended enforcement powers by PSOs. The bill also extends the sunset period from 1 January 2012 to 1 January 2016 in relation to the powers of the chief examiner to deal with contempt matters and protection against double jeopardy. It authorises the chief examiner to issue a charge and warrant for arrest for failure to produce or respond to a summons to a witness. It also amends the Road Safety Amendment (Hoon Driving and Other Matters) 2011 to remove the default commencement date of 1 February 2012 for provisions that depend upon the commencement of the commonwealth Personal Properties and Securities Act 2009.

As we heard from members on both sides of the house, before being elected the government's focus made it clear that the delivery of its law and order agenda was chief among its priorities. It promised to deliver 'promptly, properly, openly, transparently and accountably' on its promises. In 2009 the then Leader of the Opposition, who is now the Premier, promised to recruit, train and deploy 940 PSOs if elected. We all know how that has been going. We have heard about

everything from the divvy van toilet break to ongoing confusion about how PSOs will be deployed initially to already-staffed city stations such as Richmond, North Melbourne and city loop stations and not to the areas where commuters will be alighting from or changing trains.

We have also heard about the massive new powers that PSOs will have, and this confirms the opposition's fears that PSOs will be regarded as a second-tier police force due to the extensive powers bestowed upon them. PSOs now have the power to arrest persons released on bail for actual or anticipated breach of bail conditions; arrest a minor who refuses to provide his or her name and address for the actual or anticipated consumption of liquor; execute a warrant to arrest a person found drunk or disorderly in a public place; arrest a person suspected of committing a graffiti-related offence; apprehend a person who appears to be mentally ill where grounds exist to believe that the person has harmed, or is likely to attempt to harm, himself or herself or another person; apprehend a minor who is inhaling or may have inhaled a volatile substance; and detain a person for as long as is reasonably necessary to conduct a search of personal property.

PSOs also have the power to search persons, properties and things in a person's possession or control for weapons, volatile substances or related instruments or proscribed graffiti implements; remove a person and their property from public transport vehicles and premises upon the reasonable belief that an offence has been committed and that the person is likely to create a danger or annoyance to the public or hindrance to public officers; prevent a person from driving a vehicle or entering a vehicle, including by use of reasonable force if a lawful direction is not followed; direct a person to move on for a breach or likely breach of the peace; remove offenders who are presenting a danger or annoyance to the public or hindrance to police or any other authorised officer or employee of a passenger transport company; and seize property permanently or temporarily.

These powers are significant and far-reaching, and they bring new challenges in their exercise. They are powers that should only be granted to fully trained sworn police officers who receive the appropriate training and pay. It is appropriate that this bill allows for the public prosecutor to represent all PSOs in criminal proceedings in light of the PSOs being given broad powers to arrest and apprehend.

The role of the chief examiner was created in 2005 as a safeguard against powers given to Victoria Police to obtain evidence from witnesses by compulsory

examination where the privilege against self-incrimination is abrogated. The bill gives the chief examiner powers to prosecute those who have failed to respond to a summons. The bill is positive proof that this government has failed to coordinate discussions with the commonwealth to enable commonwealth legislation to be in place before existing sunset dates come and go.

The hoon driving laws are another part of the government's law and order agenda and are also subject to the commonwealth Personal Property Securities Act 2009, which will harmonise the reporting of financing statements to the commonwealth register. However, we understand that the commonwealth has deferred commencement of the Personal Property Securities Act 2009 provisions to allow more time for implementation of appropriate changes. Given the importance of ensuring that anyone purchasing or taking a security interest in a vehicle which has been the subject of enforcement actions is protected, we hope that the Victorian government will do everything necessary to ensure that it is ready for the federal system when the commonwealth laws commence.

As I said at the outset, Labor does not oppose this bill, and I am delighted to have been given the brief opportunity to speak on this bill.

Debate adjourned on motion of Mr WAKELING (Ferntree Gully).

Mrs POWELL (Minister for Local Government) — I move:

That the debate be adjourned until later this day.

Ms ALLAN (Bendigo East) — I wish to speak to the motion. The opposition does not support the adjournment of this bill until later this day and would instead propose in its place that this bill does not return for consideration before the house until after item 318 on the notice paper, which is in the name of the Leader of the Opposition, has been considered and debated appropriately in this chamber.

We should remember that the Leader of the Opposition attempted to move this motion yesterday afternoon, but of course we recall that the government was very swift in shutting him down in his attempt to move by leave that this item be put before the Parliament. He then made sure that it was placed on the notice paper. Subsequently this morning the member for Monbulk also attempted to bring forward this debate, but again the government shut down debate quite swiftly on this motion coming before the house

Acting Speaker, you might ask why it is important to the opposition that this motion be debated. It is not just important to the opposition; I am pretty confident that the member for Benambra might also like to see it debated in the house, because it goes to some very important issues about the integrity, transparency and accountability of this government.

What the opposition is seeking to do is establish a select committee of this Parliament that would have three government and three non-government members — it would have an even number of members. We are proposing that the government hold the chair of that committee; it is quite a reasonable proposition that we are putting before the government. However, the substance of what we are seeking is that this committee consider and report on the discrepancy in the evidence given to the Office of Police Integrity by the member for Gippsland South and the member for Benambra.

What we have seen over the course of the last two days is that the mystery and the riddles go on and on. What we need — not we the opposition but we the Parliament and possibly the broader community in Victoria — is some resolution. We cannot keep going on with two people saying they are both right and that they both stand by what they say when the evidence shows they have two very different and contradictory views of what has transpired. When you consider that part of the conclusions of the — —

Mr Dixon — On a point of order, Acting Speaker, this is a procedural motion and the member is wandering off in all sorts of directions. I ask you to bring her back to the question, which is a procedural motion.

The ACTING SPEAKER (Mrs Victoria) — Order! I uphold the point of order.

Ms ALLAN — Acting Speaker, to briefly contend the point of order, the response I have given to the question before the house is that I believe the debate should not resume on the justice legislation bill until we have considered notice of motion 318 standing in the name of the Leader of the Opposition. It is a bit difficult to explain the reasons why you want to debate an item on the notice paper unless you actually talk about that item on the notice paper. I think it is quite reasonable for any speaker on this motion to go to the reasons why they would like to consider that motion, because, as I said, it is an important one.

Granted, there are important bills on the notice paper; however, as the member for Gippsland South has said on a number of occasions, given the extent of the media

interest in this issue, given the commentary and the views being put out there in the media, it is only fair and reasonable that we in this place have the opportunity to consider the matter appropriately and thoroughly. It is clear from the government's sensitivity to this matter that once again it wants to shut down debate. Once again it does not want to have these matters debated in this place, and once again it is not prepared, because it does not have the courage and does not have the strength of its convictions, to have this matter go before a select committee of the Parliament, where the coalition would have equal representation — —

Mrs Powell — On a point of order, Acting Speaker, the member is debating this whole situation and talking about what is going on in the media. We have a procedural motion before us and we need to debate the procedural motion so that we can then get on with government business.

The ACTING SPEAKER (Mrs Victoria) — Order! I uphold the point of order.

Ms ALLAN — The government is very sensitive, which shows all the more reason why this debate needs to be had.

The ACTING SPEAKER (Mrs Victoria) — Order! The member's time has expired.

Mr HODGETT (Kilsyth) — I speak in support of the motion to adjourn the debate. It was a longstanding practice under the previous administration and has been the practice of the current administration in our first year of office to have the lead speakers on bills, with the convention being that the opposition then has four speakers and the government has three speakers and then adjourns the debate so that the lead speakers on all bills can be moved through. Then the government works with the Opposition Whip to work out which bills the opposition wants to come back on for debate.

That was the procedure last night. We moved through two bills. As was stated yesterday when we spoke about the government business program, we have eight bills to get through this week. During the course of business we have got through only four of those bills; we are about to move on to the fifth. We have a number of others to get through tonight before we move on to the Independent Broad-based Anti-corruption Commission Bill 2011 tomorrow. I support the motion to adjourn debate on the bill before the house so that we can move through those bills, and I am more than comfortable to negotiate with the opposition on what bills it wishes to come back to.

Mr ANDREWS (Leader of the Opposition) — I do not support this bill being adjourned until later this day. I think the proposition put forward by the manager of opposition business, the honourable member for Bendigo East, that this house ought to examine notice of motion 318 currently standing in my name on the notice paper before this bill comes back before the house is a perfectly sensible proposition for her and the opposition to have put. Whilst I would not want to stray from the procedural nature of the debate, in order to make the point one needs to examine why notice of motion 318 is relevant.

What I would say is that integrity and statements and claims about professed integrity are one thing, but actions in support of integrity are entirely another. What we have seen is that the Office of Police Integrity (OPI) has put forward an important report. That report has been read by many and been considered by many. It makes findings and it also raises a number of other issues — —

The ACTING SPEAKER (Mrs Victoria) — Order! I am sorry to interrupt, but I ask that as members come into the chamber they respect the Chair.

Mr ANDREWS — The issue is that the OPI report has been brought down. It makes findings. There are conclusions from that; there are a range of matters that are dealt with — —

Ms Ryall — On a point of order, Acting Speaker, similar to the one that was raised before, we are not examining the report here; we are actually examining the reason for an adjournment.

Mr ANDREWS — On the point of order, Acting Speaker, in order to oppose this adjournment it is completely in order that I or any other member provide reasons for that. I contend and the opposition contends that debate on this bill ought not be adjourned until later this day; it ought be adjourned until after another more important matter, notice of motion 318 standing in my name, is given the consideration it should properly be given. That is what I would submit to you, Acting Speaker.

The ACTING SPEAKER (Mrs Victoria) — Order! I do not uphold the point of order; however, I ask the Leader of the Opposition to come back to the motion at hand.

Mr ANDREWS — On the issue of the adjournment, we believe it is far more important that this Parliament, this chamber, be given an opportunity to debate the notice of motion standing in my name — which is notice of a motion to set up a select committee

to discuss and get to the bottom of the fact that the straight talker in this government cannot provide a straight answer — than it is to debate what is a dots-and-dashes bill, albeit not an unimportant one. I think that ought to wait. I think the community's desire and this Parliament's desire to get to the bottom of the manifest inconsistencies between, for instance, contributions from the member for Benambra — —

The ACTING SPEAKER (Mrs Victoria) — Order! A point of order from the Minister for Education.

Honourable members interjecting.

The ACTING SPEAKER (Mrs Victoria) — Order! Points of order will be heard in silence.

Mr Dixon — On a point of order, Acting Speaker — —

Honourable members interjecting.

The ACTING SPEAKER (Mrs Victoria) — Order! The point of order will be heard in silence.

An honourable member — Stop the clock!

The ACTING SPEAKER (Mrs Victoria) — Order! The clock will not be stopped; it is not question time.

Mr Dixon — The Leader of the Opposition is now delving into the content and background of general business, notice of motion 318; he is not talking on the procedural motion. I ask you to bring him back to the procedural motion.

The ACTING SPEAKER (Mrs Victoria) — Order! I uphold the point of order.

Mr ANDREWS — On the motion that is before the Chair, I believe, and I put it to all honourable members, that debate on this bill ought not be adjourned until later this day. This bill ought be adjourned until after there has been a proper consideration of general business, notice of motion 318 standing in my name on the notice paper. The reasons have been well canvassed, and I would have thought any government supportive of integrity and high standards in office and any government that had nothing to hide ought have nothing to fear from supporting the proposition that general business, notice of motion 318 on the notice paper be given precedence over this bill.

Mr Burgess — On a point of order, Acting Speaker, the Leader of the Opposition is still going into the

merits of the particular notice of motion and not speaking about the procedural motion.

The ACTING SPEAKER (Mrs Victoria) — Order! I do not uphold the point of order.

Mr ANDREWS — In conclusion, Acting Speaker, I am more than happy to repeat the last point I made. A government that had nothing to hide would have nothing to fear in supporting a deferral of debate on this bill until after general business, notice of motion 318 standing in my name — a motion about the appointment of a select committee — had been properly debated.

The ACTING SPEAKER (Mrs Victoria) — Order! The member's time has expired.

Mr CRISP (Mildura) — I rise to support the motion to adjourn debate on this bill. We think that this is nothing more than a stunt from a side that has perhaps exhausted its speakers on the existing bill. We have had our four and three — we are in rotation — and it is the normal practice in this house that we change bills at this time and in this way. I support the motion, and I urge everybody to get on with the business at hand in this house.

Mr HULLS (Niddrie) — I will be very brief — I may not even use my full 5 minutes; it all depends on how often there are points of order taken and how long I go on this introduction in relation to this aspect of the motion. However, we have to remember that the motion was moved by the member for Ferntree Gully. Let us just remind ourselves what the bill is: it is a justice bill — the Justice Legislation Further Amendment Bill 2011. The motion is:

That the debate be adjourned until later this day.

The manager of opposition business has said that we do not agree with that. How can you in all conscience debate a justice bill like this bill before you deal with general business, notice of motion 318 and have integrity as far as the people of Victoria are concerned? I am not going to go into the details of the motion, because that would be against the procedural motion that is before the house, but how could you possibly have any credibility in the Victorian community in debating a justice bill when you have the opportunity to clear the name of the member for Benambra and find out who is telling the truth between the member for Benambra and the Leader of The Nationals?

Mr McIntosh — On a point of order, Speaker, of relevance. Clearly the member for Niddrie is very much straying from the nature of this debate, which is about

the adjournment of debate on a bill. He is canvassing the substance of something that may be of some extraordinary interest to him, but it is certainly not the issue before the Chair. It is a matter of an adjournment of a debate, and that is what is being debated. He is transgressing these rules, and you should bring him back to the substantive debate.

Mr HULLS — On the point of order, Speaker, I certainly understand the reticence of the minister in not wanting to go into the substantive aspect of the notice of motion, but I do not intend to do that, because that would be in breach of the rules that govern motions in relation to time. However, it is very difficult to give an explanation of why we are opposing the bill before the house being adjourned until later this day unless we have the opportunity to give reasons for why that should be the case. The reason we oppose this justice bill being dealt with later this day is because there are far more compelling matters that need to be dealt with before we deal with justice issues, and the most compelling matter that needs to be dealt with is the notice of motion given by the Leader of the Opposition — general business, notice of motion 318. I will not read that motion, but I urge all members to get a copy of the notice paper, to open it up and to read it.

The point is that for the Leader of the House to be standing up here and taking a point of order when all I am trying to do is explain the reasons behind the opposition's objection to this matter does not make any sense, and I ask you to rule his point of order out of order quickly so I can get back onto my feet.

Dr Naphthine — On the point of order, Speaker, the debate before the house is a very narrow debate, and the Deputy Leader of the Opposition has strayed from the narrowness of the debate. He is canvassing issues with regard to a future debate that he is anticipating and that is not before the house at the moment. What is before the house is a motion concerning whether the house should adjourn a debate and move on to another piece of business. The member is clearly being irrelevant to the issue before the house, and he should be brought back to the issue before the house. He has just used the opportunity of a point of order to further speak about irrelevancies rather than speak about the issue of relevance before the house at the moment. I ask you, Speaker, to uphold the point of order quite rightly taken by the Leader of the House, which was to bring the member for Niddrie back to the issue before the house — a very narrow debate about the issue that is currently before the house.

The SPEAKER — Order! I do uphold the point of order, and I ask the member for Niddrie to come back to the debate before the house.

Mr HULLS — What have they got to hide, Speaker? What have they got to hide? Why do they not bring it on? Gutless.

House divided on motion:

Ayes, 44

Angus, Mr	Mulder, Mr
Asher, Ms	Naphine, Dr
Baillieu, Mr	Newton-Brown, Mr
Battin, Mr	Northe, Mr
Bauer, Mrs	O'Brien, Mr
Blackwood, Mr	Powell, Mrs
Bull, Mr	Ryall, Ms
Burgess, Mr	Ryan, Mr
Clark, Mr	Shaw, Mr
Crisp, Mr	Smith, Mr R.
Delahunty, Mr	Southwick, Mr
Dixon, Mr	Sykes, Dr
Fyffe, Mrs	Thompson, Mr
Gidley, Mr	Tilley, Mr
Hodgett, Mr	Victoria, Mrs
Katos, Mr	Wakeling, Mr
Kotsiras, Mr	Walsh, Mr
McCurdy, Mr	Watt, Mr
McIntosh, Mr	Weller, Mr
McLeish, Ms	Wells, Mr
Miller, Ms	Woodridge, Ms
Morris, Mr	Wreford, Ms

Noes, 43

Allan, Ms	Hulls, Mr
Andrews, Mr	Hutchins, Ms
Barker, Ms	Kairouz, Ms
Beattie, Ms	Knight, Ms
Brooks, Mr	Languiller, Mr
Campbell, Ms	Lim, Mr
Carbines, Mr	McGuire, Mr
D'Ambrosio, Ms	Madden, Mr
Donnellan, Mr	Merlino, Mr
Duncan, Ms	Nardella, Mr
Edwards, Ms	Neville, Ms
Eren, Mr	Noonan, Mr
Foley, Mr	Pallas, Mr
Garrett, Ms	Pandazopoulos, Mr
Graley, Ms	Perera, Mr
Green, Ms	Pike, Ms
Halfpenny, Ms	Richardson, Ms
Helper, Mr	Scott, Mr
Hennessy, Ms	Thomson, Ms
Herbert, Mr	Trezise, Mr
Holding, Mr	Wynne, Mr
Howard, Mr	

Motion agreed to and debate adjourned until later this day.

LIQUOR CONTROL REFORM FURTHER AMENDMENT BILL 2011

Second reading

Debate resumed from 26 October; motion of Mr O'BRIEN (Minister for Consumer Affairs).

Ms D'AMBROSIO (Mill Park) — I rise to speak on the Liquor Control Reform Further Amendment Bill 2011 which seeks to amend the Liquor Control Reform Act 1998. The intention is to introduce a demerit point system for licensees and permittees and to introduce a new licence type for wine and beer producers. The bill also seeks to recognise live music in the purposes of the act, to introduce a star rating system and to make several other minor and technical amendments. The opposition understands that the demerit point system is modelled on the VicRoads traffic infringement demerit point scheme — in particular, if a non-compliance incident has occurred, 1 demerit point will be incurred by the licensee or permittee.

It is important to note that the term 'non-compliance incident' refers to the following occurrences, as defined in the bill. They are the payment of an infringement penalty, the making of a payment order, the commencement of a payment plan or a successful prosecution for the following: the supplying of alcohol to an intoxicated person, allowing a drunken or disorderly person to be on licensed premises, the supplying of liquor to minors or allowing minors on licensed premises except where they are expressly allowed.

The yet to be established Victorian Commission for Gambling and Liquor Regulation (VCGLR) will be given the authority and power to suspend a liquor licence and will be required to suspend a licence based on the number of demerit points accrued. This will occur according to the following conditions: a suspension of 24 hours if a liquor licence-holder or permit-holder accrues 5 demerit points in a 3-year period; a suspension of 7 days if 10 demerit points are accrued in a period of 3 years and a suspension of 28 days if 15 demerit points are accrued in a period of 3 years.

Clause 18 of the bill inserts new section 86A into the act and establishes the demerits register. The new commission will be requested to maintain the register and to record against a licence or a permit any points incurred. New section 86B sets out when the commission must or must not record a demerit point against a licence or permit. New section 86D requires the commission to notify a licensee or permittee against

whose licence a demerit point has been recorded. Section 86D(2) sets out the details of information that must be included in the notice.

I wish to raise for the minister's attention and hopefully response an apparent inconsistency in the bill between a reference in this subsection and new section 86B. As I have already said, section 86B requires the commission to record a demerit point in the register if it is notified that a non-compliance incident has occurred, yet when we look at new section 86D(2) I contend that it is less clear whether a demerit point must be recorded before or after a non-compliance incident has occurred. I will quote from section 86D(2):

- (2) A notice under subsection (1) must contain the following details —
- (a) details of the licence or permit;
 - (b) details of the offence that is alleged to have been committed which is the basis of the non-compliance incident to which the demerit point relates;

I conclude my quote there. The reference to 'offence that is alleged' is somewhat confusing and I ask whether or not it is the case that an offence ceases to be an alleged offence at the point where a non-compliance incident has occurred?

I remind the house that clause 4 of the bill defines a non-compliance incident as relating to circumstances such as the payment of an infringement penalty, the commencement of a payment plan or the successful prosecution of an offence, all of which are circumstances which extinguish the categorisation of an offence as 'alleged'. I ask the minister to clarify this matter for the house before the passage of the bill in this chamber and, if it is an error, to say what action he will take to correct it. I ask him to explain why the section contains reference to the offence being alleged —

An honourable member — He is not even at the table.

Ms D'AMBROSIO — That is right. It has been pointed out to me that the minister is not at the table, but I hope it will be reported to him that this inconsistency needs to be addressed. I certainly hope that for once the minister will do a summing up on a bill that he has presented to the house and answer some of the questions that have been put by members of the opposition on important bills, including this one.

A suspension imposed by the Victorian Commission for Gambling and Liquor Licensing Regulation must commence no less than 14 days after the suspension

notice is issued and no more than 60 days after the date that the last demerit point was recorded. I turn to the media release issued by the minister on 26 October and headed 'Vic. coalition govt introduces demerit points for licensees who flout liquor laws'. The media release is stamped 'Policy implemented', presumably referring to the coalition's election policy. This is disconcerting, because if you review the government's election policy, you will see it does not ring true. I refer the house to page 8 of the policy document entitled 'Victorian Liberal-Nationals coalition plan for liquor licensing'. It says a Liberal-Nationals coalition government will 'establish a driver demerit points style system applicable to liquor licences' and that:

The system will feature gradations of points depending on the seriousness of the offence. So, for example, serving a minor would carry more points than serving an intoxicated adult.

Each licence will have point numbers allocated depending on the class of licence, size of venue and any other relevant risk factors.

It is clear that the demerit point system in the bill falls well short of what the coalition promised. There is no system of gradation of demerit points depending on the seriousness of an offence; nothing in the bill refers to that. We ask why this is the case and why the government has broken its election promise, which even a month ago it claimed to have implemented and delivered on. It is only fair that Victorians get an explanation of this broken promise from the minister; they deserve no less. We do not think it is fair that Victorians have not been given an explanation.

The minister has not explained why he has failed to deliver the gradation system in the bill. The bill does not deliver on his election commitments, and the minister's second-reading speech does not contain any reference to this. Perhaps the minister hopes that no-one will notice this — and that could well be the case. Does the 'Policy implemented' stamp on the minister's media release of last month make it any more real? I strongly suggest that it does not. The government has failed to deliver on that promise, despite claims to the contrary.

I ask the minister to do the courteous thing and explain to Victorians why this demerit point system fails to satisfy that commitment. Again I request that an explanation be given to the house before the bill is put to the vote in the chamber. I stress the importance of the minister not maintaining his unbroken record of failing to answer any opposition questions on any of the bills he has introduced to the house. It is not a good record for him to maintain. It is about time that he broke the

drought and did the right thing by providing the answers to questions that the community deserves.

I note that the minister has said that no appeal will be possible regarding the incurring of demerit points — this is also in the policy document — yet the bill provides the minister with the power to suspend, cancel or delay a suspension if the minister is satisfied that the benefit of the suspension is outweighed by its cost to the public. That is an interesting point. We understand from the departmental briefing that during a major sporting event, for example — it could be the Caulfield cup — the minister may consider it to be against the broader public interest to allow the suspension to be implemented on that particular day. That sounds laudable; it is potentially a good power to have and to exercise under the right conditions. However, I raise a question for the minister that remains unanswered — that is, what circumstances would warrant the minister cancelling a suspension? This is concerning.

Perhaps we could understand the delay or suspension of a suspension, which the bill also allows, but the potential cancellation of a suspension is quite concerning and its warrant could be challenged. The important question is what those reasons would be. We need to reflect on that question and on the lack of explanation from the minister on this matter. There is nothing in the bill that requires the minister to provide a public explanation or reason for the granting of a suspension, delay or cancellation of a suspension. Perhaps the minister might come into the house and answer this question, putting it on the public record that if he chooses to exercise that power, he will make public the reasons for the suspension or cancellation of a suspension. I think that would be the fair and transparent thing to do and it would instil the necessary confidence of the public in the demerit point system that is deserved.

New section 86H, to be inserted after part 4 of the principal act, gives the minister the power to do this, but again I contend that the community expects that when the minister makes such decisions it should be on balance an appropriate thing to do. I certainly do not question whether or not such a decision may be appropriate — I take that in good faith — but I think it is important that the public is given an assurance by the minister that the decision and the reason for that decision is made public at the time that the decision is made. It still remains quite difficult to understand the circumstances under which a cancellation would be exercised by the minister, and it would be helpful for him to enlighten us as to the possible circumstances that would warrant a cancellation.

This is made more important by virtue of the fact that the bill does not allow for appeals against demerit points accruing. Again, it allows a licensee or permittee to go straight to the minister to get a cancellation, suspension or delay and no public explanation is required to be given by the minister, which could raise some serious questions regarding probity and justice being seen to be done. I choose those words carefully because this is not so much about whether or not a minister may or may not do the right thing; it is about the appearance and therefore the confidence that the public can have in a scheme that is introduced by law. I think that is very important; it goes to the importance of maintaining the integrity of the system and the public's confidence in it.

I also wish to raise that issue in the light of the recently passed legislation which introduced an internal merits review system for liquor licensing. That measure removed the Victorian Civil and Administrative Tribunal from dealing with issues to do with liquor licensing. That function will now be carried out internally through a merits review system. My understanding is that the system is subject to public knowledge and information sharing and that is a good and very important thing. And yet here we have, potentially, a decision of a minister that is not required to be made public. In terms of scrutiny those two things do not sit well together. The minister needs to explain and to place on the record that he will indeed give a public explanation for each occasion when he may exercise this power.

I now turn to the 5-star rating system. This matter was referred to in the coalition's pre-election policy which provided details of the 5-star rating system. However, the bill fails to create that system. What it does is allow for regulations to be made for the system at a future date. The opposition queried this in the departmental briefing and was advised that matters relating to fees are normally contained in regulation. I would have thought that in the second-reading speech the minister would perhaps have referred to a potential commencement date for these regulations to be made available for public scrutiny, but it does not appear that we have that.

I now wish to turn to other matters in the bill. The bill introduces a new wine and beer producer's licence to replace the vigneron's licence. I understand the new licence will allow licensees as wholesalers to supply packaged liquor for on-premises consumption and for sale to the public. Only one licence will be required, which will cover all kinds of supply and sale at authorised primary premises and at retail premises. There are other amendments which seek to clarify

that — for example, a general licence-holder who only conducts packaged liquor sales will be required to have a packaged liquor licence. I understand this is to prevent bottle shops from obtaining the cheap general licence; instead it will require them to obtain a packaged liquor licence.

I now wish to turn to a final element of the bill before I make more general comments. The final element is a small one with respect to the broader objectives of the bill. However, unfortunately the government has slipped it in with very little, if any, community consultation to our knowledge. The bill will provide the new commission with the discretion to decide whether or not to grant a licence to a premises that is primarily used by under-18-year-olds. An example of premises used primarily for people under the age of 18 years could be a school, a junior footy club or a Little Athletics club.

I raise this as a matter of concern in terms of the lack of consultation, and I stress that. Given this government's very loud self-congratulatory commentary surrounding its new laws regarding the secondary supply of alcohol to young people and what it will achieve, I contend that anyone who has followed that discussion would have expected some community consultation regarding this part of the bill; yet to our knowledge they have not been consulted.

I do not necessarily wish to comment on the merits or otherwise of this particular change or discretion that will be provided to the commission because I imagine the commission will exercise that discretion quite reasonably and will take all of the circumstances into consideration. However, I ask the minister to provide some answers to the house before the bill is put to a vote about whether he or his department has undertaken any consultation with the community and stakeholders. Have they written to schools, to junior footy clubs or to Little Athletics clubs? It may well be that this has been done, but we have not been made aware that it has. I believe it would have been salutary for the minister to have done it in order for the community to have proper input into the desirability of this move.

Again, I do not wish to comment on the merits or otherwise of granting this discretion; it is really about understanding and accepting that liquor licensing issues raise many concerns in the community. Sometimes very divisive issues or concerns are raised and sometimes there is no easy way of dealing with issues that arise. However, in the first instance it is important that the community is engaged and consulted about changes that they could rightly have very strong views about. I ask the minister to provide information about

the consultation, if any, that may have occurred with the community and stakeholders.

I also request that the minister provide some information on how the community will be informed of this change once it has been given effect. It is important for the community to understand what circumstances there may be under which the commission may grant discretion for the issuing of a licence. It is very important to get the message clear and straight in the first instance so there is no misunderstanding of the circumstances under which discretion may or may not be granted. I think it is important and it would be helpful for the minister to oblige.

Before I move on to some other related comments I wish to state that the opposition will not be opposing the bill. In the short time I have left I will comment on the recent improvements in relation to liquor licensing and, most importantly, alcohol-related harm, because inevitably the imperative, first-order issue or test relates to the notions of public harm and public good and ensuring that alcohol-related harm is minimised and mitigated.

I will highlight some of the changes over recent years to licensing conditions. Under the previous government a new risk-based licensing structure was created; venues that pose a greater risk of harm now pay higher fees; the freeze on new late night liquor licences in the cities of Melbourne, Stonnington, Port Phillip and Yarra was extended until the end of 2011; a new liquor licensing compliance directorate was established; and at least 30 new compliance inspectors ensure that licensees are meeting all of their legal obligations.

In previous years a doubling of penalties was introduced for supplying liquor to intoxicated persons, for permitting drunken and disorderly persons to remain on licensed premises and for supplying alcohol without a licence. It is now over \$13 000. The maximum penalty for selling alcohol without a licence was increased to over \$24 000 or two years imprisonment. The director of liquor licensing was given new and broader powers to ban, among other things, inappropriate alcohol promotions and advertising, to suspend liquor licences for up to five days, to issue breach notices to licensees who do not comply with the act and licence conditions, to investigate issues that may contribute to alcohol-related harm and to ensure that applicants for liquor licences are suitable to hold a licence.

Other initiatives were the introduction of new conditions for premises holding a licence that has restaurant conditions. Those premises are required to

limit noise after 11.00 p.m. to stop restaurants trading as bars and nightclubs late at night. Also there were improvements to the training framework in relation to the responsible service of alcohol. These were important steps in improving and strengthening the liquor licensing regime with a very clear focus on minimising or reducing alcohol-related harm in our community. At times people became more concerned than usual about alcohol-related harm and violence in the community. A number of these initiatives were a direct, quick response to those concerns.

Other initiatives included improvements to police powers to issue banning orders for troublemakers in entertainment precincts. Police can now ban troublemakers for up to 72 hours — an increase from the initial 24-hour ban that existed post 2006. This was an extension to police powers. Entertainment precincts that had been declared previously included the Melbourne CBD and the surrounding area, Chapel Street in Prahran, the Ballarat central business district, Bendigo, Geelong, Knox, St Kilda, Frankston, Fitzroy, Traralgon and Warrnambool. This happened under the previous government.

I must talk about the Victorian alcohol action plan, which was a first in Australia in terms of a robust and whole-of-government approach to tackling alcohol-related harm in our community. There was a major investment of \$37 million in a long-term strategy for addressing alcohol-related harm. We had a very clear focus on awareness campaigns to change community attitudes and encourage a safe and sensible approach to alcohol use, and there were early intervention and prevention initiatives to encourage problem drinkers to seek help or change their drinking habits. The Quality Care for Alcohol Problems project helps GPs and primary health teams by providing support for specialists who are trained in treating addiction and alcohol-related problems.

The Victorian alcohol action plan included 35 actions in the areas of health, the community, education, liquor licensing and enhanced enforcement. Significant additional work was undertaken to address alcohol-related harm. There was a whole-of-government approach which continues in terms of funding to this date, but we wait with interest to see how this government will treat such an action plan in the future.

I restate that it is important and desirable that the government and the minister oblige us by answering our questions. I hope that before the debate is concluded in the house the minister comes forward for the first time since he has been the minister to answer

some of these questions which, we believe, warrant explanation and responses.

Mr WELLER (Rodney) — It gives me great pleasure to rise this evening to speak in the debate on the Liquor Control Reform Further Amendment Bill 2011. I will make a few comments on the contribution of the member for Mill Park. The member outlined some of the actions that were taken, but under the previous government we saw a knee-jerk reaction to the alcohol-fuelled violence problem. The problem with knee-jerk reactions is that local and small businesses are damaged. In my area we have seen licence fees imposed on small businesses. The Nanneella store, for instance, sold six slabs of beer a week. Its fees went from about \$200 a year to \$1600 a year.

We are coming up to Remembrance Day. Blokes and ladies who have gone away and served their country should be able to have a drink when they have their meeting once a month at the Cohuna RSL. It made \$500 profit a year out of its bar sales, which included the chips, and the fee was \$397 a year.

Mr Wells — They need to sell more chips.

Mr WELLER — They need to sell more chips the minister says, but that was the understanding the previous government did not have when it was implementing new things. It was just a knee-jerk reaction of saying, 'Out goes another one. We will raise another \$20 million, and we will charge all the licensees in Rodney more'. Why? Because it was going to supply more police, but in Rodney we actually lost police because we did not have a high enough crime rate. All the businesses in Rodney were paying extra to try to fund more police, but because they were well behaved and the police we had were doing a sterling job, we lost police, which does not make a lot of sense. It is a pleasure to now have a minister who has a considered approach to making decisions.

Ms D'Ambrosio — Is the member going to speak on the bill?

Mr WELLER — Yes, I am just doing a bit of backgrounding. There are six parts to this bill. Firstly, the 5-star rating system will reward responsible liquor licensees with a discount on their annual liquor licensing renewal fees. There is an incentive for the business to do its job well and properly. Secondly, it introduces a demerit point system applicable to liquor licences, whereby demerit points are incurred for nominated offences. Once the demerit point threshold is met, the licence will be automatically suspended for a set period of time.

The bill also introduces a new licence fee for wine and beer producers to simplify and modernise the existing regulatory regime for vigneron, while in the next part the objects of the act reflect the importance of music to the hospitality industry and the broader community. We saw the rallies on the steps following the knee-jerk reaction by the previous government closing down a lot of our music centres. We are making considered approaches so that we do not have disruptions to the music industry as well. The next part of the bill ensures that licensees that exclusively supply packaged liquor obtain a packaged liquor licence. As the previous speaker noted, the last part makes some minor and technical amendments.

Now I would like to go into some detail about the 5-star rating. All licensees will start with a 3-star rating when the scheme starts; however, the 3-star rating will move to a 4-star rating if there have been no offences in the previous 24 months. Therefore if you have been good for the previous 24 months, you will actually start on a 4-star. Then, if you have no offences in the next 12 months, you achieve the 5-star rating and get all the benefits of a discounted licence fee. If licensees do not comply, they lose their 5-star rating and they lose the discounted fee, so there is a great incentive. We on this side understand how business works. We understand that given an incentive, they will comply; it is the carrot approach and not the stick approach. Offences relate to the serving of minors and intoxicated patrons.

We on this side understand that if you make it clear to licensees that there are incentives for good behaviour, and if you make it clear that the incentive will be a discount and that they will not have their licence suspended, they will abide and we will get good results. Under the demerit point system, liquor licenses will be automatically suspended when the venue accumulates sufficient demerit points. You might ask how many, so I will tell you. Five demerit points within three years will lead to a 24-hour suspension, 10 demerit points within three years will lead to a 7-day suspension and 15 demerit points within three years will lead to a 28-day suspension. Those are very serious suspensions, and they will be an incentive for licensees to do the right thing.

The wine and beer producers licence is very important to my electorate, because the Heathcote wine region is in my electorate. Eighty good growers are members of the Heathcote wine region, and they are a very important part of the region. We need to encourage those sorts of industries. We also have Cape Horn and Tisdall up on the Murray, so I have got excellent wineries all around my electorate. The bill will introduce a new wine and beer producers licence to

replace the existing vigneron licence. The problem was that the vigneron licence has been viewed by industry as being restrictive, complex and not sufficiently flexible to cover all activities undertaken by a modern winery. It also does not cater at all for breweries.

Here again we have a minister who has considered the problems of the industry, and he has put them all into one. We as a Parliament should do that because both sides of this Parliament say they want to reduce red tape, so why would we be asking vigneron to have two different licences? Once again we have this opportunity, and I am pleased the opposition is not opposing it, because it is common sense for one business to have one licence. That licence includes a licence for the vineyard location and where it does its processing, and it can have a retail store within that area or wine region. A winegrower at Colbinabbin, which does not have a lot of through traffic, could actually have a shopfront in Heathcote and sell its wine there, because that is where there are people. It is in the same region, so it could actually do that.

There are also events like art-gallery openings, farmers markets and similar sorts of events. At one stage under the previous government you had to have a licence every time you went to one of those events. In talking to the previous minister we discovered that you could do 12 in a year. Now if you are doing those events under this bill, you have just the one licence and it covers them all, unless they are major events. The bill provides that if you have a certain number of people at an event you have to have a special permit — that is, if there is a large number. For, say, a horse racing event you have to have a special permit, but for the Heathcote food and wine festival you would not need a special licence. Even if you were going to the farmers market on the Alton Reserve in Echuca you would not need to have a licence. It is a practical measure and it has reduced red tape for businesses. I commend the minister for listening to the concerns of the vigneron and providing them with what they needed.

As I have said, the minister has done a very good job in reducing red tape; he has listened to the industry. Giving incentives to businesses rather than using a big stick is a way forward in reducing alcohol-fuelled violence. We will see the results from this without decimating businesses in rural and regional Victoria. When the original grab for \$20 million by the previous government was made it forced some businesses to close because they did not understand the new licensing regime. Members of the Leitchville Footballers Cricket Club had to stop having their beers after cricket because they would have needed a special licence to do so. It

was despicable. After toiling in the field under the hot sun, because the licence fee was so prohibitive, they could no longer have a beer after a game. On those grounds, I commend the bill to the house.

Ms KAIROUZ (Kororoit) — I welcome the opportunity to speak during the debate on the Liquor Control Reform Further Amendment Bill 2011. From the outset I note that this bill is far more substantial than the previous Liquor Control Reform Amendment Bill 2011, which was debated earlier in the current Parliament and which can only be described as a veritable tome of 150 or so words. Nonetheless, and despite my levity, I acknowledge the importance of the main objects of the bill inasmuch as they seek to improve the system under which we license those who produce and/or sell alcohol within the Victorian community.

I also acknowledge that the issue of licensing has been an ongoing community concern not just in Victoria but across New South Wales, Queensland and federal jurisdictions, to name but a few. I note also that each jurisdiction has approached the issue somewhat differently, including the ‘Three strikes and you’re out’ policy for licensed venues in New South Wales. It is instructive to note that the New South Wales legislation was developed following consultation with the liquor industry and key stakeholders over draft legislation introduced into that parliament earlier this year. Submissions were carefully considered to ensure that the final three-strikes scheme would target rogue operators and not adversely impact on responsible licensees. This government could do worse than follow the lead of New South Wales in relation to the consultative nature of the development of its legislation.

The speed with which the government seeks to push through this bill pays scant regard to its importance — a speed which does not afford the opportunity to ensure that the bill is as good as it could be. The importance of how we license producers and purveyors of alcohol, how we deal with transgressions against the act, and most importantly, who is considered fit and proper to have the privilege of being licensed are crucial issues amidst the backdrop of binge drinking and alcohol-fuelled violence in this state and across the country. Researchers say that while evidence suggests a link between violence and alcohol consumption, particularly high levels of consumption, the relationship is not simple or straightforward. Of course the majority of people who consume alcohol do not become violent offenders.

Some aspects of the hotel and entertainment lobby would have you believe that alcohol-fuelled violence

can be pinpointed to those from low socioeconomic areas who head into city nightspots and spoil the fun for everyone else. The reality is, however, quite different. Perpetrators and victims of alcohol-fuelled violence are not limited to the most disadvantaged suburbs and towns. We can all cast our minds back to the many and varied regular news reports where the perpetrator of violence pleads to the judge or magistrate for a more lenient sentence on the basis of being of good character and from a good home, and the crime committed was just so out of character for the accused. Surely all of them could not have come from disadvantaged backgrounds.

Then there is the ‘lock ‘em up’ lobby, whose key plank is simply to lock up every drunk so the problem is solved — until tomorrow night at least. Expert advice tells us that instead we should be focusing on the systemic causes of alcohol abuse, including alcohol supply, price and culture. A West Australian study published in September this year found that:

The link between on-site outlets and violence may be primarily underpinned by negative amenity effects while off-site outlet effects occur via increased availability.

This tells us that the grubbier the venue, the grubbier the behaviour. It follows that to ensure there are well-run venues, licensees must be properly vetted to ensure that those who are unfit to hold a licence are weeded out before they get that opportunity. It also follows that when it becomes clear that by act or omission a licensed venue operator infringes the law, the appropriate penalty should be meted out.

I would hope that the demerit point scheme becomes the subject of ongoing and rigorous examination to ensure that this aspect of the legislation meets its objectives into the future. But that should not be the end of the story. If this government is serious about reform, it should be building on the work of the previous government in relation to the social impacts of the supply of alcohol, in particular the harmful effects of binge drinking and other excessive drinking. The West Australian research that I mentioned previously tells us that the more alcohol sold from off-site outlets the greater the levels of violence which occur in both licensed and residential settings. The study further suggests that:

The substantial and wide-ranging effects of liquor stores on alcohol-related harms may have been underestimated in the literature and by policy-makers.

We as legislators should not underestimate the harm of the proliferation of outlets and should begin to, firstly, understand it and then do something about it. Perhaps we shall soon see in this place a further liquor control

reform further amendment bill. More needs to be done to positively impact on our drinking culture. Where is this government's vision and plan to address the most harmful effects of a culture which congratulates a person who quits smoking yet considers the alcohol abstainer as strange? Where is this government's plan to invest in a future where alcohol is not a given for every situation, place or event?

Before I conclude I must comment on the inclusion within the objects of the legislation of the recognition of the importance of live music. Those who run live music venues must be gratified to have the inclusion, but I imagine that they would be most underwhelmed by what can only be described as a passing mention. I look forward to hearing how this government will give life to this statement in a substantial way. I am grateful for the opportunity to speak on this bill. Labor does not oppose the bill.

Ms ASHER (Minister for Innovation, Services and Small Business) — I wish to make a couple of comments on the Liquor Control Reform Further Amendment Bill 2011 in my capacity as minister for small business and tourism, because there are two elements of this bill that are particularly advantageous to small business and tourism. But before I move on to talking about the 5-star rating and the new wine and beer producers licence I want to make a comment on the previous contribution.

I think it is a bit rich — and I take it the member was not a member of the previous government for 11 years but the ALP was in power for 11 years — to have to listen to a member of the ALP ask 'Where is this government's vision for liquor?' and 'What is it going to do about alcohol-fuelled violence?' when I thought one of the very reasons we are on this side of the house and Labor members are on the other side of the house was in fact a maladministration of liquor licensing laws and a whole range of other law and order issues. It tells me that the Labor Party has learnt nothing from the events of the last year.

As I indicated, I wish to talk about the 5-star rating system and the new wine and beer producers licence. These two elements form part of the honouring of our election promises. Indeed these election promises in terms of the 5-star rating were set out in the *Victorian Liberal Nationals Coalition Plan for Liquor Licensing*. The shadow Minister for Consumer Affairs as he was then, now the minister, set out that we would introduce a 5-star rating system for liquor licensees that would reward responsible liquor licensees with discounts on their annual liquor licensing renewal fees. This policy rewards businesses that do the right thing. This is

saying that we are a government that is incredibly supportive of business overall. Obviously these savings will be particularly advantageous to small businesses. Where a business has done the right thing, there will be a reward mechanism by way of discounts on licences. The details of the 5-star rating system will be prescribed in regulations. All businesses will commence at 3 stars. If members would like to see the direction in which this will go, they need only look at our election policy documentation.

I want to talk particularly about the new licence because this is a very important element, especially for small traders but also for the tourism industry as a whole. The vigneron licence will be replaced by a new wine and beer producers licence. As is outlined in the second-reading speech, and I will not go into detail, the wine and beer producers will now be able to supply their own product to another licensee or to people for off-premises consumption. They can also sell it for on-premises consumption or they can fulfil orders in their various forms. Businesses will also be able to have two addresses, or premises. The second-reading speech outlines the beneficial impact this will have on regional wineries in particular and the advantages to businesses as a whole.

We are also going to see as part of this reform an optional component where for promotional events businesses will be able to have a licence to sell wine by the glass or in sealed bottles, which is important for tourism promotions, festivals and so on. One of a number of benefits of this will be cost savings. If businesses choose to exercise this latter option, the cost of this licence will be the same as for a licence now, which they are currently required to purchase over and over again for different events.

There is also a benefit in terms of reduction in red tape. The Treasurer is in the chamber at the moment. He is responsible for delivering on the government's 25 per cent reduction of red tape commitment, and the Minister for Consumer Affairs has already made progress in this regard. Instead of having multiple applications for every single food and wine show, local event or whatever, now businesses will have the option of applying for one licence. As I said, this is of great value to tourism as well as to individual small businesses.

I want to refer to the Victorian Food and Wine Tourism Council, which is a council that has been established for many years in various forms to advise the Minister for Tourism and Major Events and Tourism Victoria about wine and food tourism. The key issue that was raised with me in my first meeting with the food and wine

tourism council was that it wanted a liquor licence regime that is conducive to a food and wine dining culture. This bill delivers on that particular request.

Food and wine tourism is a very important product strength of Victoria. It has been a product strength for Melbourne for many years. Indeed the Roy Morgan branding survey shows that Melbourne consistently comes up right at the top in terms of recognition of food and wine products. Over many years these product strengths have developed in regional Victoria, which is in many instances where food and wine is produced. Regional Victoria is now able to brand itself. That is why these reforms, as articulated in this bill, will be of significant benefit to tourism.

If we look at the 2008 *Victorian Wineries Tourism Activity Survey*, we find out that the estimated economic value of the Victorian winery industry was \$822.8 million. Total estimated turnover at Victorian wineries from all channels was estimated at \$417 million. Almost 6250 people were estimated to be employed within the wine industry, and total tourism expenditure by visitors at Victorian wineries was estimated at just over \$181 million.

The licence introduced in this bill will make it easier for these businesses to promote their wine at more events and it will allow this promotion to be at lesser cost and greater convenience, and that is to be applauded. In terms of domestic and international visitation at wineries the tourism effects overall are very significant. In terms of domestic visitation the number of overnight visitors visiting a winery on a trip to Victoria is 513 000, making over 1.9 million visitor nights. In terms of daytrip domestic visitors there are 540 000 visiting wineries. In terms of international visitors, which is a very important part of our economy at the moment, we are seeing within Victoria 276 000 overnight international visitors who will make a trip to a winery, and in terms of visitor nights there are over 8 million visitor nights where those visitors visit a winery as part of their tourism experience in Victoria. Wine visitors represent 18 per cent of all international visitors to the state. I am quoting from the market profile for the year ending 2009 from Tourism Victoria.

Again, this is a hugely important part of the market and a part of the tourist market that I would like to see grow. It may interest members that the international tourists are in the age groups of 25 to 44 years or 45 to 64 years. In terms of their expenditure patterns these older people have the potential for a significant economic injection into regional economies and indeed Melbourne. Intrastate visitors make up the main proportion of winery tourism, accounting for 70 per

cent, so it is very important we people from Melbourne go out and patronise regional wineries. Interstate visitors make up 30 per cent of the total number of domestic visitors to wineries.

In conclusion, this is a very important bill for the tourism and small business portfolios. It will result in a cheaper licensing regime for businesses wishing to participate in the new licence system. It will result in less paperwork because people will be filling out one application, not multiple applications. This is a growing and important segment of the economy, and I am very pleased the Baillieu government has been so responsive to the needs of business and the tourism community in bringing forward this bill.

Mr MADDEN (Essendon) — In rising to speak on this bill, following the contributions of a number of members, I look forward to its successful application, should it deliver on what has been promised in the chamber today.

There is no doubt that the issue this bill relates to was a touchtone issue for the previous government in its latter years of government. A number of things contributed to that. There was a rising acknowledgement — or certainly an acknowledgement — within the community that alcohol and the prevalence of overindulgence in alcohol was a significant community issue. I think we all feel that way. Fear was often heightened by security camera footage of violent incidents; that reinforced the fear factor for people. The incidents played out on surveillance cameras might have been very acute ones, and I think their repetition over and over on the nightly news programs had a very significant impact in terms of the community's perceptions of alcohol abuse and violent behaviour in and around venues that serve alcohol.

There is also no doubt there is an issue about the concentration of venues. What we have seen — and this is very much just to do with the development of the city — is that many of the sorts of entertainment outlets that might have been distributed around the suburbs over the years have become concentrated in and around major activity centres. Where you might once have had bigger venues in Frankston, Balwyn or such places, and they might have been big pubs where bands would have played, with lots of young people attending, there are now not as many such venues. Instead we have a concentration of nightclub venues in and around activity centres or city centres.

Mr McGuire interjected.

Mr MADDEN — Yes, so the old beer barns of the suburbs do not exist to the extent that they might have. We have a concentration of venues in various locations, either in regional towns or in the city. Of course there will be incidents where there is a concentration of those venues. We sought to give councils controls so they would have more discretion about the location of venues in and around some of these centres.

A consistent theme here — and we have seen this in a number of bills that have come before this house — is the changing nature of the way people consume substances such as drugs and alcohol and the prevalence of people wanting to indulge more consistently and to overindulge in some shape or form. There may be myriad social reasons people feel compelled to escape the daily grind by overindulging. I have mentioned before that it might be the stresses or the pace of life, but it might also be mental health issues. People who are confronted with anxiety or depression — and they are prevalent — may seek to try to counterbalance their impact by overindulging in substances, of which alcohol might be one.

We have also seen the establishment, development and prevalence of bulk discount liquor centres. The example I give is of one which came about when I was Minister for Planning and which I had no ability to influence in any particular way. There was a shopping centre — I think it was over in Balwyn or somewhere — which had one of the major retailers' supermarkets, I think it was, which was the linchpin of this little neighbourhood's community shopping centre. The supermarket, as I say, was part of a major food chain, and the chain decided to close down the supermarket and turn it into a major liquor retail outlet. That would have had a direct impact on the nature of retailing in that precinct. A number of those retailers came to me and said, 'Look, can't you stop this?'. As the planning minister I did not have the ability to determine what sort of retailing took place in what sort of retail outlets in that instance.

What you are likely to see in that instance is people buying liquor in bulk at that location. Members may consider, too, that buying in bulk allows people to buy a lot more alcohol at a cheaper rate per unit. That also encourages young people to take up what is known as pre-loading. Pre-loading is the practice whereby, because of the cost to young people of buying drinks at a nightclub over a long period of time, which involves taking a lot of money out of their pockets, they tend not to arrive at the nightclub at 9.00 p.m. and stay there for 5 or 6 hours but to arrive a lot later, having loaded up on bulk discount alcohol off site, sometimes in streets in and around the centres where these bulk discount

retailers are. They then have to get from those places to the nightclubs, well and truly primed, and queue up on the street outside the venue, already, as I say, having overindulged in alcohol —

Ms Wreford — On a point of order, Speaker, I ask that you bring the member back to the bill. Talking about pre-loading does not seem to have anything to do with this legislation.

Honourable members interjecting.

Ms Wreford — I have heard nothing about the bill so far.

The ACTING SPEAKER (Mr Blackwood) — Order! I do not uphold the point of order, but I ask the member to come back to the bill.

Mr MADDEN — The point I am trying to make, if it is not clear to the member opposite, is that I do not believe the control is in the bill. It might give advantage to the tourism and vineyard industries, as we heard from the member for Brighton, but it will not solve the pre-loading issues as people go from one venue to another. What is going to happen is that the issues will be outside the venues, not necessarily inside the venues.

An honourable member interjected.

Mr MADDEN — My criticism of those bills was similar in that it is not necessarily going to fix the inherent problem. It is really a bit of window-dressing, tinkering at the edges. One of my major concerns — and we have seen this with a number of bills that have come from this minister — is that the minister has left himself a fair amount of discretion with each one of the bills that has been presented before the house. Under this bill the Minister for Consumer Affairs is able to suspend a suspension. That is a dangerous power for a minister to have. It might be warranted, but unless there are guidelines or directions around those sorts of interventions by a minister, he will be lobbied very heavily. He will feel a lot of pressure from external sources. As well as that, it will allow the department to get off the hook in terms of giving advice to the minister.

We have seen it with not only this bill but also the Victorian Responsible Gambling Foundation Bill 2011, with the minister being able to give directions to a foundation which has been made out to be independent; the Gambling Regulation Amendment (Licensing) Bill 2011, under which you cannot insult the minister; and the mining and resources bill under which the minister is able to direct the department to undertake surveys for the potential exploration of land. The common theme of

these bills is that the minister has left himself discretion. Discretion is not a bad thing, but if you do not have the guidelines around that discretion, you are going to be heavily lobbied. More importantly, that discretion often allows the department to get off the hook in terms of providing comprehensive and sound advice.

From time to time if the department is not sure what the minister's view may or may not be on a particular issue, rather than provide the advice, the department says it will leave it to the minister. I saw that very early in my career when I first came into Parliament and was the Minister assisting the Minister for Planning. At the time the department would come to the planning minister and say, 'We don't have any specific advice on this; you direct us'. What was made clear was that the minister expected advice for consideration and direction, if needed. What I am concerned about — something which is consistent in all the bills this minister has presented to this chamber — is that the discretion is without guidelines. I suspect that that will come back and bite the minister and this government on the backside in the near future. With those few words, we will not oppose the bill.

Ms WREFORD (Mordialloc) — I rise in support of the Liquor Control Reform Further Amendment Bill 2011. This bill is the next significant step in fixing up and modernising Victoria's liquor control regime. It delivers on an important election promise to rate licensees so that they can be rewarded or penalised as appropriate. It recognises the importance of live music to Melbourne, which is very much part of the Melbourne culture. It makes the legislation more representative of modern Victoria's winery and brewery businesses. It fixes a string of flaws in the old legislation.

This bill is very worthwhile. It follows on from and builds on the gains already made through our secondary supply legislation and the Justice Legislation Amendment Bill 2011 implemented earlier this year. It is fair to say that our predecessor, the Labor government, made a gigantic botch of all things liquor licensing related. Everything it tried turned to chaos and nothing worked. It had a knee-jerk reaction to anything that was related to liquor licensing. Labor's attitude to liquor licensing was that the problems were the venues' fault rather than the consumers' fault. It just assumed that most venue operators were bad, without having any understanding of the causes of the genuine problems, any real solutions or any understanding of how businesses work.

The fact of the matter is that businesses do not want violence on their premises, and they do want to play

their part if they are provided with the right tools. This legislation provides some of those tools. Earlier in the year we started the process with the Justice Legislation Amendment Bill 2011. That bill gave licensees and police tools to prevent troublemakers from accessing venues and put the onus back on the patrons to behave themselves, and has it not worked a treat! You no longer see what we saw in the media 12 months to 2 years ago, and we are keen to keep it that way and to make further improvements.

The next stage of the process, which is what this legislation brings to the table, is the recognition of the good work of good licensees who work hard to prevent trouble in their venues. The bill penalises any remaining rogue licensees who will not or cannot manage the behaviour of troublesome patrons in their venues. Specifically this legislation introduces a 5-star rating system, which will reward responsible liquor licensees with discounts on their annual liquor licensing renewal fees. The bill introduces a demerit point system applicable to liquor licensees, where demerit points are incurred for nominated offences. Once the demerit point threshold is met the licence will be automatically suspended for a set period of time.

The bill reflects the importance of live music to the hospitality industry and the broader community. It introduces a new category of licence for wine and beer producers to simplify and modernise the existing regulatory regime for wine producers. It will ensure that licensees that exclusively supply packaged liquor obtain packaged liquor licences. It also makes a number of other minor and technical amendments.

I will start with the 5-star rating. Under this legislation all venues start with three stars. Once the system is implemented those venues without infringements in the previous 24 months will move to a 4-star rating and can move to a 5-star rating 12 months after that. That is when they will receive discounts on their liquor licensing fees.

The regime comes with a demerit point system. If a venue is found to be serving minors, has intoxicated patrons present or there are any other non-compliance incidents, it will lose points. A non-compliance incident will incur one demerit point. A non-compliance incident is one where there is a paid infringement, successful prosecution or unpaid infringements where enforcement orders are issued. When significant demerit points are gained, the venue's licence will be suspended. The Victorian Commission for Gambling and Liquor Regulation will operate the demerit point register, and it will be published. If a venue receives five demerit points in three years, it will receive a 24-

hour suspension. If it gets 10 demerit points, it will be suspended for 7 days, and 15 points earns a venue a 28-day suspension. The suspension must occur on the same day of the week as the final demerit is accrued. It is a good system that makes the rules clear and applies appropriate punishments and also appropriate incentives.

This bill also recognises that live music in licensed venues is a valued and important part of Victoria's hospitality industry and culture generally. It does that by amending the object of the act. The industry generates talented performers and many hospitality jobs. So many of Australia's favourite bands and performers have learnt their craft at places like the Espy, the Tote, the Corner and even at the local pub. These are places that are famous all around Australia for what they have done for the local industry. They are synonymous with Melbourne's culture and need to be better considered in licensing decisions than they were under the previous government. This bill also introduces a wine and beer producers licence that will simplify and modernise the law and appropriately allow for modern practices.

Wineries and breweries are not what they used to be; they have changed. One operator can perform in ways that the old licensing regulations could not adapt to. The old model did not account for breweries at all. A modern brewery or winery does not necessarily fit the traditional model. It might have cellar door sales, online sales, a function centre, secondary locations and more.

This bill allows for two premises — primary and secondary. One might be a production site, like a vineyard, and might be home to some or all of the activities mentioned previously; the second location might be in a town and host any or all of the aforementioned activities, but not the vineyard. This arrangement will be a lot more straightforward and reduce the licensing burden. There are also provisions for producers to attend promotional events where their new licence will allow them to participate in the event and provide takeaway glasses or sealed bottles without requiring yet another licence. We will have a reduction in red tape.

This bill also fixes a flaw in the packaged liquor licensing regime. Currently businesses trading under a general liquor licence could exclusively sell packaged liquor. For all intents and purposes a licensee could morph into a bottle shop over time and continue to operate under their cheaper general licence when clearly they should be operating under a packaged liquor licence. The bill also makes a few minor and technical amendments.

In summary this bill is the next step in fixing Labor's liquor licensing disaster. It introduces a 5-star rating system that penalises bad licensees and rewards good ones. It introduces a demerit point system that automatically imposes licence suspensions, and it recognises the importance of live music. It introduces a modern wine and beer producers licence, ensures that packaged liquor suppliers are operating on an appropriate licence and makes a number of other minor and technical amendments.

This bill is consistent with other principles underpinning this government's approach to liquor licensing, in particular preventing the misuse of alcohol, targeting those who are most likely to cause harm and conducting vigorous enforcement to deter those who might break the law. It definitely reflects community attitudes. This is another good, common-sense policy delivered by this government, and I commend this bill to the house.

Mr HOWARD (Ballarat East) — I am pleased to add my comments in regard to the Liquor Control Reform Further Amendment Bill 2011 that is before the house. As members have heard, this side of the house does not oppose this bill. When you read some of the material relating to the bill it does seem as though it is quite sensible, but there is a lot of detail missing from this bill, so the jury is clearly very much out on it.

Some of the rhetoric associated with this bill when it was introduced by the government said, 'This is very important new legislation. It fits in with our pre-election promises to bring in strong, tough new powers and tougher fines to combat public drunkenness and maintain public order'. However, when you actually read the detail of the bill you can see that that is not what the bill is about at all.

This bill does propose what seem to me to be some common-sense and innovative ideas. This 5-star rating system that we have heard about recognises that for licensees who do the right thing there is an opportunity for licence fees to be reduced. If in fact they do the wrong thing, there is the likelihood that their licence fees will increase. The bill's second-reading speech goes into some detail — or at least talks for some time — about the 5-star rating system, which is the great new plan of the government. If you read on a little bit further, you see it says, 'However, the details of the 5-star rating system are not contained in the bill. Rather, the bill creates a new regulation-making power so that the details of the 5-star rating scheme can be prescribed in the Liquor Control Reform Regulations 2009'. However, it does not give us the detail of how this 5-star rating is going to work; we just know that this new

concept, which appears to be innovative, is going to be introduced, but the detail is not there.

We also see that the government is introducing a demerit point system for non-compliance or for circumstances where licensees do not appear to be doing the right thing in allowing people who are already intoxicated to continue to drink on their premises and allowing under-age people to be drinking on the premises. Again the concept seems sound, but we do not get any detail about what has to have happened on your site for demerit points to be accrued. There is not a lot of detail in the bill, but I have to accept at this stage, from the information that is before us, that it seems as though it is a reasonable new idea to try. Obviously the concept of providing incentives for licensees to do the right thing is something that I would welcome.

The part of the bill that I also welcome and that I believe the liquor control commissioner has recommended through the review of licences is the provision of a single licence for vigneron and beer producers. I have a number of wineries in my electorate, and I know producers have in the past been frustrated by the fact that they have had to get up to three licences to be able to sell liquor on their premises. While there were arrangements that they could make that would reduce the number of licences they needed, this new proposal does appear to make good sense in that they will now only need to have one licence and will be able, on top of that, to gain extra authorisation to attend promotional events and sell their wine at promotional events in an unlimited capacity rather than having to apply for additional licences for such events. I trust that this is going to work well for vigneron and people within my electorate, but, again we have to wait to see how the government follows through in regard to the information provided in the second-reading speech and the detail of the bill itself.

Opposition members have noted the comment made by many government members that the part of the legislation that promotes live music is a wonderful addition, yet in the second-reading speech there is one paragraph which simply says, 'We're saying that live music is encouraged'. It does not say how it is encouraged or anything more than that, but the government has got some text in the bill that says that live music is encouraged. The legislation does not really do much in that area that anybody can see at this stage. I look forward to hearing more detail as the government finally works out what it is actually going to do on that score. At this stage it seems like a half-cocked gesture by the government, and I would like to

see more done to promote live music at venues, which is what the government says it intends to do.

The bill also talks about tidying up the licensing arrangements as they relate to packaged liquor and overcoming the perceived unfair advantage of general licensees who do not have to pay packaged liquor licence fees. That might be an improvement.

I want to take up a few points that were made earlier. The member for Kororoit pointed out that this bill, like the rhetoric of the government that we have heard so far about getting tough on alcohol, getting tough on people who are drinking antisocially, addressing the issue of the abuse of alcohol and so on, does not appear to have a vision defined in it. The bill appears to be sound, but there is no vision articulated in it.

Following the member for Kororoit's having noted this point, the Minister for Innovation, Services and Small Business got up and said how dreadful it was that the member for Kororoit had said such a thing. I noticed that she did not actually then in any way explain what the government's vision was in regard to a broader strategy to tackle antisocial drinking and so on. She simply wanted to attack the member for Kororoit in regard to the actions of the last government, and again she did not really get into detailing what those were, because the last government did do significant work to try to develop a long-term strategy in regard to alcohol and antisocial behaviour associated with alcohol and over-drinking. For example, we released a \$37 million long-term strategy in 2008, which looked at a very broad range of areas, including education and awareness issues, to try to change community attitudes in regard to drinking.

There was a great program — it continues to operate, I am pleased to see — through which sporting clubs recognise they have a responsibility to promote appropriate drinking practices through their club activities, not the inappropriate drinking practices we have seen so much of in the past. It is a great education program that the former government developed and put in place. I was pleased to be involved in the Championship Moves program, for example, at the Ballarat Cup last year and the year before, which promoted a strategy whereby people would support their mates when they were out drinking. That program presented a range of strategies to try to help support young people who were vulnerable in situations where they might be encouraged to drink too much.

We also looked at the issue within Ballarat of safer city taxi ranks, which the government also supported in many other centres around the state. We increased

police powers and the ability of police to address the issue of people doing the wrong thing by bringing in banning notices in certain areas — for example, in the Ballarat central business district. So there was a strong, long-term vision established by the former government to actually look at the underlying issues of alcoholism and alcohol-related antisocial behaviour, and I hope the new government will continue with a number of those programs. However, it has not articulated that it will at this stage.

What we have in the bill before the house appears to be sound, as I said, but the jury is still out because much of the detail is not contained in the bill itself. It will be contained in the regulations that follow, and it will relate only to the issue of liquor licensing. It appears to me to be a sound approach, but what I want to see, what the people of my electorate want to see and what the state wants to see is an ongoing educational program that addresses community values associated with liquor. I look forward to the new government actually presenting some sort of vision in the future. That is certainly something that my constituents want to see.

Ms RYALL (Mitcham) — It is a pleasure to rise and speak in the debate on the Liquor Control Reform Amendment Bill 2011. This bill delivers on the coalition government's strong stance on the responsible service, consumption and sale of alcohol and alcoholic products in this state and makes further changes to the liquor licensing laws by enhancing the Liquor Control Reform Act 1998. With nearly 20 000 liquor licences operating in Victoria, this is about getting liquor licensing laws right. That is paramount for the industry and for the public.

This bill will deliver for liquor licence-holders what has been missing in this area for so long and what they have been calling for for so long — that is, certainty and proper risk management. They want certainty in relation to what licence-holders' obligations are under the law. They want certainty about the licensing fee structure and to know that it will be fair across the board — that it will be fairer for those premises, like the ones in my electorate of Mitcham, that are law abiding and will contain fairer punishments for those venues that deliberately or continually flout the law.

The bill seeks to amend the Liquor Control Reform Act 1998 to establish a rating system and demerit point system for liquor licensees that will finally put an end to Labor's disjointed and fragmented regulation of liquor licensing in the state of Victoria. Public confidence in the Labor government's handling of liquor licensing was not exactly exemplary. In fact it hit rock bottom in the dying days of Labor's reign

following a series of knee-jerk reactions and political stunts. The former police minister cruised the streets of Melbourne in a decked-out Hummer, and the former government's massive and unfair licence fee grab failed to tackle the tide of alcohol-related violence that had swamped Victoria in recent years. The issue was that the former Labor government had no idea of risk management and no idea about small business.

While browsing the net I came across an archived website of the former Labor Premier. A page of his website dated 20 May 2010 tells us that the former government was taking action to establish a fairer liquor licensing system to recover the real cost of regulation in this industry. It is interesting to note what Labor was really about — a money grab. Labor took a blanket approach of using a big stick for everybody to fund its waste and mismanagement in the state of Victoria. There was no incentive for business. Members of the former government boasted of 23 691 inspections to educate licensees in relation to the licensing laws. As far as I am concerned, that is just funding bureaucracy as opposed to educating and putting in place licensing laws that people can understand, a demerit point system and incentives and encouragement that people can easily understand. These measures are easily implemented in law and create incentives for businesses.

This approach contrasts with the approach taken by the former government, as reported by the *7.30 Report* of 19 January 2010, which referred to Labor's laws being aimed at curbing alcohol-related violence across the state but having the unwanted side effect of forcing small venues to close or change the way they did business. These laws had already been blamed for the demise of one of Melbourne's most revered music venues, the Tote Hotel. We all remember that.

On the subject of the live music industry, I absolutely love live music, and Labor's laws were detrimental to that industry and disenfranchised the people involved in it. Those laws also made it very difficult for live music venues and licensees to function. The consequences were not unforeseen; they were absolutely foreseeable. The former member for Mitcham, the then Minister for Consumer Affairs, and the former Premier should have been able to foresee the consequences and the impact on business. It takes a coalition government on this side of the house to bring in sensible laws which do not disenfranchise small business and which encourage the industry to operate and function. It is this government that encourages people to run small businesses and introduces laws that are appropriate and allow them to function while at the same time encouraging responsible action by applying the use of incentives and

disincentives so that small businesses perform well and abide by the law.

Liquor licensing reform is about changing culture, something those in the former Labor government failed to understand. That government took a big-stick approach and applied the big stick to everybody. As the member for Rodney mentioned earlier, the former government stripped community group members of their ability to even have a beer after a game of cricket. Members of small community groups, such as a small RSL club, who wanted to enjoy a tippie or a drink with their friends were unable to do so because of the rapacious fees they were charged to hold liquor licences.

These laws should be easily understood by those charged with enforcing them, and they should be sufficiently enforced so that the licensees and patrons take these laws seriously, understand them and apply them. This bill ensures that will happen. To put it simply, this legislation is about being fair and not punishing those licence-holders who run good, law-abiding businesses. This legislation will also make sure that those who do not abide by the law are punished accordingly. Those who obey the laws will be rewarded with cheaper fees, which will make it easier for them to continue their business. However, this legislation will make it harder for those who do not obey the law by introducing penalties that will make it harder for them to function. That is what we want: disincentives for those who do not obey the law and incentives for those who do.

The aim of this bill is to deliver further simplicity to liquor licensees and to restore confidence in the public that the system works, because it is not just venues and patrons of these venues who are affected by the results of alcohol abuse and misuse, it is also the public. You only have to think of the residents in the vicinity of licensed premises who have had to put up with broken bottles outside their houses after people have had a night on the town. People have had to fix damage to their businesses as a result of drunken louts leaving licensed premises in the small hours of the morning. The potential for widespread harm from the abuse of alcohol means the entire community has an interest in the responsible regulation of liquor licensing. The Liquor Control Reform Further Amendment Bill 2011 aims to minimise the misuse of alcohol rather than deal with the consequences of alcohol misuse.

Other states have also taken steps to reform their liquor licensing laws to address community concerns, particularly surrounding antisocial behaviour. However, it is important that those premises responsible for the

serving of alcohol are rewarded for their efforts in keeping the community safe when they serve and sell alcohol in the right way. The liquor licensing fees of the former Labor government hit businesses — clubs, pubs and hotels — in the electorate of Mitcham hard. I recall being contacted by some people in those small businesses, particularly small businesses such as small bottle shops, who were struggling to maintain their business. Some of these were small family businesses run by two people and they had to pay exorbitant fees which robbed them of any profit margin that they might have had if that system had not been introduced.

It is good to see that small businesses such as these are to be rewarded for their good management and good outcomes as opposed to being ripped off in a money-grabbing stunt on the part of the former Labor government. That government was about hitting everyone with a big stick and making it more difficult for small business with its attempt to enforce huge fees across the board. The 5-star rating system will enable a licensee to obtain a discount on their annual licence fees if they comply with relevant regulations.

In summary, live music venues, such as the Tote Hotel in Collingwood, were facing the prospect of being forced to close. We need to turn things around and give incentives to our live music industry, which is great for economic outcomes in this state. The bill recognises that live music is an integral part of the arts and entertainment scene in Victoria. Having said that, I commend the Minister for Consumer Affairs for his great work and his vision across this area, and I commend the bill to the house.

Mr LIM (Clayton) — I am very pleased to rise to speak on the Liquor Control Reform Further Amendment Bill 2011, which amends the Liquor Control Reform Act 1998. At the outset let me say I am going to be pretty negative in my contribution. I understand that members of the opposition do not oppose this bill, but a critical eye needs to be cast over the bill, particularly in regard to the administration of the suspension of liquor licences and in regard to the so-called election commitment made by the Liberal Party. In his second-reading speech the Minister for Consumer Affairs made a big deal of this bill implementing his party's election promises on liquor licensing; however, when the bill is tested against the election policy, the minister's claim comes up short, and I will point out where to the house.

The bill amends the Liquor Control Reform Act 1998 by introducing a demerit point system for licensees and permittees, introducing a new licence type for wine and beer producers, recognising the importance of live

music in the purpose of the act and making other minor and technical amendments accordingly.

A night out with friends and family, good food, pleasant company and a couple of drinks in moderation are what make for many people a relaxing and enjoyable experience. However, so often what should be a healthy social situation can turn into something much uglier with the abuse of alcohol, and we have heard plenty about that. Serving liquor to those severely intoxicated and sometimes also high on drugs can lead to violence, including, literally, homicide. The residential amenity of local neighbourhoods can be adversely affected, and of course children are particularly vulnerable to under-age serving of alcohol.

That is why legislation needs to promote the responsible serving of alcohol and be tough on those licensees who breach their responsibilities. Presumably this is what the Liberal Party had in mind at the last state election. The Liberal Party's election policy at the 2010 state elections was titled 'The Victorian Liberal Nationals coalition plan for liquor licensing'. It promised a new approach. The heading on page 8 of the plan reads:

A new approach to liquor licence infringements — demerit points.

The Liberals went on to say on page 8 of their plan:

A Liberal-Nationals coalition government will:

establish a driver demerit points-style system applicable to liquor licences.

The system will feature gradations of points depending on the seriousness of the offence. So, for example, serving a minor would carry more points than serving an intoxicated adult.

Each licence will have point numbers allocated depending on the class of licence, size of venue and any other relevant risk factors.

One is then entitled to assume, given that one motorist might get an on-the-spot fine for exceeding the speed limit by, say, 5 kilometres per hour and another might have their licence suspended and lose their vehicle for doing 40 kilometres per hour over the limit, that a harder line would be taken with a licensee who served alcohol to a child. However, this is not the case, and it is clearly a broken promise. There is no distinction between the type of offence and the type of licence.

The next broken promise takes us into dangerous territory. The Liberal Party also promised on page 9 of its plan that:

Demerit point thresholds will be set for different licence types. Reaching each threshold will automatically trigger

liquor licence suspensions of 24 hours, 7 days or 28 days. No appeal will be possible.

However, this is not the case, as the bill provides the minister with the power to cancel or delay the suspension. Imagine giving the Minister for Police and Emergency Services the power to cancel drivers licence suspensions as of now. As I said, this is dangerous territory and reflects the 'born to rule' attitude of those on the other side of the chamber. The administering and review of penalties should be kept well away from politicians. Think about 1980s Queensland; think about separation of powers. Any appeal against a penalty, if there is to be one, should only take place on a judicial or tribunal basis and certainly not be administered by politicians. We certainly would not want the Minister for Planning administering appeals against liquor licence suspensions. What if the licensee were a Queensland Liberal Party president?

The final comment I would make is that much of what relates to fees, such as the 5-star system, discounts for good records and the loss of ratings for bad records, will be dealt with by regulation. Therefore it needs to be said that this house cannot easily examine the impact of fee changes on licensees. While the government is always responsible for the impact of its legislation, that is particularly the case with this bill. I rest my case.

Mr SOUTHWICK (Caulfield) — I rise to speak on the Liquor Control Reform Further Amendment Bill 2011. It is a pleasure to be standing here today talking about another government election commitment. We have been consistent in our approach to cleaning the mess left behind by the opposition, and it should be noted that a number of bills that have already passed through this house have dealt with the very concerning issue of alcohol abuse. This is a comprehensive problem that has been identified over a number of years, but unfortunately it is an issue that has been left lying idle by the previous government, which failed to deliver in a number of areas. Poor planning, poor resourcing and poor administration in relation to the enforcement of the liquor licensing regime has contributed to shocking levels of alcohol-related violence in Victoria. We have all seen it. We have seen the loss of consumer confidence. People do not feel safe on our streets and in our licensed venues.

This legislation is about cleaning up the industry. Simply put, it rewards businesses that do the right thing and penalises those that do not. That is what we should be all about — rewarding people who want to make a go of things. We have some 20 000 liquor licensees in Victoria, a significant number of people. Many of them run small businesses and struggle in our current

economic climate. They want to do the right thing, and we are setting up a great framework for them to move forward and do exactly that.

There are a number of things I would like to comment on today. Firstly, there is the element of the 5-star rating approach, which will assist in cleaning up the industry. Quite often governments of all shapes and sizes look at penalising people, and I am proud that our government has looked at rewarding venues that do the right thing through this 5-star rating system.

I would like to draw on an example in my electorate of Caulfield. We have a great race track at Caulfield, which is administered by the Melbourne Racing Club. A number of events are hosted there, including the Caulfield Cup. During the 2010 event, just before the last election, there were horrific breaches of the liquor licensing regulations. Many minors were served alcohol. Police arrested some 37 patrons for being drunk in a public place and other offences, issued 32 infringement notices and evicted 27 patrons. Many were minors, and many exhibited a lot of drunken behaviour through the streets of Caulfield.

I commend the swift efforts of the Victoria Police, the Melbourne Racing Club and the coalition since entering government in getting together and looking at how they can repair some of the damage done and tighten the system. There was nowhere near that level of activity at the Caulfield Cup just gone. There was a much better tolerated system, which will continue under the legislation we are debating.

In this instance, for example, Glen Eira police Acting Superintendent Steve Clark met with the Melbourne Racing Club and they worked closely together to create safety strategies. He said most people celebrating will do it responsibly, but the small minority who behave in an antisocial manner should take note that such behaviour will not be tolerated. That is what this is really all about — not tolerating bad behaviour. In this instance, the Melbourne Racing Club has worked with police and government to do the right thing. Hopefully under this new law the club would be rewarded for that by being given a 5-star rating. I give credit to it for what it has done and hope that many others in my electorate will do the same and that the club can continue to work towards a credit and a 5-star rating.

On the 5-star rating, a liquor accord forum was hosted by the City of Port Phillip on 4 October. It featured six guest speakers — the mayor; the president of the accord, Jonathan Sherren; the director of liquor licensing; and representatives from Victoria Police and the Fitzroy Street Traders Association. They discussed

safe bar training, the responsible service of alcohol and in particular the introduction of the 5-star rating system. This is what we are talking about: traders coming together, discussing the issues and working on best practice — achieving a 5-star rating — and learning from one another in implementing such strategies. This sort of behaviour should be commended. I will write to the City of Port Phillip commending it for this and encouraging it to conduct more such activities.

There is no doubt that there are people who will not do the right thing, and for them there will be a demerit point system. This system will ensure that bad behaviour will ultimately result in suspension of a venue's liquor licence. It has a number of different levels — 5 demerit points will lead to a 24-hour suspension; 10 demerit points will lead to a 7-day suspension; and 15 demerit points will lead to a 28-day suspension. To be quite frank, as a business owner I know that a 28-day suspension would probably put a business owner out of business, particularly in this industry, and so it should because this sort of behaviour should not be tolerated and will not be tolerated under this government.

We have also introduced a new category of licence for wine and beer producers to simplify and modernise the existing regulatory regime for them. This is important because it cuts red tape. It means wine and beer producers do not have to go through multiple systems of licensing, which is a disincentive for many small businesses and start-ups. This change encourages them to get on with the job of doing business. The government has committed to a 25 per cent reduction in red tape over four years, and this is the sort of initiative we are looking at undertaking. This initiative only applies to one business category, but it is a proactive step in cutting red tape. We all talk about cutting red tape for small business; this is an example of actually doing that.

I want to talk about the live music element. The bill is a response to the importance of live music to the hospitality industry and the broader community. It will ensure that live music is an ongoing consideration in relation to all liquor licensing decisions. I was not in the Parliament at the time, but we all remember the big protest about this on Spring Street. We heard the great music of the Rockwiz Orchestra, which played AC/DC's *It's a Long Way to the Top (If You Wanna Rock 'n' Roll)* from the album *T.N.T.*, getting music lovers together outside Parliament. That is what it is all about — celebrating good music and encouraging good behaviour. I am glad we are addressing this issue and ensuring that live music retains its important place in Victoria and Victoria's venues.

The bill makes a number of minor amendments. The bill requires licensees that exclusively supply packaged liquor to obtain packaged liquor licences, which is important.

This is a good bill. It is one of many we have introduced to address issues around liquor licensing. We have looked at other measures, such as drunk and disorderly offences, suspending people and barring people from venues. This bill complements these measures and goes one step further. What we are doing is delivering sensible legislation and ensuring that Victorians feel safe in licensed venues and on the streets. I commend the bill to the house.

Mr PANDAZOPOULOS (Dandenong) — It is a pleasure to speak on the Liquor Control Reform Further Amendment Bill 2011. My first point is that the opposition will not be opposing the bill, although we note that the bill does not literally enact the election policy the coalition promoted. Nonetheless, the first thing we need to say when we are debating legislation about alcohol consumption in Victoria is that most people consume alcohol responsibly. Most people are not out trying to get drunk, violent or aggressive with other people; they are out socialising.

It is also important to note that there are many countries in the world that have as high an alcohol consumption rate as we do, and sometimes an even higher alcohol consumption rate, but they have less antisocial behaviour than we see sometimes on our streets. I think it is worthwhile pondering some of those sorts of issues. I think when we travel to other countries we note that consumption outcomes are a bit different. In places like Greece you can go to a nightclub where there is a top singer. There can be 1000 people and bottles of scotch and vodka, but people can get up on the stage and dance with the singer without a fight and without people having a go at each other because someone was looking at their girlfriend in a certain way or any of that sort of stuff. Unfortunately those are some of the problems and incidents we see on our streets. People want to have a bit of biff, normally with another bloke, over some sort of incident like that because there is a bit of aggro in them. At the end of the day people have gripes, but they should not express them through their alcohol consumption and take it out on other people.

This bill is a useful reform including the demerit point system. We will see how it works at the end of the day, but I think we understand an incentive-based system for venues that are licensed to sell alcohol. The vast majority do it responsibly. The vast majority also understand and recognise that having some of their patrons overconsuming alcohol with the potentially

aggressive behaviour that may arise is not something they want associated with their business. It is simply not good for business, but it is a hard thing to regulate.

We all go out to different places and see behaviour that we think is entirely inappropriate but which thankfully has not become violent or of greater concern to the community. The outlets and the staff who work in such places are faced with a very difficult environment, which is around the responsible serving of alcohol. The best thing is to train your staff properly in how to deal with the situation in a subtle and non-threatening way and to discourage people from taking that extra drink, and some of us have seen some good practices. It is a talent and a skill for hospitality workers to straddle that fine line when they are making a judgement about who should not be served an extra drink so they can avoid problems. At the end of the day, it is about the training and support of staff.

As part of these reforms it is important that we also acknowledge that from a tourism ratings point of view Melbourne is considered to be the bar, restaurant and night-life capital of Australia, and that is something we should be proud of. It is the case because we have a higher number of restaurants, cafes and bars on a per capita basis than any other city in Australia and because we are the most cosmopolitan part of Australia. We go out quite a bit and, rather than necessarily cooking in our homes, we like to go out to a pub, a country venue or to a bar to be with our family and friends and to have a meal and a drink at the same time.

It is important that we do not undermine what really is a competitive strength in Victoria when we discuss the antisocial behaviour of some of the participants who overconsume alcohol and who decide to be aggressive with other people. It is important as part of that debate when we are preparing reforms like these that we understand that whilst the media is likely to highlight some of the incidents, it is not the case in every single community and in every single suburb.

The reality is that on a Friday night the city of Melbourne is a relatively safe place to be. If you talked to some of the people in the tourism industry regarding some of the debates we had two years ago, you would find that they were very concerned about the way the city was portrayed as a no-go zone, which was totally unfair. I have an apartment at Southbank, and I feel very comfortable walking through the city at any time of the night. Yes, we have police around, but we also have a lot of citizens, and that is what we need to encourage in our community rather than just assuming that every licensed venue owner just wants to sell more alcohol to make more profit and to allow their problem

to spill out into the public domain on the street. That is not the case for every venue; it may be for some. Of course Consumer Affairs Victoria and Liquor Licensing Victoria have some venues on the record that might have done that, and unfortunately for good or bad you have to regulate for the lowest common denominator.

However, it is important in this debate that we do not lose sight of the fact that Melbourne is one of the safest cities in the world. It would not be the world's most livable city if it were unsafe. One of the conditions of being the world's most livable city is having a very low crime rate and a very high public safety rating. Generally we should be proud that we are the restaurant, bar and night-life capital of Australia with few incidents. But of course we need to improve our performance continually, and generally the government is saying this bill is part of an attempt to do that. We must keep refining ourselves.

I also think that it is not only venues that are responsible; as individuals we are also responsible. I was a manager at McDonald's in Dandenong for seven years. We used to get the rollerskaters and the ice skaters coming down. They would load up their cars, and before there was a Moe McDonald's they used to send buses down to Dandenong. We would see them coming and suddenly we had to cook a lot more burgers.

People would load themselves up on the bus. They would fill up eskies and all of that sort of stuff, and then they would come and play it out at the Dandenong McDonald's on the Princes Highway, which is now the South Gippsland Highway. We had to employ our own security, and many venues should do that. If they are located in an area that has a lot of venues and people have the munchies late at night, I think they should have some security. If they are positioning themselves to be the after-hours munchies place, whether it is a McDonald's or something else, they also have a responsibility. If you go down to South Melbourne McDonald's on some occasions when the nightclubs spill out — and it is not just Crown; there are other venues in that area — you get a lot of people who are quite drunk and those venues need to provide a secure environment for their staff and for their other patrons.

Most of the time you do not see a problem. However, I have a cousin here from Greece and last week he went down to McDonald's with a friend at about 2 o'clock in the morning because he had the munchies and there was a bit of biffo down there and some bloke broke a window. The police were there very quickly. I reflect on the venues that rely on some of the trade at that time

of the day; they also have responsibilities regarding their staff and their other patrons. It should not be about getting the money and not taking responsibility for also securing the dining room.

Before I wind up there are a couple of reforms in the bill that I think are very important, including the new category for wine and beer producers. We are the wine capital of Australia. We have more wineries in this state on a per capita basis than any other state. That is part of our tourism product that we should be proud of. We also have a growing array of microbrewers in Victoria. They are not only in Melbourne; there are many fantastic microbrewers in regional Victoria. It is a recognition that it is a different sort of product. Someone going to a winery in the Yarra Valley or someone going to a microbrewer — —

Dr Sykes — In Jamieson.

Mr PANDAZOPOULOS — At the Jamieson pub, absolutely, is going to a different sort of venue, and that recognition is important. Finally, the recognition of live music is also important. We need to acknowledge that live music — and not only the big bands but also restaurants, including great restaurants, that have a bouzouki player entertaining some of the patrons or a Spanish guitarist in Brunswick Street at a Spanish restaurant — —

The ACTING SPEAKER (Mr Northe) — Order! The member's time has expired.

Mr HODGETT (Kilsyth) — It is with great pleasure that I rise to make a contribution to the debate on the Liquor Control Reform Further Amendment Bill 2011. It is a pleasure to follow the contribution of the member for Dandenong. I agree with much of the content of his contribution. He made some valid, important points in terms of liquor control. However, he failed, obviously, to point out some of Labor's poor planning, resourcing, administration and enforcement of liquor licensing which all contributed to the shocking levels of alcohol-related violence in Victoria and the resultant loss of community safety, amenity and confidence. This is an issue that I think the opposition ignored when it was in government and that perhaps contributed to its downfall.

I will turn briefly to the overall objective of the bill before I talk further about Labor's failings. The bill, as many honourable members have pointed out, will amend the Liquor Control Reform Amendment Act 1998 to deliver on a number of the government's election commitments in the *Victorian Liberal Nationals Coalition Plan for Liquor Licensing*. The bill

will introduce a 5-star rating demerit point system that will reward responsible liquor licensing and penalise those who repeatedly do the wrong thing. I think that is one of the most important points to make.

Interestingly enough, a gentleman by the name of Rob Steane, who is a councillor at Maroondah City Council, which is in my electorate, gave a bit of input to and feedback on some of the liquor licensing reforms when we were forming the policy. Rob Steane was terrific when providing a bit of feedback on this 5-star rating system and demerit point system. I thank Rob for his sound advice and the input that he offered when I had discussions with him in relation to sensible licensing reform.

We are also introducing a new category of licences for wine and beer producers to simplify and modernise the existing regulatory regime for vigneron. There will be a further reflection in the objects of the act of the importance of live music to the hospitality industry and the broader community. Finally, the bill will ensure that licensees that exclusively supply packaged liquor obtain packaged liquor licences.

I want to return to Labor's failures in respect of this issue in the brief time remaining before the dinner break. There are many pages here.

Honourable members interjecting.

Mr HODGETT — The list is too long. I do not think I am going to get it in before — —

Ms Neville interjected.

Mr HODGETT — It is out there. You had the former police minister riding around Melbourne CBD in a Hummer truck. That is no substitute for sufficient numbers of police officers being in and around licensed venues.

In summary, I commend this bill to the house. It is an important bill that implements a number of election commitments, including the introduction of demerit points in this respect and a 5-star rating system.

Sitting suspended 6.30 p.m. until 8.02 p.m.

Mr CRISP (Mildura) — I move:

That the debate be now adjourned.

House divided on motion:

Ayes, 44

Angus, Mr
Asher, Ms

Mulder, Mr
Naphine, Dr

Baillieu, Mr
Battin, Mr
Bauer, Mrs
Blackwood, Mr
Bull, Mr
Burgess, Mr
Clark, Mr
Crisp, Mr
Delahunty, Mr
Dixon, Mr
Fyffe, Mrs
Gidley, Mr
Hodgett, Mr
Katos, Mr
Kotsiras, Mr
McCurdy, Mr
McIntosh, Mr
McLeish, Ms
Miller, Ms
Morris, Mr

Newton-Brown, Mr
Northe, Mr
O'Brien, Mr
Powell, Mrs
Ryall, Ms
Ryan, Mr
Shaw, Mr
Smith, Mr R.
Southwick, Mr
Sykes, Dr
Thompson, Mr
Tilley, Mr
Victoria, Mrs
Wakeling, Mr
Walsh, Mr
Watt, Mr
Weller, Mr
Wells, Mr
Wooldridge, Ms
Wreford, Ms

Noes, 42

Allan, Ms
Andrews, Mr
Barker, Ms
Beattie, Ms
Brooks, Mr
Campbell, Ms
Carbines, Mr
D'Ambrosio, Ms
Donnellan, Mr
Duncan, Ms
Edwards, Ms
Eren, Mr
Foley, Mr
Garrett, Ms
Graley, Ms
Green, Ms
Halfpenny, Ms
Helper, Mr
Hennessy, Ms
Herbert, Mr
Holding, Mr

Howard, Mr
Hulls, Mr
Hutchins, Ms
Kairouz, Ms
Knight, Ms
Languiller, Mr
McGuire, Mr
Madden, Mr
Merlino, Mr
Nardella, Mr
Neville, Ms
Noonan, Mr
Pallas, Mr
Pandazopoulos, Mr
Perera, Mr
Pike, Ms
Richardson, Ms
Scott, Mr
Thomson, Ms
Trezise, Mr
Wynne, Mr

Motion agreed to and debate adjourned.

Mr O'BRIEN (Minister for Consumer Affairs) — I move:

That the debate be adjourned until later this day.

Mr HULLS (Niddrie) — On the question of time, the motion is that the debate be adjourned until later this day. I move the following amendment:

That the debate not continue later this day and not continue until notice of motion 318 has been dealt with.

In moving the amendment to the motion, which opposes the motion, I believe it is absolutely imperative — —

Honourable members interjecting.

The SPEAKER — Order!

Mr HULLS — A bit of protection, Speaker, please. I am being bullied. It is about as much fun as your Kath and Kim stuff today. Fair dinkum.

I believe it is imperative that we deal with notice of motion 318 prior to the bill that is being adjourned, as important as this bill is. The Liquor Control Reform Further Amendment Bill 2011 is a very important bill. But if we go back to this matter later this day, it will mean we will not get the opportunity to debate the motion to be moved by the Leader of the Opposition. I am sure all members in this place would agree, particularly the member for Benambra, that on the question of time it is important that we devote the time of this house to dealing with the Leader of the Opposition's motion prior to further debating the Liquor Control Reform Further Amendment Bill 2011. What is more important in this place: the reputation of an MP who has been accused of lying or a debate in relation to alcohol?

The SPEAKER — Order! The member will understand that the word 'lying' is not acceptable as far as this Parliament is concerned. I ask him to withdraw it.

Mr HULLS — I withdraw that, Speaker.

The SPEAKER — Order! I have listened to the arguments put by the member for Niddrie, and I am advised that the government business program takes precedence over all other business. The motion is on government business.

The member can speak on the matter, but I have heard enough of the argument that he has put. I am ruling the amendment out of order, but if the member wishes to speak to the question he may.

Mr HULLS — In speaking to the question as to whether or not the Liquor Control Reform Further Amendment Bill 2011 ought to be adjourned until later this day, we on this side of the house will be opposing it because we believe it is far more important to be debating motion 318 on the notice paper. We believe it is far more important to be debating that motion than to be further debating the liquor control reform bill because not only has the Leader of the Opposition given notice of the motion but also his motion has far more import I believe for members in this place than the liquor control reform bill, which is being adjourned until later this day on the motion of the government.

I urge all members in this house to oppose coming back to the liquor control reform bill until we have dealt with the issue of an MP's integrity to ascertain the truth behind what really happened before the Office of Police

Integrity — who gave correct evidence and who did not give correct evidence. That is what this is about.

Mr McINTOSH (Minister for Corrections) — Certainly this is a matter of some note, but all the opposition is doing is wasting its own debating time for a number of other important bills. When this bill came up nobody from the opposition got up — not a single person got up when the opposition had the call. That is how much opposition members are interested in this bill. Accordingly the motion should be supported.

Mr HOLDING (Lyndhurst) — I wish to support the proposition that was advanced by the Deputy Leader of the Opposition and oppose the motion that is before the house. Of course the question is: how should the time in this house be spent? What are the most important, compelling and pressing issues before it? There are a range of items on the government business program that will be proceeded with at an appropriate time, but the question that is before the chamber is whether or not the bill that is before it should be adjourned, whether we should move to the next item on the government business program or whether there are more compelling items to be considered.

The Deputy Leader of the Opposition has made it clear in his contribution, which I support, that the item in the name of the Leader of the Opposition, notice of motion 318, which deals with the establishment of a select committee, is a more compelling item to be considered and dealt with than the item that the mover of the motion that is before the house would have us deal with, which is another legislative item on the government business program.

It is very important that in ordering the activities of this house we deal with those questions that are most pressing, most compelling and most timely, and the question of the establishment of this select committee is extremely important, because it will give honourable members an opportunity to clear their names. In the case of the member for Benambra it is extremely important that he be given an opportunity to clear his name. If we were to support the motion that is before the chamber, we would be denying the member for Benambra the opportunity to put to this house the compelling issues that are of interest not just to members in this chamber but also to the broader community, to members of the fourth estate, to those who want to give this house an opportunity to hear the facts that would be put before this select committee — the select committee contemplated by notice of motion 318 in the name of the Leader of the Opposition.

If instead we proceed with the motion that is before the house, if we return to the government business program and if we return to other legislative items, we will be denying the member for Benambra the right that he should be afforded to appear before this select committee, should it be established on the motion of the Leader of the Opposition, to provide timely and relevant information that is of interest to all honourable members, members of the media and members of the broader community.

As important as the items on the government's business program are, there is no question that affording the member for Benambra and other members of the house the opportunity to consider these questions is extremely important. There is no doubt that if the motion that is before the house were to be supported, that would enable us to proceed with the items on the government business program. There is no doubt that those questions are also important and timely issues that raise a range of different questions around liquor reform and other items that are of interest to the Victorian community. We do not dispute that. We welcome the opportunity to debate those and other motions before this chamber.

However, there is no question that if the motion that is before the house is supported, we will be denying this house the opportunity to consider more pressing, more timely and more relevant questions of urgent interest to the people of Victoria and to this Legislative Assembly. There can be no more timely questions and no more urgent questions than those that enable members of this chamber to clear their names and to make sure their reputations are not tarnished or diminished by accusations which have been — —

The SPEAKER — Order! The member for Lyndhurst is straying far and wide from the debate that is before the house. I have allowed him to go on for some time, but I now ask him to come back to the motion before the house. The question is that the debate be adjourned until tomorrow — nothing more, nothing less.

Mr HOLDING — I oppose the motion, and I support the contribution made by the Deputy Leader of the Opposition.

Mr CRISP (Mildura) — I rise to support the motion that the bill be adjourned until later this day and that we move on with the government business program. Politics is the art of intelligent repetition. All I am hearing is repetition. I believe that we need to just dispense with this and get back to the government business program.

Ms GREEN (Yan Yean) — I move to support the proposition by the Deputy Leader of the Opposition that debate not be adjourned until later this day. There is nothing more important before this house at the moment than protecting the integrity of the processes of this house and offering the member for Benambra the opportunity to defend himself and to clear his name.

The SPEAKER — Order! I will say again that the question is that the debate be adjourned until later this day. The member is either debating that issue or she is not debating anything at all.

Ms GREEN — I oppose the motion that debate on this bill be deferred until later this day because the opposition has indicated that there are many more pressing matters before this house that need to be dealt with. We indicated that on Tuesday, and we have elucidated on numerous occasions throughout yesterday and today what the priorities of this house on behalf of the Victorian community should be. Those priorities should not include deferring bills such as this one until later this day unless it is to deal with the most pressing issue that is before this house, which the Victorian community expects us to be able to get answers to. There is certainly no reason at all that this bill should be delayed until later this day. I support what the Deputy Leader of the Opposition said in that the most pressing matter before this house is motion no. 318 on the notice paper.

The SPEAKER — Order! The motion before the house is that the debate be adjourned until later this day. I expect the member to stick to the motion that is before the house. That is the second time I have warned the member.

Ms GREEN — I support the proposition that the Deputy Leader of the Opposition has proposed, which is that this bill not be adjourned until later this day because of the pressing nature of the matters that are before this house. The opposition indicated on Tuesday what we think the priorities are on behalf of the Victorian community. Victorians want to see these matters aired in this house, and they want to see that questions can be answered. In particular, I have been very concerned, sitting in my place, looking across the chamber at the member for Benambra — —

The SPEAKER — Order! I will not hear the member any longer. The member has been warned on two occasions not to deviate from the motion before the house, which is that the debate be adjourned until later this day. I have warned her twice. I also warned the member for Lyndhurst.

Mr Hulls — On a point of order, Speaker, I am seeking clarification in relation to your ruling to have the member sit down. Whilst it is true that you gave some warnings to the honourable member, I seek clarification as to how a debate can be conducted in relation to a question of time without explaining to the house why it is that adjourning this debate until later this day is not appropriate in all the circumstances.

The SPEAKER — Order! I understand that the member for Niddrie has made his contribution to this debate. I am not prepared to hear the member for Yan Yean any further. I do not uphold the point of order. I have already ruled on that.

Mr Hulls — On a further point of order, Speaker, I am bit confused because you said that I had already made a contribution to the debate. I thought that under the standing orders a member can make a point of order at any time. That is their democratic right. If we have now changed that by way of precedent, I would be very interested to know.

The SPEAKER — Order! I do not uphold the point of order. The question is that the debate be adjourned until later this day. All of that opinion say aye.

Honourable members interjecting.

The SPEAKER — Order! The question has been put, I am afraid.

Ms Allan — On a point of order, Speaker, there have only been five speakers on the motion. I am seeking to have the call.

Honourable members interjecting.

Ms Allan — No, that was the first division, and we have had that division.

The SPEAKER — Order! In fact there have been six speakers. The mover of the motion was the sixth speaker.

House divided on motion:

Ayes, 44

Angus, Mr	Mulder, Mr
Asher, Ms	Naphine, Dr
Baillieu, Mr	Newton-Brown, Mr
Battin, Mr	Northe, Mr
Bauer, Mrs	O'Brien, Mr
Blackwood, Mr	Powell, Mrs
Bull, Mr	Ryall, Ms
Burgess, Mr	Ryan, Mr
Clark, Mr	Shaw, Mr
Crisp, Mr	Smith, Mr R.
Delahunty, Mr	Southwick, Mr

Dixon, Mr	Sykes, Dr
Fyffe, Mrs	Thompson, Mr
Gidley, Mr	Tilley, Mr
Hodgett, Mr	Victoria, Mrs
Katos, Mr	Wakeling, Mr
Kotsiras, Mr	Walsh, Mr
McCurdy, Mr	Watt, Mr
McIntosh, Mr	Weller, Mr
McLeish, Ms	Wells, Mr
Miller, Ms	Wooldridge, Ms
Morris, Mr	Wreford, Ms

Noes, 43

Allan, Ms	Hulls, Mr
Andrews, Mr	Hutchins, Ms
Barker, Ms	Kairouz, Ms
Beattie, Ms	Knight, Ms
Brooks, Mr	Languiller, Mr
Campbell, Ms	Lim, Mr
Carbines, Mr	McGuire, Mr
D'Ambrosio, Ms	Madden, Mr
Donnellan, Mr	Merlino, Mr
Duncan, Ms	Nardella, Mr
Edwards, Ms	Neville, Ms
Eren, Mr	Noonan, Mr
Foley, Mr	Pallas, Mr
Garrett, Ms	Pandazopoulos, Mr
Graley, Ms	Perera, Mr
Green, Ms	Pike, Ms
Halfpenny, Ms	Richardson, Ms
Helper, Mr	Scott, Mr
Hennessy, Ms	Thomson, Ms
Herbert, Mr	Treize, Mr
Holding, Mr	Wynne, Mr
Howard, Mr	

Motion agreed to and debate adjourned until later this day.

BUSINESS OF THE HOUSE

Orders of the day

Mr McINTOSH (Minister for Corrections) — I move:

That the consideration of government business, orders of the day, nos 3 and 4 be postponed until later this day.

Ms ALLAN (Bendigo East) — The opposition opposes the motion that has been moved by the Leader of the House. Rather than postponing the items the member has put forward, I would move that we postpone orders of the day 1 to 12 and move immediately to item 318 on the notice paper, which is in the name of the Leader of the Opposition.

As we have heard on a number of occasions, this is a very important matter for debate. If any business is going to be postponed in this place it should mean that we move immediately to item 318 on the notice paper in the name of the Leader of the Opposition. Let us

consider why this item is such an important matter and why the opposition is so firmly of the belief — —

The SPEAKER — Order! I do not accept the amendment that has been proposed by the member for Bendigo East, as government business takes precedence.

An honourable member interjected.

The SPEAKER — Order! It takes precedence.

Ms ALLAN — I am seeking to oppose the motion that has been put by the Leader of the House.

The SPEAKER — Order! The member was moving an amendment at the time.

Ms ALLAN — I am suggesting that if we were to have changes to the notice paper we should be going immediately to item 318 on the notice paper.

The SPEAKER — Order! The member is proposing an amendment, and I reject that amendment.

Ms ALLAN — Now I am indicating that we are opposing the motion. I started my contribution by saying we opposed the motion that was put by the Leader of the House and that if we were to go to any other item on the notice paper we should be postponing items 1 to 12 on the government business program and moving to item 318. This forms the basis — —

The SPEAKER — Order! The member is straying outside the motion that is before the house.

Ms ALLAN — This forms the basis of the opposition's reasons for opposing the motion that was put by the Leader of the House. I think it is only fair to the house that we give the reason we are opposing the motion put by the Leader of the House. The reason we oppose the motion is we believe there is another very important matter that is currently on the notice paper, in the name of the Leader of the Opposition, to be considered instead. It is a matter that the opposition has been keen to pursue for some time now, but instead we have seen the government, at every twist and turn, choose to shut down debate. That is of grave concern because whilst there are a number of items on the notice paper — —

The SPEAKER — Order! The motion before the house is that government business, items 3 and 4 be postponed until later this day. That is what the debate is about, and I ask the member to stick to that line of debate.

Ms ALLAN — As I indicated, I am presenting the reason we are opposing the postponement of those items. It is only fair and courteous to members of the house to inform them of the reason we are opposing the postponement of those items. That is because we believe general business, notice of motion 318 in the name of the Leader of the Opposition, is the item that should be debated.

The SPEAKER — Order! Item 318 is not part of the debate before the house at the moment. The deferring of items 3 and 4 on the notice paper — —

Honourable members interjecting.

Ms ALLAN — Are members finished? Have members quite finished?

The SPEAKER — Order! I have not quite finished! I ask the member to stick to the debate before the house. I will not ask the member again.

Mr Hulls — Weak and gutless!

The SPEAKER — Order! I ask the Deputy Leader of the Opposition to bring himself back to order. The member for Bendigo East, on the question before the house.

Ms ALLAN — The question before the house is the motion moved by the Leader of the House to postpone the Mines (Aluminium Agreement) Amendment Bill 2011 and the State Taxation Acts Further Amendment Bill 2011, which are important matters for consideration. Obviously this is legislation that the government is keen to pursue. However, there are other matters on the notice paper that the opposition is keen to pursue. The opposition is seeking the opportunity to raise its concern with you, Speaker, the government and the Parliament, because we have seen at every opportunity debate on this matter being gagged by the government. That is of grave concern. No doubt we can get to the bills that are sitting on the notice paper during the course of today and even later in the week, and if the government wants to extend the sitting of the house, we have already indicated we are happy to accommodate that.

Dr NAPHTHINE (Minister for Ports) — What we have just seen is another example of the opposition putting petty politics ahead of parliamentary democracy. The people of Victoria voted for us to come in here and do a job, to get on with the governance of the state of Victoria. That is what this side of the house is trying to do. The opposition — —

Honourable members interjecting.

The SPEAKER — Order! Members of the opposition!

Dr NAPHTHINE — The opposition is simply trying to frustrate the governance of the state. It is time wasting. It is trying to shut down debate and denying its backbenchers the chance to contribute to debate.

Ms Thomson interjected.

The SPEAKER — Order! This is the second warning for the member for Footscray. One more and she will be out!

Dr NAPHTHINE — What the people of Victoria want is the good governance that is provided by this government. They want the opposition to allow the government to get on with governing this state.

Mr PANDAZOPOULOS (Dandenong) — I oppose the motion to postpone government business, items 3 and 4 until later this day. Those items are the Mines (Aluminium Agreement) Amendment Bill 2011 and the State Taxation Acts Further Amendment Bill 2011. We should remind ourselves when we are having debates that the government is in control of the business program that we get every Tuesday. Members prepare themselves for the order of those debates. We have a number of members who want to talk about the mines amendment bill and the state tax amendment bill, but now the government is trying to shut down debate on those bills. I understand it might suit the government's interest, while it is in crisis mode, to jump around the program, but we turn up on Tuesday with a specific program, go away to the parliamentary library, get on our laptops and do our homework to speak on these bills.

It might suit the government in its arrogance to have opposition members left with a whole lot of fantastic speeches that they have to put in a drawer and can never deliver in this place because the government cannot control its own agenda, but it pays no respect to the rules and procedures of the house and the Parliament or to the members. Members have come to this chamber after dinner expecting to be participating in a particular debate, but the reality is we will not get to this debate tonight if the government has its way, even though it is in control of the program that we receive every Tuesday. It is a sign that the government does not really know what it is doing. It is a sign that the government is in crisis mode. We have only to look at all the meetings going on as I speak. It is important for the normal forms and rules of this house that we stick with the business program that is made available to members on Tuesday.

We had a government member speaking for the motion but not explaining why they wanted to postpone the debate on these items. The government thinks it can walk in here and do that, despite publicising the amendments, but who knows whether there are members in the gallery wanting to follow these debates? Who knows, with all the money we have appropriately spent on webcasting, whether there are people at home or somewhere in a workplace interested in these bills and waiting to hear this debate, which they believed would happen? Whilst we may do this every now and then, the courtesy of the house is that there be discussions around changing the program. This is why I am standing here and raising these very important issues about preserving the rights of both sides of the house.

I urge the government, if it supports the postponement of these matters, to stand and explain why another matter is much more important than items 3 and 4, which it had told us earlier in the week were its priorities. That is the least that we should expect, it is the least that taxpayers of Victoria should expect and it is the least that those who have an interest in these two bills and are waiting to following this debate should expect. They have been waiting for hours and wondering when items 3 and 4 will be raised in the house. When they looked at the notice paper it was reasonable for them to expect that the debate on those items would occur at about this time of the day. That is an opportunity that they are being denied.

I urge government members to be respectful of the procedures of the house. Let us continue on with the bills as listed and as determined by the Leader of the House in collaboration with his ministerial team. At the end of the day it is the Leader of the House's agenda and program that we tend to follow, and we should be very reluctant to change it, especially when there is no explanation at all given or even half a reasonable explanation given. I urge the government to not proceed with this unreasonable motion.

Mr O'BRIEN (Minister for Gaming) — The motion before the house is to postpone items 3 and 4 so that we can hear the second-reading speech for the Wills Amendment (International Wills) Bill 2011. I would have thought if any members here had an interest in the political dead, it would be members opposite because they have been dead and sleepwalking since the election. This is an important issue, and those opposite should be prepared to listen to the second-reading speech. If they were not wasting the time of this house, they would have plenty of time to get back to debating the Mines (Aluminium Agreement) Bill 2011, which is a very important bill. They should stop

wasting their time, stop wasting our time and stop wasting the community's time, the Parliament's time and the taxpayers money and get on with the debate.

Mr NARDELLA (Melton) — Yesterday I stood in this house and opposed the government business program, and the Deputy Speaker was in your seat, Speaker. If honourable members remember, I did that on the basis that second-reading speeches should occur in the main after 4 o'clock on Thursdays or after the business of the house is completed. I said that on the basis that the opportunities for honourable members on both sides of the chamber to debate bills of importance — in this case, the Mines (Aluminium Agreement) Amendment Bill 2011 and the State Taxation Acts Further Amendment Bill 2011 — will otherwise be reduced. That means that the democratic rights of honourable members to partake in that debate will be curtailed. It means that we will have second readings today of the Wills Amendment (International Wills) Bill 2011, the Criminal Procedure Amendment (Double Jeopardy and Other Matters) Bill 2011, the City of Melbourne Amendment Bill 2011 and the Education and Training Reform Amendment (Skills) Bill 2011, the debate on which will take place a couple of weeks from now. There is no urgency for these bills to be second read at this time of night.

When the Leader of the House put together the government business program it was about having these debates during the course of yesterday and today until we got to the other matters that we are going to debate — principally the Independent Broad-based Anti-corruption Commission Bill 2011 — tomorrow. This particular procedure reduces the opportunity for honourable members on both sides of the house — it is not just the opposition — to have that debate.

If there were a change where the government put to the house that the second-reading speeches should take place before the adjournment tonight, for example, or after the 4 o'clock completion of the government business program, that would be acceptable to the house because the democratic rights of honourable members on both sides of the house would be upheld. However, by going through this process the government is trying to deny us those rights.

Others on this side of the house have said that even though the government seems to be trying to protect the honourable member for Benambra through this process, it is actually trying to protect the Treasurer, because it does not want the State Taxation Acts Further Amendment Bill 2011 to come on for debate tonight. I am not saying that; other members would be saying that. Certainly I would like to have the debate, as would

other honourable members, on the State Taxation Acts Further Amendment Bill 2011 and Mines (Aluminium Agreement) Amendment Bill 2011.

The aluminium bill is extremely important to the economy and for a range of other reasons. This debate should not be curtailed just because we have a situation where The Nationals or other members on the government side want to go home tomorrow afternoon at 4 o'clock. This motion should not be accepted by honourable members simply because the government and some of the government members want to go home early tomorrow. Instead of earning their salary and representing their constituents they want to be off on that road to home and beddy-byes earlier than they should. I oppose the motion before the house.

House divided on motion:

Ayes, 44

Angus, Mr	Mulder, Mr
Asher, Ms	Napthine, Dr
Baillieu, Mr	Newton-Brown, Mr
Battin, Mr	Northe, Mr
Bauer, Mrs	O'Brien, Mr
Blackwood, Mr	Powell, Mrs
Bull, Mr	Ryall, Ms
Burgess, Mr	Ryan, Mr
Clark, Mr	Shaw, Mr
Crisp, Mr	Smith, Mr R.
Delahunty, Mr	Southwick, Mr
Dixon, Mr	Sykes, Dr
Fyffe, Mrs	Thompson, Mr
Gidley, Mr	Tilley, Mr
Hodgett, Mr	Victoria, Mrs
Katos, Mr	Wakeling, Mr
Kotsiras, Mr	Walsh, Mr
McCurdy, Mr	Watt, Mr
McIntosh, Mr	Weller, Mr
McLeish, Ms	Wells, Mr
Miller, Ms	Wooldridge, Ms
Morris, Mr	Wreford, Ms

Noes, 43

Allan, Ms	Hulls, Mr
Andrews, Mr	Hutchins, Ms
Barker, Ms	Kairouz, Ms
Beattie, Ms	Knight, Ms
Brooks, Mr	Languiller, Mr
Campbell, Ms	Lim, Mr
Carbines, Mr	McGuire, Mr
D'Ambrosio, Ms	Madden, Mr
Donnellan, Mr	Merlino, Mr
Duncan, Ms	Nardella, Mr
Edwards, Ms	Neville, Ms
Eren, Mr	Noonan, Mr
Foley, Mr	Pallas, Mr
Garrett, Ms	Pandazopoulos, Mr
Graley, Ms	Perera, Mr
Green, Ms	Pike, Ms
Halfpenny, Ms	Richardson, Ms
Helper, Mr	Scott, Mr
Hennessy, Ms	Thomson, Ms

Herbert, Mr
 Holding, Mr
 Howard, Mr

Trezise, Mr
 Wynne, Mr

Motion agreed to.

WILLS AMENDMENT (INTERNATIONAL WILLS) BILL 2011

Statement of compatibility

Mr CLARK (Attorney-General) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (charter act), I make this statement of compatibility with respect to the Wills Amendment (International Wills) Bill 2011.

In my opinion, the Wills Amendment (International Wills) Bill 2011, as introduced to the Legislative Assembly, is compatible with the human rights protected by the charter act. I base my opinion on the reasons outlined in this statement.

Overview of bill

The bill amends the Wills Act 1997 to adopt into Victorian law the uniform law contained in the UNIDROIT convention providing a Uniform Law on the Form of an International Will 1973 (the convention), which was signed in Washington DC on 26 October 1973.

The primary objective of the convention is to eliminate problems that arise when cross-border issues affect a will, for example where a will deals with assets located overseas or where the will-maker's country of residence is different to the country in which the will is executed.

The convention's uniform law provides for an additional form of will — an international will — that sits alongside other forms of will. An international will that complies with the uniform law will be recognised as a valid form of will by courts of other states party to the convention, irrespective of where the will was made, the location of assets or where the will-maker lives, and without the court having to examine the internal laws operating in foreign countries to determine whether the will has been properly executed.

The uniform law sets out requirements for the form of the will and the process for its execution; it does not deal with issues such as the capacity required of the will-maker or the construction of the terms of a will. These are matters that will continue to be dealt with by existing Victorian law.

By a decision of the Standing Committee of Attorneys-General in July 2010, all Australian states and territories have agreed to adopt the uniform law into their local legislation to allow Australia to formally accede to the convention and to provide a consistent approach to the recognition of international wills across Australian jurisdictions.

Human rights issues

1. *Human rights protected by the charter act that are relevant to the bill*

The bill does not engage any of the rights under the charter act.

2. *Consideration of reasonable limitations — section 7(2)*

As the bill does not engage any of the rights under the charter act, it is not necessary to consider section 7(2) of the charter act.

Conclusion

I consider that the bill is compatible with the charter act because it does not engage or limit any of the rights under the charter act.

Robert Clark, MP
 Attorney-General

Second reading

Mr CLARK (Attorney-General) — I move:

That this bill be now read a second time.

The bill amends the Wills Act 1997 to adopt into Victorian law the uniform law contained in the UNIDROIT Convention providing a Uniform Law on the Form of an International Will 1973 (the international wills convention), which was signed in Washington DC in 1973.

UNIDROIT — the International Institute for the Unification of Private Law — is an intergovernmental organisation that formulates uniform law instruments aimed at harmonising and coordinating private laws between countries.

The international wills convention is one such uniform law instrument. The primary objective of the convention is to eliminate problems that arise when cross-border issues affect a will — for example, where a will deals with assets located overseas or where the will-maker's country of residence is different to the country in which the will is executed.

The international wills convention came into force on 9 February 1978 and currently has 12 state parties and an additional 8 signatories. These include the United Kingdom, the United States of America, Italy, France, Bosnia and numerous provinces in Canada.

While Australia has been a member of UNIDROIT since 1973, it is not yet a signatory to the international wills convention. However, in July 2010 the Standing Committee of Attorneys-General (SCAG) agreed that all Australian states and territories would adopt the convention's uniform law into their local legislation to

allow Australia to formally accede to the convention and to provide a consistent approach to the recognition of international wills across Australian jurisdictions.

This bill therefore meets that commitment and is based on a model bill prepared by Parliamentary Counsel's committee at the request of SCAG.

The international wills convention requires contracting states to introduce the uniform law on the form of an international will (the uniform law) into their own law. Contracting states must reproduce the actual text of the uniform law or translate it into the official language or languages of the state.

The uniform law provides for an additional form of will — an international will — that sits alongside other, existing forms of will. An international will that complies with the uniform law will be recognised as a valid form of will by courts of other states party to the international wills convention, irrespective of where the will was made, the location of assets or where the will-maker lives.

The uniform law sets out requirements for the form of the will and the process for its execution; it does not deal with issues such as the capacity required of the will-maker or the construction of the terms of a will. These are matters that will continue to be dealt with by existing Victorian law.

The formalities required for international wills executed under the uniform law are similar to the requirements for other wills under the Victorian Wills Act 1997. For example, an international will must be made in writing and be signed by the will-maker in the presence of two witnesses.

The main difference is that the uniform law contains an additional requirement that the will-maker must also declare the will in the presence of an 'authorised person', who is required to attach to the will a certificate to the effect that the proper formalities have been performed. The certificate, in the absence of contrary evidence, is conclusive of the formal validity of the instrument as an international will.

The international wills convention allows contracting states to designate these authorised persons. Through SCAG, states and territories have agreed that authorised persons should have an understanding of local laws concerning wills and of the uniform law's form requirements. The bill therefore designates Australian legal practitioners and public notaries as persons authorised to act in connection with international wills.

Australia will not accede to the international wills convention until states and territories have the necessary implementing legislation in place. Further, the convention provides for a mechanism so that entry into force of the convention occurs six months after accession. The Victorian amendments will therefore not commence operation until the convention comes into force in Australia, which may not be until 2013.

When the uniform law is operating in all states and territories, there will be a consistent approach to the recognition of these types of international wills across Australia. Australian courts will no longer need to look to the internal laws operating in foreign countries to determine whether such wills have been properly executed. In uncontested cases, this may make assessment of probate for wills that involve international elements quicker. Further, an expanded number of foreign countries will be required to recognise wills made in Australia in compliance with the uniform law.

This means that a testator, wherever they or their assets are located, and whatever their nationality or language, can choose this form of will knowing that it will be recognised as a valid form of will anywhere in Australia, as well as in any country that is party to the international wills convention.

I commend the bill to the house.

Debate adjourned on motion of Mr DONNELLAN (Narre Warren North).

Mr CLARK (Attorney-General) — I move:

That the debate be adjourned for two weeks.

Mr WYNNE (Richmond) — I move:

That the word 'two' be omitted with the view of inserting in its place the word 'three'.

Those who have had the opportunity to listen to the second-reading speech of the Attorney-General in relation to the Wills Amendment (International Wills) Bill 2011 will note the most germane aspect of this bill. We agree that this is an important piece of legislation that will bring us into line with uniform conventions. The most important aspect of this particular second-reading speech is that the Victorian amendments will not commence operation until the UNIDROIT (International Institute for the Unification of Private Law) Convention providing a Uniform Law on the Form of an International Will 1973 comes into force in Australia, which may not be until 2013 — at least 12 months and perhaps longer away.

In moving this amendment the question I put to the house is: why is there an urgency that this matter be brought on now when there are a number of other pressing matters that could be dealt with? As you are aware, Speaker, the Leader of the House, on a division, has moved that we have a deferral of a number of pieces of legislation, one of which I was intending to speak on this evening — that is, the Mines (Aluminium Agreement) Amendment Bill 2011. I was going to speak only from the point of view of seeking some clarification in relation to some aspect of that particular bill as it pertains to the Aboriginal Heritage Act 2006, but I may not be afforded that opportunity because these second-reading speeches have been brought on at quite an inopportune time in what is a busy schedule and one in which a number of my colleagues would seek to speak on a number of these bills.

With respect, Speaker, I put to you that a deferral of this debate for at least three weeks, as I am suggesting, is quite appropriate because, frankly, there is no urgency in this bill being debated given that the amendments, if they are passed through the Parliament this year, will not be enacted until at least 2013. We respectfully submit to you, Speaker, that there are a range of other matters we have sought to prosecute here this evening — so far unsuccessfully — particularly in relation to general business, notice of motion 318, which is on the notice paper. We would — —

The SPEAKER — Order! I ask the member to stick to the motion before the house and his amendment.

Mr WYNNE — I am speaking to my amendment, Speaker, and in doing so I suggest to you that there is no urgency in relation to this particular bill. As I put to you, the second-reading speech makes it explicitly clear that these amendments could not be enacted before 2013 at the earliest and, as you can see, the third-last paragraph of the second-reading speech clearly states that. We submit respectfully to you and to the house that we regard a range of other matters as being much more urgent and much more important in terms of the use of this Parliament. They are much more important in terms of providing opportunity for both sides of the house to address a range of pressing questions that have framed the way that this week has progressed. In that context, I submit that affording the opposition the opportunity to bring forward other, more urgent matters for the attention of the house is an appropriate course of action. I respectfully submit to you, Speaker, that notice of motion 318 listed on the notice paper is in fact — —

The SPEAKER — Order! I ask the member to return to his amendment before the house. This is not about notice of motion 318.

Mr WYNNE — I am simply putting to you one of a range of other options that are potentially available to the house.

The SPEAKER — Order! The member is seeking for the bill to be adjourned for three weeks?

Mr WYNNE — Yes, indeed I am.

The SPEAKER — Order! I would like the member to stick to that part of the debate.

Mr WYNNE — I am seeking not only to stick to that part of the debate but to offer a suggestion to you that a range of other matters could be brought before the house in the context of debate not only tonight but certainly also not to curtail debate tomorrow, which will be on a range of very important bills, particularly the Independent Broad-based Anti-corruption Commission Bill 2011, and bringing the second-reading speeches on at this stage does curtail the opportunity for the opposition to debate these crucial matters.

Dr NAPHTHINE (Minister for Ports) — This is just another time-wasting tactic from a lazy opposition whose members are not prepared to do the work in two weeks to study a fairly simple piece of legislation and come in here and debate it in the house. This is a lazy opposition whose members are not prepared to do the work. This is an opposition that is about political stunts rather than political hard work. This is an opposition that is not prepared to allow the democratic processes to take their place. Opposition members complain about the lack of opportunity for debate, yet they are wasting time on these stupid motions and stupid amendments. This is a political stunt from a lazy opposition bereft of the ability to do the hard work necessary to represent its constituents and to do the right thing by Victoria.

Ms D'AMBROSIO (Mill Park) — I rise to support the amendment moved by the member for Richmond, but in passing and within the context of this debate I note that the importance this government has placed on the priority that its members have given to the Wills Amendment (International Wills) Bill 2011 can be summed up in less than 1 minute. The 1-minute of contribution from the government on this procedural motion speaks volumes in terms of the priority this government gives to the important questions before this house.

The government's second-reading speech makes it quite clear that there is absolutely no urgency for this bill to be debated within a two-week period — absolutely no urgency whatsoever. Why this is important to the opposition is very palpable, and it is

palpable through the attitude this government has displayed during the whole of this debate. This government has taken a vexatious and mendacious approach to its government business program and its reprioritising of bills to be brought forward for debate in this house. This speaks volumes about the lack of clarity that this government displays in terms of what the priorities should be for Victorians and for this state. This action signals all of the wrong priorities to the Victorian community about what this government represents.

This government seeks to put the wills bill ahead of the Mines (Aluminium Agreement) Amendment Bill 2011, which is an extremely important bill for jobs in this state. The mines bill has been deferred and debate on it has been curtailed through the actions of this government. What explanation have the opposition and the Parliament been given for this very action? Simply none — only because government members can.

Governments owe more to the Victorian community than simply 'because we can'. The fact of the matter is that this is a government that does not have the courage of its convictions to get up and spend a full 5 minutes explaining to Victorians why government members have done what they have done to their business program — which only yesterday was so important to put up — and moved to delay debate on the mines bill.

Dr Naphine — On a point of order, Speaker, The member is straying from the debate. The debate is about whether debate on this bill should be adjourned for two weeks, and the amendment of the member for Richmond proposes that it be adjourned for three weeks. This debate is not about the mines bill and not about the government business program. It is about whether debate on this bill be adjourned for two weeks or three weeks. It is a very narrow debate about time, and I ask you to bring the member back to that debate.

The SPEAKER — Order! I uphold the point of order, and I ask the member to come back to the debate.

Ms D'AMBROSIO — The point remains that an explanation needs to be given to this house as to why the government has chosen to change its business program around. It needs to explain why this bill needs to be dealt with in the time frame that is being proposed. The point is simply this: we on this side of the house contend that there are many other issues of greater priority. We contend that this government reflected that in its business program yesterday — the business program that it presented to this house yesterday and which it passed and is now revising. The message is very clear, Speaker. It is that this

government has no idea of what its priorities should be — —

The SPEAKER — Order! The motion is very clear also. The motion is that debate be adjourned for two weeks, and the amendment is for three weeks. That is what I am asking the member to get back to debating.

Ms D'AMBROSIO — Absolutely. The point is this is not an urgent bill. The fact is the second-reading speech makes it quite clear that it is not urgent. In fact the second-reading speech makes it clear that it might be put into place by 2013. That is an extraordinary admission in the government's second-reading speech. That speaks volumes for the lack of priority that this government places on this bill. It is incongruous therefore that the government is proposing that it should be done within two weeks when the fact remains that there is other, more urgent business. Certainly three weeks is a more appropriate period of time in which to consider this bill. It is not an urgent bill by any stretch of the imagination, and the government should see fit to support the amendment to provide that this bill be returned to this house in three weeks.

Mr KOTSIRAS (Minister for Multicultural Affairs and Citizenship) — If anyone wants an example of a lazy Labor Party, they only need to listen to its members. There have been 11 years of very little consultation with the opposition. It is a lazy Labor Party.

The SPEAKER — Order! The minister will return to the debate before the house on whether this bill should be adjourned for two weeks or three weeks. There is an amendment before the house, and I ask the minister to return to the debate before the house.

Mr Wynne — On a point of order, Speaker, I know that it is a bit frustrating for the government — —

The SPEAKER — Order! What is the member's point of order?

Mr Wynne — My point of order is that this is a very tightly contained debate — —

The SPEAKER — Order! I have already raised this issue with the member who was on his feet. I have raised the issue, and he is coming back to debating the issue before the house. I uphold what you are saying, but I have already ruled on it and I have asked him to come back to debating the issue before the house.

Mr Wynne — He should stop abusing people.

The SPEAKER — Order! The member for Richmond can take his seat.

Mr KOTSIRAS — To research this bill, do their homework and come back to the Parliament and debate, members of the opposition have two weeks, but they are too lazy and incompetent to do it.

Ms THOMSON (Footscray) — I know I am short, but I am standing. I also would like to support the amendment proposed by the member for Richmond in relation to changing the time for adjournment of this bill from two weeks to three weeks. The reason I do so is not because of the opposition's position in relation to preparing for the bill but rather because the government is so lax in giving an opportunity to the opposition to be properly briefed on the bill so that consultations can occur. This happens time and again in this place. The government brings forward second readings and will not properly brief opposition members so that they can have adequate consultations with the people to ensure that they are properly representing the interests of Victorians and bringing an alternative view to the house. As long as the government has that practice, there should be a longer period for members of the opposition to be properly briefed so that we can go out and adequately consult with people.

We know why we are having those second readings now: it is so that The Nationals can go home early.

The SPEAKER — Order! The member should return to the debate before the house

Ms THOMSON — This is about our preparedness to do the hard yards, to actually get out there and to really consult with Victorians about how this legislation will affect them. We have a right and an entitlement to ensure that we consult from a position of understanding the implications of the legislation before this house, and that requires opposition members to be briefed sooner than they are being briefed by the government. I deplore the way this house is being treated by the government; it is held in contempt. The opposition has a right to understand what the legislation means in detail; it has a right to be able to then take that detail out to the community and consult with it about the way in which the legislation will be implemented, the way it may impact on them and the effect it may have. We are continually being stifled in doing that properly. With every piece of legislation that is currently coming before this house there is inadequate time for the opposition to be properly briefed and to consult, because the briefings are occurring very late, often on either the Thursday or Friday before they are debated in

this house. Some shadow ministers are still waiting for briefings.

This is outrageous, not just for members of the opposition but for the people of Victoria. The way in which the government is holding this Parliament, and therefore Victorians, in contempt has been evident all week in its attitude about what has priority and what is important. Government members care about themselves and not about the people of Victoria. They are hiding the truth from the people of Victoria. If we are going to adequately do our jobs and meet our responsibilities as members of Parliament — and all of us on this side want to do that — the government needs to give opposition members more time; it needs to brief them earlier about bills and their implications. We need time to be able to go out and consult with the Victorian people and be able to come back and properly represent their needs and requirements in this house.

There is no reason why the government cannot extend the adjournment of debate on this bill for a further week. After all, it is not likely that we are going to see this legislation implemented until 2013; that is a very long time away. As a matter of fact this bill could be postponed for six months and it would not make any difference. We cannot deal with notice of motion 318 on the notice paper, which is really important to the integrity of government, but we can have this second reading and not wait until tomorrow. It just shows that this is about making sure the government is comfortable; it is not about representing the people of Victoria. It is time government members started thinking about what people need from the government, not what their needs are.

The SPEAKER — Order! The question is:

That the word proposed to be omitted stand part of the question.

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

Ayes, 44

Angus, Mr	Mulder, Mr
Asher, Ms	Naphine, Dr
Baillieu, Mr	Newton-Brown, Mr
Battin, Mr	Northe, Mr
Bauer, Mrs	O'Brien, Mr
Blackwood, Mr	Powell, Mrs
Bull, Mr	Ryall, Ms
Burgess, Mr	Ryan, Mr
Clark, Mr	Shaw, Mr
Crisp, Mr	Smith, Mr R.
Delahunty, Mr	Southwick, Mr
Dixon, Mr	Sykes, Dr
Fyffe, Mrs	Thompson, Mr
Gidley, Mr	Tilley, Mr

Hodgett, Mr
Katos, Mr
Kotsiras, Mr
McCurdy, Mr
McIntosh, Mr
McLeish, Ms
Miller, Ms
Morris, Mr

Victoria, Mrs
Wakeling, Mr
Walsh, Mr
Watt, Mr
Weller, Mr
Wells, Mr
Wooldridge, Ms
Wreford, Ms

Noes, 43

Allan, Ms
Andrews, Mr
Barker, Ms
Beattie, Ms
Brooks, Mr
Campbell, Ms
Carbines, Mr
D'Ambrosio, Ms
Donnellan, Mr
Duncan, Ms
Edwards, Ms
Eren, Mr
Foley, Mr
Garrett, Ms
Graley, Ms
Green, Ms
Halfpenny, Ms
Helper, Mr
Hennessy, Ms
Herbert, Mr
Holding, Mr
Howard, Mr

Hulls, Mr
Hutchins, Ms
Kairouz, Ms
Knight, Ms
Languiller, Mr
Lim, Mr
McGuire, Mr
Madden, Mr
Merlino, Mr
Nardella, Mr
Neville, Ms
Noonan, Mr
Pallas, Mr
Pandazopoulos, Mr
Perera, Mr
Pike, Ms
Richardson, Ms
Scott, Mr
Thomson, Ms
Trezise, Mr
Wynne, Mr

Campbell, Ms
Carbines, Mr
D'Ambrosio, Ms
Donnellan, Mr
Duncan, Ms
Edwards, Ms
Eren, Mr
Foley, Mr
Garrett, Ms
Graley, Ms
Green, Ms
Halfpenny, Ms
Helper, Mr
Hennessy, Ms
Herbert, Mr
Holding, Mr
Howard, Mr

Lim, Mr
McGuire, Mr
Madden, Mr
Merlino, Mr
Nardella, Mr
Neville, Ms
Noonan, Mr
Pallas, Mr
Pandazopoulos, Mr
Perera, Mr
Pike, Ms
Richardson, Ms
Scott, Mr
Thomson, Ms
Trezise, Mr
Wynne, Mr

**Motion agreed to and debate adjourned until
Wednesday, 23 November.**

The SPEAKER — Order! I inform the gentleman in the gallery who just took a photograph that taking photographs in this chamber is not allowed — do not let it happen again.

**CRIMINAL PROCEDURE AMENDMENT
(DOUBLE JEOPARDY AND OTHER
MATTERS) BILL 2011**

Statement of compatibility

**Mr CLARK (Attorney-General) tabled following
statement in accordance with Charter of Human
Rights and Responsibilities Act 2006:**

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (charter act), I make this statement of compatibility with respect to the Criminal Procedure Amendment (Double Jeopardy and Other Matters) Bill 2011.

In my opinion, the Criminal Procedure Amendment (Double Jeopardy and Other Matters) Bill 2011, as introduced to the Legislative Assembly, is compatible with the human rights protected by the charter act. I base my opinion on the reasons outlined in this statement.

Overview of bill

This bill amends the Criminal Procedure Act 2009 to:

- (a) reform the common-law rules against double jeopardy by providing that a person may be tried again in certain circumstances;
- (b) improve early prosecution disclosure in summary proceedings;
- (c) clarify that deemed convictions from an infringement notice form part of an offender's criminal record for the purposes of sentencing.

Amendment defeated.

House divided on motion:

Ayes, 44

Angus, Mr
Asher, Ms
Baillieu, Mr
Battin, Mr
Bauer, Mrs
Blackwood, Mr
Bull, Mr
Burgess, Mr
Clark, Mr
Crisp, Mr
Delahunty, Mr
Dixon, Mr
Fyffe, Mrs
Gidley, Mr
Hodgett, Mr
Katos, Mr
Kotsiras, Mr
McCurdy, Mr
McIntosh, Mr
McLeish, Ms
Miller, Ms
Morris, Mr

Mulder, Mr
Naphine, Dr
Newton-Brown, Mr
Northe, Mr
O'Brien, Mr
Powell, Mrs
Ryall, Ms
Ryan, Mr
Shaw, Mr
Smith, Mr R.
Southwick, Mr
Sykes, Dr
Thompson, Mr
Tilley, Mr
Victoria, Mrs
Wakeling, Mr
Walsh, Mr
Watt, Mr
Weller, Mr
Wells, Mr
Wooldridge, Ms
Wreford, Ms

Noes, 43

Allan, Ms
Andrews, Mr
Barker, Ms
Beattie, Ms
Brooks, Mr

Hulls, Mr
Hutchins, Ms
Kairouz, Ms
Knight, Ms
Languiller, Mr

Human rights issues

Section 26: right not to be tried or punished more than once

The primary right engaged by the proposed double jeopardy reforms is the right not to be tried or punished more than once in section 26 of the charter act. The proposed exceptions to the double jeopardy rule impose a limitation on the right in section 26 of the charter act but in my view they do so in a way that can be demonstrably justified under section 7(2). In summary, this is because of the tightly defined circumstances in which retrials are permitted, the limited categories of offences which may be retried, and the procedural protections in the proposals which guard against abuse of process by police or prosecuting authorities.

The prohibition on double jeopardy is a longstanding common-law right. It has been recognised in major international human rights treaties as well as in the Victorian charter act. The fundamental purpose of the rule against double jeopardy is to ensure fairness to accused persons by ensuring that they are protected against being the subject of multiple prosecutions. It also protects the legal system by ensuring that there is certainty and finality to criminal justice processes. However, the right may be subject to reasonable limitations that can be demonstrably justified in accordance with section 7 of the charter act.

The limitations on the double jeopardy rule proposed in the bill are exceptions relating to: (1) fresh and compelling evidence; (2) tainted acquittals; and (3) administration of justice offences. I consider that, together, these exceptions serve purposes which are valuable and important. Their primary purpose is to ensure that individuals acquitted of serious crimes are not able to escape punishment where compelling new evidence of guilt emerges or where it is clear that the original acquittal was 'tainted' in some way by an orchestrated perversion of the original trial which resulted in the acquittal. The exceptions also achieve other important goals such as promoting community safety, fair hearings and just outcomes, the interests of victims of crime and public confidence in the criminal justice system.

The bill tightly defines the circumstances in which retrials may be allowed with respect to each of the three exceptions. In relation to all three exceptions to the double jeopardy rule, the DPP must apply to the Court of Appeal to set aside the previous acquittal or remove it as a bar to further proceedings. The Court of Appeal must be satisfied that one of the three exceptions applies and that a fair new trial is likely.

The 'fresh and compelling' evidence exception applies only to the most serious categories of offences, including murder, manslaughter, arson causing death, serious drug offences and serious forms of rape and armed robbery. In addition, the exception will only encompass evidence that is reliable, substantially and highly probative against the person that would not have been able to be produced by the prosecution at the original trial with reasonable diligence.

The extent of the tainted acquittal exception is also limited in various ways. For instance, it only applies to offences with a maximum penalty of 15 years imprisonment or more. Further, an acquittal will only be tainted if the Court of Appeal is satisfied that it is more likely than not that, but for the commission of the administration of justice offence, the accused person would have been convicted in the original trial. Similarly, the administration of justice offence exception

is limited to indictable offences and the Court of Appeal must be satisfied that there is fresh evidence of the commission of an administration of justice offence by the accused in relation to the previous acquittal.

In addition, the bill builds in various procedural protections which guard against abuse of process by police or prosecuting authorities. Together with the specific limits with respect to each exception outlined above, these procedural protections ensure that the limitations on the rule against double jeopardy are reasonable. For instance, subject to an urgency exception, the bill provides that the police cannot carry out or authorise a police reinvestigation in relation to a person who has previously been acquitted of an offence unless the DPP gives written authorisation.

Slightly different considerations apply in considering whether the limitations on the right in section 26 of the charter act are demonstrably justified in relation to the three exceptions. In relation to the 'fresh and compelling' evidence exception, as the original acquittal was the result of a proper process based on the evidence available at the time, the limitation is more onerous to justify. However, because of the more limited scope of this exception and the importance of ensuring that individuals acquitted of serious crimes do not escape punishment altogether where compelling new evidence of guilt emerges, in my opinion the limitations are also demonstrably justified in relation to this exception.

In relation to the tainted acquittals and administration of justice exceptions, the original acquittal was the result of an improper process and the limitations on the right are more readily justified.

By ensuring that those who have committed serious offences are brought to justice, the limits on double jeopardy (i.e. the three exceptions) will promote community safety, fair hearings and just outcomes, victim rights and public confidence in the criminal justice system. This bill strikes an appropriate balance between the right of individuals not to be tried twice for the same offence and the public interest in ensuring that serious offenders are brought to justice.

Section 27: retrospective criminal laws

Clause 20 of the bill which inserts new section 441(7) in the Criminal Procedure Act 2009 does not engage section 27 of the charter act. Section 27 prohibits the retrospective application of criminal liability. The double jeopardy reforms do not change criminal liability. Rather, they change the circumstances in which a person may be tried and convicted of an offence.

Conclusion

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities Act 2006. Provisions of the bill engage with, but do not limit, the right conferred by section 27 of the charter act. The provisions of the bill that limit human rights under section 26 of the charter act are reasonable and proportionate.

Robert Clark, MP
Attorney-General

Second reading

Mr CLARK (Attorney-General) — I move:

That this bill be now read a second time.

This bill reforms the common-law rules against double jeopardy by providing that a person may be tried again in certain circumstances. The bill also improves early prosecution disclosure in summary proceedings and clarifies that deemed convictions from certain infringement notices form part of an offender's criminal record for the purposes of sentencing.

Double jeopardy reforms

This bill delivers on the government's election commitment to reform the law on double jeopardy, based on a model approved by the Council of Australian Governments (COAG) in 2007.

The rule against double jeopardy is a longstanding common-law principle which provides that a person may not be tried for the same offence twice. Its purpose is to ensure that criminal proceedings can be brought to a conclusion and the outcome in a trial can be regarded as final.

However, where a person has been acquitted, the rule against double jeopardy prevents that person from being retried even where important new evidence against them comes to light at a later date.

This bill represents a significant reform to the criminal law in Victoria. The bill reforms the common law so that a new trial can be allowed in three situations.

The first situation is where there is 'fresh and compelling' evidence against the person (for example, where new DNA evidence links a person to a murder or a person confesses to having committed a murder). The second situation is where the original acquittal was 'tainted' (for example, by the commission by the accused person or another person of an 'administration-of-justice offence' such as bribery of a witness or perjury). The acquittal will be tainted if it is more likely than not that, but for the commission of the administration of justice offence, the accused person would have been convicted in the original trial. The third situation is where there is fresh evidence that the accused person has committed an administration-of-justice offence in respect of an acquittal and the prosecution seeks to bring charges for that offence notwithstanding the acquittal.

The bill tightly defines the circumstances in which retrials may be allowed and builds in various

safeguards with respect to the powers of police and the DPP as well as clear criteria to guide the Court of Appeal.

The bill provides that the police cannot carry out or authorise a police reinvestigation in relation to a person who has previously been acquitted of an offence if police propose to exercise certain powers that directly affect that person unless the DPP gives written authorisation. The DPP must be satisfied that the reinvestigation will, or is likely to, result in sufficient new evidence and that it would be in the public interest to authorise a reinvestigation, before giving authorisation. An exception is made where the police must act urgently to preserve evidence.

Because prosecuting a person for a second time is an exception to the rule against double jeopardy, an order of the Court of Appeal is required to set aside a previous finding that a person has previously been acquitted of an offence. The bill provides that the DPP may file a direct indictment but must apply to the Court of Appeal within 28 days for an order that the prosecution for the charge in the indictment may continue and for the court to set aside the accused's previous acquittal. Failure to apply to the Court of Appeal without an extension for good cause will mean that the proceedings are automatically discontinued. There are also limits on making multiple applications.

Finally, the bill contains clear criteria that the Court of Appeal must follow when determining whether to grant an application by the DPP. Firstly, the Court of Appeal must be satisfied that one of the three exceptions applies. Secondly, the court must be satisfied that a fair new trial is likely. In applying this test, a court must take into account the length of time since the offence has occurred and whether police or prosecution conduct has contributed to delay in bringing further proceedings.

Further, the bill ensures that retrial applications can be made only for appropriately serious offences. The relevant offences for each exception vary. For example, the 'fresh and compelling evidence' exception applies only to the most serious categories of offences, such as murder, manslaughter, arson causing death, serious drug offences, and serious aggravated forms of rape and armed robbery. The 'tainted acquittal' exception applies to a broader category of offences, with a maximum penalty of 15 years imprisonment or more. Finally, the exception for 'administration-of-justice offences' will apply with respect to trials for all indictable offences. The range of offences to which this exception applies is broader because prosecutions for some, but not all,

administration-of-justice offences can already take place under the existing law.

Other amendments

The bill will also help to cut court delays by introducing amendments in the Magistrates Court to require the prosecution to make available basic information to the accused's lawyer. It is important to ensure that no cases are adjourned because information the prosecution has already prepared is not available at the first mention hearing. This will reduce the number of adjournments and therefore reduce delay in our court system.

The bill also ensures that where an infringement notice results in a deemed conviction, such as a drink-driving conviction, that conviction forms part of the offender's criminal record and is taken into account when a court is sentencing an offender.

Conclusion

This bill implements a key government election commitment. It will increase the ability of the criminal justice system to deliver effective and just outcomes by ensuring that persons acquitted of crimes are not able literally to 'get away with murder' or other serious crimes where compelling new evidence of guilt emerges or the original acquittal was tainted in some way.

I commend the bill to the house.

Debate adjourned on motion of Mr HOLDING (Lyndhurst).

Debate adjourned until Wednesday, 23 November.

CITY OF MELBOURNE AMENDMENT BILL 2011

Statement of compatibility

Mrs POWELL (Minister for Local Government) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 ('the charter act'), I make this statement of compatibility with respect to the City of Melbourne Amendment Bill 2011 ('the bill').

In my opinion, the bill as introduced to the Legislative Assembly is compatible with the human rights protected by the charter act. I base my opinions on the reasons outlined in this statement.

Overview of the bill

The purpose of the bill is to amend the City of Melbourne Act 2001 to provide for the recommendations arising from electoral representation reviews for the Melbourne City Council to be implemented by orders in council and to make consequential and other minor amendments.

Human rights issues

The bill does not raise any human rights issues.

Jeanette Powell, MP
Minister for Local Government

Second reading

Mrs POWELL (Minister for Local Government) —
I move:

That this bill be now read a second time.

The City of Melbourne Amendment Bill 2011 will amend the City of Melbourne Act 2001 to enable the recommendations of electoral representation reviews for the City of Melbourne to be implemented by orders in council.

At the government's request and with the agreement of the Melbourne City Council, the Victorian Electoral Commission is undertaking an electoral representation review of that council in preparation for the October 2012 elections. The electoral commissioner has advised that the review is likely to be completed in early 2012.

The Local Government Amendment (Electoral Matters) Act 2011, which received royal assent on 2 September this year, will amend the City of Melbourne Act 2001 to provide for future electoral representation reviews for the City of Melbourne.

The provisions in this bill will allow recommendations from an electoral representation review to be implemented by orders in council, if necessary, in the same way as for other councils. Orders in council will be able to specify the number of councillors to be elected, whether the councillors will be elected at large or to represent wards and the location of ward boundaries, if required.

There will remain a difference between Melbourne and other councils. The councillors of the City of Melbourne are currently elected using an above-the-line voting system. This system will continue to be an option for the City of Melbourne but will not be available to other councils. In addition to other matters, orders in council will be able to specify whether or not above-the-line voting will be used.

The bill also makes minor amendments to the City of Melbourne Act to change the time when candidates must lodge particular electoral documents, from 4.00 p.m. to 12 noon on relevant days. This change is part of a process to bring City of Melbourne election processes into line with other council elections.

I commend the bill to the house.

Debate adjourned on motion of Mr WYNNE (Richmond).

Mrs POWELL (Minister for Local Government) — I move:

That the debate be adjourned for two weeks.

Mr WYNNE (Richmond) — I move:

That the word 'two' be omitted with the view of inserting in its place the word 'three'.

In moving this amendment to the motion and proposing that debate be adjourned for three weeks, as the minister would be well aware this has been quite a hotly contested issue within the — —

Honourable members interjecting.

Mr WYNNE — Do I need the assistance of the member for South Barwon? I think not. It has been a hotly contested issue within — —

Mr Dixon interjected.

Mr WYNNE — No, within the broader city of Melbourne. There are quite contested views from a range of interested parties. There are a number of resident groups. A newly elected councillor, Cr Watt, has advocated strongly for an electoral representation review in relation to the City of Melbourne. As the second-reading speech indicates, that review is ongoing at the moment. Submissions have been called for in the usual processes that attend an electoral representation review that is being undertaken at the moment. A significant range of interest groups have quite a passionate interest in the outcome of this electoral representation review and the nature and form in relation to the way elections are held in the city of Melbourne.

Obviously, as you, Acting Speaker, are aware, I have some experience in relation to the city of Melbourne. I have watched the city very closely. It is our capital city. It is a place we hold dear. It is appropriate we take a moment to pause to use the opportunity of a — —

An honourable member interjected.

Mr WYNNE — A three-week adjournment would allow the opposition, including myself, to use that time to consult with a range of groups — that is, business groups, trader groups and resident groups throughout the municipality who have passionate, deeply held and sometimes conflicting and contradictory positions in relation to how they want to see their capital city governed. Is that a bad thing? Of course it is not, because we want to provide more opportunity to our constituents and those who will have the opportunity to vote at the next City of Melbourne council elections. We, as an opposition, want to make sure that they are fully informed of potential options that are embedded in the second-reading speech. There are members who are residents of the city of Melbourne. They would be well aware that some areas of their own municipality were brought back in — —

Dr Napthine interjected.

Mr WYNNE — Yes, indeed. I wonder who the member for South-West Coast voted for in the mayoral election. That is a very interesting question.

The ACTING SPEAKER (Mr Morris) — Order! I think the member is getting a little bit off the track.

Mr WYNNE — The Minister for Ports distracted me momentarily, because I know where he lives when he is in Melbourne. But as the minister well knows, there is a passionate interest in the outcomes of the City of Melbourne elections. These are crucial elections because if we change the above-the-line voting system, that will fundamentally change the structure and way in which campaigns are undertaken. If a ward system is adopted, I suggest there would be very serious challenges for the Minister for Local Government in terms of how this is structured going forward. A ward system with perhaps a mayor and deputy mayor brings its own set of challenges, which I am sure the minister has turned her mind to. We think a three-week adjournment period is reasonable. It provides opposition members with an opportunity to talk to a range of interest groups. There will be better legislation because of that.

Mr O'BRIEN (Minister for Gaming) — This is a small bill. It was called for by the City of Melbourne. It has nine clauses, including three which are procedural clauses. I remember in the last Parliament I was given a bill on geosequestration that had many hundreds of pages. I asked the then Minister for Energy and Resources if it were possible to have a slightly longer adjournment period than two weeks. I was told, 'Absolutely not. If you cannot read these hundreds and hundreds of pages and hundreds of clauses in two

weeks, then you are just being lazy'. There are nine clauses in this bill, including one entitled, 'How votes to be counted' in relation to local government elections. It may well be that the Labor Party needs a lot of time to consult on how votes are to be counted in local government elections. We all know how they have trouble counting votes in local government elections, whether it is in relation to the councils of Brimbank, Richmond, Melbourne — —

Honourable members interjecting.

Mr Wynne — On a point of order, Acting Speaker — and I cannot believe they pay the member two pay packets — as the minister well knows, this is a very contained debate. It is about the question of time. From his contribution it is clear that the minister does not understand any of the provisions of the bill, because he goes to quite a fundamental issue about how votes are counted. You, Acting Speaker, more than anyone else, would know the significance of — —

The ACTING SPEAKER (Mr Morris) — Order! Can the member come to the point of order?

Mr Wynne — You, Acting Speaker, more than anyone else, would know the significance of what that particular provision pertains to and how crucial it is in relation to how those elections are to be conducted. It shows the member's ignorance — —

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

Mr O'BRIEN — Two weeks adjournment time is plenty. The bill is of great interest to the Labor Party. The member for Lyndhurst is a constituent of the city of Melbourne and probably has a great interest in it as well. But even he can read nine clauses in two weeks; I will give him that.

Ms PIKE (Melbourne) — I support the proposition behind the amendment to this motion — that is, we require further time to address the matters that are contained in the City of Melbourne Amendment Bill 2011 introduced by the government. Whilst I appreciate that the minister considers this is a fairly limited bill, the matters contained within it are in fact quite weighty. It is only fitting that the appropriate amount of time for consideration of these matters be allowed, given that there are well over 60 000-odd constituents in the city of Melbourne; that the city of Melbourne is a capital city, a larger municipality and not one of the smaller municipalities; and that the issues addressed by City of Melbourne councillors are significant, weighty and important issues that have enormous relevance to the

whole state of Victoria. I think the government is seeking to trivialise what are very important matters.

The way in which councillors are elected goes to the heart of the democratic process. In relation to the business community, we know that Docklands is part of the city of Melbourne, that we now have the headquarters of Bendigo Bank, ANZ, the National Australia Bank and a number of major corporations all located within the city of Melbourne and that it contains the important residential areas of Parkville, Carlton, Kensington, North Melbourne, West Melbourne and Docklands. The residents of all of these areas have a deep and profound concern about the nature of the configuration of the city of Melbourne.

Mr Southwick — On a point of order, Acting Speaker, with all due respect, I do not think we need a lesson on the significance of all of our great buildings and the historic landmarks that are in the city of Melbourne. I ask that the member be brought back to relevance in terms of these amendments.

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

Ms PIKE — I always find it amusing when people say disrespectful things after saying 'with all due respect'. In fact I was representing, most appropriately, the enormous number of constituents and the large and important groupings that are represented within the city. I am really making the point that these groupings along with peak bodies like the Business Council of Australia and the Victorian Employers Chamber of Commerce and Industry — all of these very important representative bodies — are located within the city of Melbourne. They all have a strong and profound interest in this matter, and the City of Melbourne makes very big and significant decisions about the physical shape of our environment and the way in which Melbourne presents itself to the world. At this point we are travelling very well as one of the world's most livable cities, but a lot of the decisions made by the City of Melbourne are very relevant to our international status.

Dr Naphthine — On a point of order, Acting Speaker, I do not wish to interrupt the member for Melbourne, but she is straying. The issue is a debate on time, and it is not the time to debate the strengths or otherwise of the city of Melbourne. As much as we love the city of Melbourne, including Kensington, this is a debate about time, and I ask that the member be brought back to that narrow point.

The ACTING SPEAKER (Mr Morris) — Order! I ask the member to return to the point about the length of the adjournment.

Ms PIKE — Given that the City of Melbourne Amendment Bill 2011 canvasses some very fundamental issues, I think it is important that both the members who seek to represent their constituencies and the people in the city have adequate time to address these matters.

The ACTING SPEAKER (Mr Morris) — Order! The member's time has expired.

Mr MULDER (Minister for Public Transport) — Members will not see a greater act of hypocrisy than this request for time by the shadow minister. If members look at this bill, they will see that it has nine clauses and that the second-reading speech is actually one page. I can recall a number of times in opposition when we requested extensions of time on highly complex bills, and we got absolutely nothing. Not only that, but I am also aware of the number of times we offered shadow ministers bill briefings at times that suited the department and it did not suit the opposition to turn up on time to those bill briefings.

What are opposition members doing? They are not out there working in their electorates. They are not in here doing any work. They are wasting Victorian taxpayers money. They are absolutely lazy individuals. Have a look across the frontbench. They are old, tired, worn-out former ministers who do not want to be here. They have nothing better to do than to waste time.

Ms Neville — On a point of order, Acting Speaker, with respect to the minister for transport, who knows all about age, I suggest that he has strayed from the matter before the house. I ask that he be brought back to the motion before the house.

The ACTING SPEAKER (Mr Morris) — Order! The minister has concluded.

Mr HOLDING (Lyndhurst) — I am particularly pleased to have the opportunity to support the proposition that has been advanced by the member for Richmond. We as opposition members have today established how reasonable we are in our conduct. The house earlier considered the second-reading of the Criminal Procedure Amendment (Double Jeopardy and Other Matters) Bill 2011. We were happy for that to lay over for two weeks, as is the convention, because we understand the very significant and important issues that that bill raises. However, this bill is a significant one that will benefit from having an additional amount

of time for residents, people and businesses of the city of Melbourne to give it their consideration.

Mr Dixon — And yourself.

Mr HOLDING — The Minister for Education interjects, making the point that I am a resident of the city of Melbourne. I have always been happy to indicate clearly and honestly wherever I am living, unlike former members of the Legislative Council Andrew Olexander and Cameron Boardman, former member of the Legislative Assembly Robert Dean and other members of the Liberal Party who got themselves into trouble by not being honest about where they were living.

But to return to the motion that is before the Chair, there can be no more important question in a democracy than the question of how elections are conducted, the methodology upon which elections are conducted and the manner in which votes are counted. Therefore providing three weeks instead of two weeks to consider these significant questions seems like a very reasonable proposition. I am convinced that it is a reasonable proposition, because it has been advanced by none other than the member for Richmond, himself a reasonable person and a person with extensive experience in local government, having served as a councillor with the City of Melbourne and as the Lord Mayor of our great city of Melbourne. There is no-one in this chamber better placed than him to advance this proposition; possibly the only person equally as well placed as him to put this proposition would be the member for Melbourne herself. I note that both members have supported the motion.

Dr Napthine interjected.

Mr HOLDING — The Minister for Ports interjects again, and I take up the suggestion advanced by the member for Richmond earlier — and thank goodness for secret ballots is all I can say — when he inquired as to how the Minister for Ports may have voted in the mayoral election. Was it for Peter McMullin? Was it for Will Fowles? I will not proffer any more names; I do not want to embarrass the Minister for Ports. But it is very important that we provide Victorians, particularly the residents of Melbourne, the businesses in Melbourne, all the interest groups, the industry associations and the resident groups, with extensive opportunities to reflect on the important questions that this bill raises. What should the voting system be? Should we continue to provide above-the-line voting? It is only provided in the City of Melbourne; it is not provided in other municipal districts throughout Victoria. Should it be an election conducted at large or

one based on a ward structure? What should be the relationship between the mayor and deputy mayor?

These are the range of issues that are canvassed by this bill, and the proposition that an additional week should be provided so that residents and businesses can have their say seems to be an extremely reasonable thing to advance. I know the Minister for Energy and Resources said he was given bills on geosequestration running into hundreds of pages and thousands of clauses, but the Victorian people know how good the Minister for Energy and Resources is; he tells them at every opportunity. But as brief as this bill may be in terms of its length and the clauses contained therein, it is an incredibly important bill for the residents of Melbourne. I think providing that additional week is very reasonable.

The ACTING SPEAKER (Mr Morris) — The question is:

That the word proposed to be omitted stand part of the question.

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

Ayes, 44

Angus, Mr	Mulder, Mr
Asher, Ms	Naphthine, Dr
Baillieu, Mr	Newton-Brown, Mr
Battin, Mr	Northe, Mr
Bauer, Mrs	O'Brien, Mr
Blackwood, Mr	Powell, Mrs
Bull, Mr	Ryall, Ms
Burgess, Mr	Ryan, Mr
Clark, Mr	Shaw, Mr
Crisp, Mr	Smith, Mr R.
Delahunty, Mr	Southwick, Mr
Dixon, Mr	Sykes, Dr
Fyffe, Mrs	Thompson, Mr
Gidley, Mr	Tilley, Mr
Hodgett, Mr	Victoria, Mrs
Katos, Mr	Wakeling, Mr
Kotsiras, Mr	Walsh, Mr
McCurdy, Mr	Watt, Mr
McIntosh, Mr	Weller, Mr
McLeish, Ms	Wells, Mr
Miller, Ms	Wooldridge, Ms
Morris, Mr	Wreford, Ms

Noes, 43

Allan, Ms	Hulls, Mr
Andrews, Mr	Hutchins, Ms
Barker, Ms	Kairouz, Ms
Beattie, Ms	Knight, Ms
Brooks, Mr	Languiller, Mr
Campbell, Ms	Lim, Mr
Carbines, Mr	McGuire, Mr
D'Ambrosio, Ms	Madden, Mr
Donnellan, Mr	Merlino, Mr
Duncan, Ms	Nardella, Mr
Edwards, Ms	Neville, Ms

Eren, Mr	Noonan, Mr
Foley, Mr	Pallas, Mr
Garrett, Ms	Pandazopoulos, Mr
Graley, Ms	Perera, Mr
Green, Ms	Pike, Ms
Halfpenny, Ms	Richardson, Ms
Helper, Mr	Scott, Mr
Hennessy, Ms	Thomson, Ms
Herbert, Mr	Trezise, Mr
Holding, Mr	Wynne, Mr
Howard, Mr	

Amendment defeated.

House divided on motion:

Ayes, 44

Angus, Mr	Mulder, Mr
Asher, Ms	Naphthine, Dr
Baillieu, Mr	Newton-Brown, Mr
Battin, Mr	Northe, Mr
Bauer, Mrs	O'Brien, Mr
Blackwood, Mr	Powell, Mrs
Bull, Mr	Ryall, Ms
Burgess, Mr	Ryan, Mr
Clark, Mr	Shaw, Mr
Crisp, Mr	Smith, Mr R.
Delahunty, Mr	Southwick, Mr
Dixon, Mr	Sykes, Dr
Fyffe, Mrs	Thompson, Mr
Gidley, Mr	Tilley, Mr
Hodgett, Mr	Victoria, Mrs
Katos, Mr	Wakeling, Mr
Kotsiras, Mr	Walsh, Mr
McCurdy, Mr	Watt, Mr
McIntosh, Mr	Weller, Mr
McLeish, Ms	Wells, Mr
Miller, Ms	Wooldridge, Ms
Morris, Mr	Wreford, Ms

Noes, 43

Allan, Ms	Hulls, Mr
Andrews, Mr	Hutchins, Ms
Barker, Ms	Kairouz, Ms
Beattie, Ms	Knight, Ms
Brooks, Mr	Languiller, Mr
Campbell, Ms	Lim, Mr
Carbines, Mr	McGuire, Mr
D'Ambrosio, Ms	Madden, Mr
Donnellan, Mr	Merlino, Mr
Duncan, Ms	Nardella, Mr
Edwards, Ms	Neville, Ms
Eren, Mr	Noonan, Mr
Foley, Mr	Pallas, Mr
Garrett, Ms	Pandazopoulos, Mr
Graley, Ms	Perera, Mr
Green, Ms	Pike, Ms
Halfpenny, Ms	Richardson, Ms
Helper, Mr	Scott, Mr
Hennessy, Ms	Thomson, Ms
Herbert, Mr	Trezise, Mr
Holding, Mr	Wynne, Mr
Howard, Mr	

Motion agreed to and debate adjourned until Wednesday, 23 November.

EDUCATION AND TRAINING REFORM AMENDMENT (SKILLS) BILL 2011

Statement of compatibility

Mr DIXON (Minister for Education) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (charter act), I make this statement of compatibility with respect to the Education and Training Reform Amendment (Skills) Bill 2011.

In my opinion, the Education and Training Reform Amendment (Skills) Bill 2011 (ETRA skills bill 2011), as introduced to the Legislative Assembly, is compatible with the human rights protected by the charter act. I base my opinion on the reasons outlined in this statement.

Overview of bill

The primary purpose of the ETRA skills bill 2011 is to amend the Education and Training Reform Act 2006 (ETRA) to:

- (a) clarify that TAFE institutes and adult education institutions have the power to operate outside Victoria; and
- (b) overcome gaps and technical problems in the existing ETRA that authorises work placements and to ensure WorkCover protection to students and their host employers.

Human rights issues

1. *Human rights protected by the charter act that are relevant to the bill*

The ETRA skills bill 2011 potentially engages the following human rights protected by the charter act:

Section 17: protection of families and children

Section 17(2) of the charter act states that every child has the right, without discrimination, to such protection as is in his or her best interests and is needed by him or her by reason of being a child.

This charter act right is promoted by a number of proposed amendments in the bill. The amendments will correct technical matters in the ETRA which currently, but unintentionally, exclude some students from accessing work placements and WorkCover protection, on the basis of their age or the provider they are enrolled with. The amendments will enable more Victorian secondary and TAFE students (including some young people under 18 years) to participate in work placement programs with eligibility for WorkCover protection as a result.

It appears that the bill does not limit this right.

Section 24: right to a fair hearing

Section 24 of the charter act states that a party to a civil proceeding has a right to have the proceeding decided by a competent, independent and impartial court or tribunal after a fair and public hearing.

The bill proposes to extend some provisions of the ETRA that apply to work placements. Currently, there are some gaps in the coverage of those work placement schemes as an unintended consequence of recent legislative changes.

One of the features of the existing legislation for work placements is that, while a student is actually on placement with an employer, the educational institution does not have a duty of care in relation to the care and control of the student, and the institution and its staff are not liable for a legal action for breach of such a duty. These rules are set out in sections 5.4.10 and 5.4.18 of the ETRA. The reason for these provisions is that it is not practicable for an educational institution or its staff to exercise care and control of students who are, during a placement arrangement, absent from the institution and actually under the supervision of the placement employer in that employer's workplace.

In extending the scope of work placement arrangements, the bill will also extend to the same extent the scope of the legal protection of educational institutions and staff during placements.

This change does not appear to limit the procedural right to a fair hearing of a civil proceeding. Rather, it is a change to the substantive law relating to the legal liabilities of educational institutions and their staff in relation to students.

Conclusion

I consider that the Education and Training Reform Amendment (Skills) Bill 2011 is compatible with the charter act.

The Hon. Martin Dixon, MP
Minister for Education

The SPEAKER — Order! The time appointed by sessional orders for me to interrupt business has now arrived. The minister may continue his speech when the matter is next before the Chair.

Business interrupted pursuant to sessional orders.

ADJOURNMENT

The SPEAKER — Order! The question is:

That the house now adjourns.

Castlemaine hospital: funding

Ms EDWARDS (Bendigo West) — My adjournment matter is for the Minister for Health. The action I seek is that when he meets with Castlemaine Health on 23 November the minister commit to the Liberal-Nationals coalition government's promise of \$10 million for the Castlemaine hospital and inform Castlemaine Health in which future year it will receive its promised \$10 million. I have already pointed out on a number of occasions in this house how disappointed the community of Castlemaine and the region was that

the Liberal-Nationals government failed to deliver on this rubbery promise in its May budget.

While a member for Northern Victoria Region in the other place seemed confused on ABC radio talkback in May as to whether the funding was or was not in his government's last budget, I can assure the member that if he had bothered to check the budget documents a little more closely, he would have found that the \$10 million for Castlemaine Health was not in the May budget. In fact the May state budget tells a completely different story. The budget allocated no funding for the project over the next four years. This member for Northern Victoria Region continues to assert that the \$10 million will be available in future years. I ask that the minister state in which future year that will be so Castlemaine Health can finally plan its future. Along the way the minister can possibly enlighten the member for Northern Victoria Region.

Castlemaine Health has been desperately waiting for these funds to target much-needed projects, such as a new operating theatre at the hospital. If the government continues to delay this funding, then the promised \$10 million will not be enough to build the operating theatre. I recently tabled a petition in this house calling on the Baillieu-Ryan government to cough up the promised \$10 million. There are clearly many disgruntled people in Castlemaine and the district, because the petition was very successful and has sent a very loud and very clear message to this government that if you promise something, then you are expected to deliver, and sooner rather than later.

Castlemaine Health finds itself facing a very dismal future indeed under this government. Not only has it not received its promised \$10 million but also, without explanation or warning, it has been forced to close the aged-care facility at Renshaw House. Despite a number of questions on notice put to the minister by both me and a member for Northern Metropolitan Region in the other place regarding the sudden and unexpected closure of this facility, there has been no comment or even acknowledgement from the minister, despite it being over 40 days since the questions were put on the notice paper.

Castlemaine Health now has had not a double whammy from this government, with no money and the closure of facilities, but a triple whammy, with the alarming secret plans of this government to cut nurse numbers. Castlemaine patients, Castlemaine nurses and indeed the whole of the Castlemaine regional community will be worse off under this secret Liberal-Nationals coalition government plan. I call on the minister to tell Castlemaine Health and the people of the Castlemaine

region just when the promised dollars for their hospital will materialise.

Whitehorse Friends for Reconciliation: ministerial visit

Ms RYALL (Mitcham) — I raise a matter for the Minister for Aboriginal Affairs. My request is that the Minister for Aboriginal Affairs visit the electorate of Mitcham and meet with the Whitehorse Friends for Reconciliation and Whitehorse City Council. The electorate of Mitcham is in the city of Whitehorse and on the land of the traditional owners, the Wurundjeri people. The reason for my request is so the minister can listen to the views of the Whitehorse Friends for Reconciliation and hear about the work they do and the resources they provide to the community in relation to the important work of reconciliation. While visiting the city of Whitehorse, the minister can also hear about the council's work on its reconciliation and action plan, which expires at the end of this year, and its plans for the time subsequent to that.

Local government: confidentiality provisions

Mr BROOKS (Bundoora) — I wish to raise a matter for the attention of the Minister for Local Government. The specific action I seek is that she introduce changes to the administration of local government to ensure greater transparency when confidential matters are considered.

Members would be aware that section 89 of the Local Government Act 1989 currently allows for councils to declare some items of their meetings closed to the public. That provision has been used in a responsible manner by local government for some time; however, recently there have been many relevant reports centring on the City of Melbourne. I am not aware of the detail of those particular issues, but they have drawn back to my attention some concerns I have had about one of my local councils, Banyule City Council, and its increasing use of confidentiality provisions in council meetings, particularly over the last few years. Some research by my office found that in 2009 there was a large increase in the number of items considered confidential; there were 24 items. That rose to 40 items in 2010, and I understand there have already been 40 such items this year, with a few meetings to go.

It is important that the local government minister have a look at this area and see whether the act needs to be changed or whether her local government office could work with councils to ensure that where there are high levels of confidentially considered items they are legitimately confidential items and that those provisions

are used appropriately. Alternatively it could be that information about items should be made public at a later date if the items no longer require confidential status. It could also well be that the Local Government Act 1989 could be altered so that councils have to give more information at the time they state an item is going into confidential consideration.

There is a well-known saying, originally by a former US Supreme Court justice, that sunlight is the best disinfectant. Where local government is concerned it is important that as much business as possible be transacted in the open so that local communities and the local media in many cases are able to make a judgement about what is transacted by a particular council. I ask the minister in good faith to consider these requests and come back to me in due course.

Water: environmental flows

Mr CRISP (Mildura) — I raise a matter for the Minister for Water. The action I seek is that Victoria's hard-earned environmental water be used efficiently.

It has been a long-held view that environmental water needs to be used efficiently. Irrigators have been improving on farm water use for decades now, mostly by deploying better technology. The same has not been the case with respect to the use of environmental water, the prevailing sentiment being 'just create a flood'. We all know we need to be smarter than that. The Mallee Catchment Management Authority has been developing the use of regulating structures to improve the efficiency of environmental water. Victoria has worked hard and taken pains to produce end-of-valley flows as part of various programs to deliver environmental water. To achieve the end-of-system flows desired those end-of-valley flows need to be used efficiently so Victoria can gain the best environmental outcomes in our state and meet the end-of-system flow requirement.

The Murray River valley downstream of Mildura is a vast flood plain with many creeks and branches off the main stream creating myriad islands. Lindsay Island is a major subsystem on the flood plain and would lend itself in my view to regulation systems to achieve better environmental outcomes with less water than is currently being used. Wallpolla Island also has a system of creeks that are well known to campers and fishermen. This system would also lend itself to a system of regulators to optimise the outcomes from environmental water. The catchment management authority has regulation in place at Mulcra Island which is providing valuable information on the outcomes that are possible given the use of environmental regulators.

Water is too valuable to use in any way but efficiently, and water for the environment should be no different. Can the minister detail what action Victoria is taking to ensure the efficient use of environmental water?

Police: Heidelberg West station

Mr CARBINES (Ivanhoe) — The matter I raise is for the attention of the Minister for Police and Emergency Services, and it relates to the closure by him and his government of the Heidelberg West police station. Two months ago in this place the minister said:

... I will seek advice from police command, and I will respond to the member accordingly. The matters that were put to me by police command were reflected in the letter that I wrote to the member, and should it be that there are other matters that police command, which ultimately controls these things, is able to advise me of in a manner that might be of assistance with the issues the member has raised, then I will certainly outline them to him.

He further said:

I wrote the letter in good faith on the basis of the advice that came to me; nevertheless I will check that advice and provide further commentary to the member when I have it.

The action I seek is for the minister to respond to me and the Heidelberg West community regarding the operational status of the Heidelberg West police station as he indicated he would do in his response during the adjournment debate in September. He has failed to provide a response on this matter, though he gave an undertaking to do so.

We have been waiting for that response from the minister for over two months, and an article has appeared this week in the *Heidelberg Leader* entitled 'Station shut "by stealth"'. The article says:

The Police Association says the state government is lying to the public over the closure of the Heidelberg West police station.

...

Last Wednesday he —

that is, the Minister for Police and Emergency Services —

said the issue was a police command matter.

He has gone to the 101 book for obfuscating police ministers and decided this is now going to be a matter he is going to handball. The article went on to quote the police as saying:

The long-term future of Heidelberg West police station is still under consideration ...

The article also went on to quote the Police Association Victoria as saying the government:

... had been running a charade, depriving Heidelberg West of a police service, while putting pressure on officers at Greensborough and Heidelberg.

The article went on to quote the association as saying:

The agenda for Victoria Police is to close the station by stealth and drive the lifeblood out of it ... They are now saying something that we have known all along.

Acting Speaker, we have known all along in Heidelberg West, and we have known all along in the Ivanhoe electorate, that this government's agenda has been to close the Heidelberg West police station.

I note that the letter in April from the Minister for Police and Emergency Services, Peter Ryan, said the Heidelberg West police station:

... will not close and the station remains able to be staffed as required. The chief commissioner has indicated that the 80 hours per fortnight that were rostered to the West Heidelberg counter inquiries will continue to be used to service the needs of the Banyule community including through local patrols.

Has he come out to Heidelberg West? He needs to get out of the bush, get down to the northern suburbs of Melbourne and explain to the people of Heidelberg West why their police station has closed, why he is doing nothing about it but blaming and hiding behind everyone else and why he is not being responsible in responding to these matters.

Midsumma Festival: funding

Mr NEWTON-BROWN (Pahran) — My adjournment matter is directed to the Minister for Tourism and Major Events, and the action I seek is that the minister direct funds to the Midsumma Festival to assist with its promotion as one of the premier major events on Melbourne's calendar. The 2012 Midsumma Festival will commence on 15 January and run through to 5 February. It is a fantastic event.

The Prahran Liberals have been involved with the Midsumma Festival for many years. Last year the Minister for Health and the Minister for Community Services both assisted me in representing the government at various events during the festival. This festival is long running. It started in 1988 and is Victoria's premier gay, lesbian, bisexual and transgender (GLBT) arts and cultural festival. This year is the 24th year of the festival. It is an annual community celebration, and it encourages the development of innovative artistic content. It used to be

held in the Alexandra Gardens, but last year it moved to Birrarung Marr. It was a very successful event last year.

While this carnival has now become a mainstream event that is enjoyed by the wider community, back in 1988 it must have been a groundbreaking community festival for this community. It gave the community a real sense of pride and strength. It has now grown to be recognised nationally and internationally as Melbourne's premier GLBT arts and cultural festival. It celebrates the pride and diversity of these communities within Melbourne, Victoria and the rest of Australia.

The event is positioned as a cultural festival that is also a tourism destination, and that is why I am making the call to the Minister for Tourism and Major Events to provide some funds for its promotion. In previous years the festival has attracted people from overseas and interstate. Indeed 10 per cent of attendees come from regional Victoria, so it is not just an inner city Melbourne event; it is a broader major event and is very important to the state of Victoria.

The Midsumma Festival promotes opportunities for new artistic talent. It is diverse, challenging and committed to excellence, and it encourages greater exposure of GLBT arts and culture. The Midsumma Festival is a non-profit organisation. It consists of a volunteer board and has a budget of a bit over \$600 000, with government contributions made from Arts Victoria, the City of Melbourne and the City of Yarra. It is a great day out. It is a major event in Victoria's action-packed events calendar. I invite my colleagues from both sides of the house to join me in the annual Pride March next year. I call on the minister to make this contribution to assist with the marketing of this event.

Murradoc Road, St Leonards: upgrade

Ms NEVILLE (Bellarine) — The matter I raise is for the Minister for Roads, and the action I seek is that the minister make a commitment to ensure that VicRoads funding is made available in the 2012–13 state budget to contribute to the upgrade works of Murradoc Road, St Leonards. Local residents and the St Leonards Progress Association have raised their concerns about the condition of this important road, reflecting the community's increasing worry about issues of access and safety.

In early September I wrote to the minister outlining the issues around the state of the road in St Leonards. Murradoc Road is the main road in St Leonards and provides a connection between Drysdale and St Leonards. The proposed upgrade includes

constructing kerbing, guttering and footpath works on sections of the road along the St Leonards shopping centre and past the primary school to the lake. This would have been an important link for local residents and also visitors to the town. The upgrade would also include a cycling lane to meet the needs of the increasing number of cyclists, both local and visitors.

These improvements have been subject to consultation and agreement with local residents, businesses and the St Leonards Progress Association. The City of Greater Geelong has advised that following a broader review of the special rates and charges scheme the process to upgrade Murradoc Road will commence. This includes the opportunity for further consultation on the rates and charges process. As a result, work is unlikely to commence until the 2012–13 financial year. Council has advised that the funding that is put aside in this year's budget will be carried over into 2012–13 and that it will be seeking further funding support from VicRoads. It is important, as a matter of common sense, that VicRoads funding also be provided in the 2012–13 state budget so that the project can go ahead and so that council and state government support will be aligned to ensure that it all occurs at the same time.

As part of last year's election campaign the former Labor government made a \$250 000 contribution towards the upgrade of Murradoc Road, as it recognised how critical it is to the community of St Leonards. The total cost is in the vicinity of \$640 000, and a contribution from the state government would help offset some of these costs and reduce the cost impact on residents and businesses. It is a very important road for locals, families, parents taking their children to school, those travelling between St Leonards and Geelong and the tourists who visit the town. It is time for this important key road to be upgraded to ensure that it is of a high standard and safe for local residents, visitors and traders. Again I call on the Minister for Roads to take action to ensure that funding for Murradoc Road is included in the state government's 2012–13 budget.

Fruit growers: government support

Mr McCURDY (Murray Valley) — I raise a matter tonight for the attention of the Minister for Agriculture and Food Security regarding the importance of eating fruit as part of a balanced diet. The action I seek of the minister is that he continue to support Victoria's fruit production industries, including in my electorate, and that he write to the *Age* newspaper to inform readers and the wider Victorian public of the importance of a healthy serving of fruit as part of a balanced daily diet.

I was shocked and disappointed to read in the *Sunday Age* of 6 November the article headed 'Fruit cops a bruising', which at its core was reporting the views of a particular Melbourne professional who is an anaesthetist, not a food nutritionist, and who has linked eating fresh fruit to weight gain. This article was supported by a large photo of a slim young nurse who, it is claimed, lost 7 kilograms after cutting fruit from her diet. The proposition that eating fresh fruit makes people fat turns on its head decades of nutritional advice about healthy eating and is an insult to the fruit growers of my electorate.

The article reports this medical professional acknowledging that the regular consumption of fruit is fine for anyone without a weight problem, so the clear inference is that eating fruit is not fine for people who have a weight problem. The very next paragraph reports federal government data showing that 61 per cent of people are overweight or obese. This medical professional is therefore suggesting that three out of every five people should be cautious about eating fruit.

Fortunately the article was balanced to a degree by some comments from Rosemary Stanton, a nutritionist who rejected the fat fruit argument and noted that the study had not been published in a medical journal. It raises the question of why this fat fruit scare was given prominence in the widely read Sunday paper when, as I note, the National Health and Medical Research Council recommends that people eat at least two pieces of fresh fruit a day. People's average fruit consumption in Australia falls significantly short of this recommendation. The 2008 Victoria health survey report found just under half of all Victorians were eating the recommended two or more servings of fruit per day, while one in seven Victorians were eating no fruit at all per day on average.

In my electorate the fruit growers in Cobram and certainly those in Shepparton and Wangaratta do not need such ill-informed commentary. The food bowl of Australia competes against Mother Nature and struggles with the Australian dollar, and now it is competing against imported juices and even apples, which we hope are fire blight free. Now we are on trial by an anaesthetist supported by the *Age*. I seek the minister's support on this matter.

Epping Road, Epping: duplication

Ms GREEN (Yan Yean) — I wish to raise a matter for the attention of the Minister for Roads. I am pleased that he is actually in the house this evening. The action I seek from him is that he fund the upgrade of Epping Road, which urgently needs duplication and

signalisation at the intersection of Findon Road. It certainly was an election commitment of the Labor Party to fund this upgrade.

Interestingly my opponent at the last election, Mr Jack Gange, sent out a misleading press release in which he claimed that a Liberal government would fund it, but when the media asked the then shadow Minister for Roads about it he said it was not a Liberal Party commitment. I put it to the minister, who is now in the house, that he should speak to his cabinet colleague the Minister for Children and Early Childhood Development, who was in my electorate last week. She refer at length to the number of families that are moving into my electorate.

There is no excuse. The government knows the Yan Yean electorate is the most populous and fastest growing electorate in the state. There is absolutely no reason why there should have been zero dollars allocated in any portfolio, let alone the roads portfolio, in this year's budget and forward estimates.

I noted in this year's budget that there was only \$4.8 million in the outer suburban roads output measure. That is an absolute disgrace. Melbourne's outer suburbs deserve more attention. I raised this matter with the minister on 6 April this year, and I have tabled many petitions from local residents about it. Sunday week ago at the Aurora Festival in a 4-hour period I was able to collect more than 500 signatures in support of this upgrade.

My community will be even more concerned with the planning minister's announcement as reported in today's *Herald Sun* about the new Melbourne blueprint. The article talks about enormous numbers of people moving to the north and \$200 billion being needed over the next 20 years to fund infrastructure in the area. We already have a funding deficit for the people who live there. No money has been allocated for roads, public transport, schools or children's centres. Those on the other side of the chamber say we had time when we were in government. We actually built six children's centres in six years, five schools in five years and upgraded numerous roads, including the Plenty Road duplication, which I know the Minister for Roads will come out and claim credit for.

Manufacturing: Mordialloc electorate

Ms WREFORD (Mordialloc) — I wish to raise a matter for the Minister for Manufacturing, Exports and Trade. The action I seek is for the minister to visit the Mordialloc electorate to hear about some of the issues impacting on local businesses firsthand. The Mordialloc

electorate includes Braeside, which is a rare type of suburb that has fewer than 10 residential addresses; businesses make up almost the entire suburb. The northern edge of the electorate along Wickham Road is also famous for its industry, and there are many more manufacturing areas within the electorate.

Manufacturing is a big part of my electorate; however, it is facing interesting times. It is no secret that the threat of a carbon tax is really hurting industry now. Then there are other factors, such as a sluggish national and international economy, the high Australian dollar, which reduces the attractiveness of Australian products and increases the attractiveness of imports, and much more. The federal government certainly is providing uncertain times.

At a state level things for the Mordialloc electorate manufacturing base are a bit of a mixed bag. There is some investment and growth happening. In particular, road projects such as the Dingley bypass are real positives. Plenty of new businesses are setting up, and some are doing very well. Last week I had the pleasure of opening the new office for Data#3, which is a national data management specialist in Braeside. A couple of weeks ago I visited Brivis, a world-leading company growing largely through company investment, which allows it to develop advanced heating and cooling systems. Two local firms, MTECH Systems and Ronstan International, recently won prestigious Governor of Victoria Export Awards.

For these success stories, and many more like them, to continue this government cannot rest on its laurels, particularly in the face of a bungling, hopeless, incompetent federal government trying to implement a complicated carbon tax. At a state level we must continue to deliver the infrastructure and conditions businesses need to survive and compete. It is for this reason that I invite the minister to visit the Mordialloc electorate. My businesses need his ear and support in these challenging times. They have some good ideas on how to improve things for manufacturers in the south-east of Melbourne and across Victoria generally. I look forward to a positive response.

Responses

Ms ASHER (Minister for Tourism and Major Events) — The member for Prahran raised with me his request for funding for the 2012 Midsumma Festival, which will be held from Sunday, 15 January, to Sunday, 5 February 2012. He also made the observation that the Midsumma Festival was in its 24th year. The member for Prahran, I might say as an aside, has been a very strong supporter of Midsumma

over many years, along with many of his colleagues. He hosted a stall at the 2011 festival, and I understand he is likely to do so in 2012. Prior to the election he spoke at the official ceremony with the member for Doncaster, now the Minister for Community Services, representing the coalition, which is now the coalition government. The member for Prahran invited his colleagues to come to the 2012 Midsumma Festival, and I know there is considerable interest amongst many of his colleagues in attending the arts and cultural festival. I expect many of his colleagues, both city and country, will be supporting him at Midsumma.

The festival is held annually and is recognised nationally and internationally as a prominent arts and cultural event. I am delighted to advise the member for Prahran that the coalition government, through Tourism Victoria's events program, has allocated \$16 000 to the festival to help market the event. One of the very important things about this festival, as the member for Prahran commented on, is its capacity to bring in tourists. A sample survey conducted at the 2011 festival showed that 81 per cent of the attendees were from Melbourne. Regional Victoria sent 8 per cent, as the member alluded to in his introductory comments, 2 per cent of people were from interstate and 7 per cent were from overseas. Tourism Victoria advises me that international visitation increased by 6.4 per cent compared with the figures from 2010. The majority of interstate attendees — 12 per cent — came from New South Wales, 2.5 per cent from Western Australia, 2.5 per cent from South Australia and 2.5 per cent from Queensland.

The funding from Tourism Victoria will assist with costs associated with a tourism marketing strategy to attract more intrastate, interstate and international visitors, which hopefully will add to the numbers that I just articulated to the house. We want to make sure that not only is this a good event for people who live in the electorate of Prahran and in other parts of Melbourne but also that there is maximum benefit derived from tourist visitation.

The advertising funding will go to radio and podcast advertising, a print campaign in the local press and a print media campaign in New Zealand. Last year was the first time that Tourism Victoria marketed this event in New Zealand, and we will do so again. There will be a television program, there will be social media advertising, there will be Midsumma Festival posters distributed in Sydney, Brisbane, Perth, Adelaide, Tasmania, regional Victoria and New Zealand, and there will be Yarra Trams outdoor advertising as well as 20 000 to 40 000 brochures distributed on trams throughout Melbourne. Tourism, as I have said on

many occasions in this house, is a very important industry. Midsumma is a very important event in the tourism and cultural calendar, and I am delighted to offer that support to the member for Prahran.

Mr MULDER (Minister for Roads) — The member for Bellarine raised an issue with me in relation to Murradoc Road in St Leonards. The member requested some assistance with funding an upgrade of that road. I understand work has been carried out on that road in the past, that this particular section of road is within the township area of St Leonards and that the work would involve upgrading curbing and guttering, making other improvements to the road vicinity and also creating a cycle lane.

The member has indicated that this project has great support from the St Leonards Progress Association and also from the broader St Leonards community. I understand from the member for Bellarine that the council did have a funding allocation for this project and that the project has now been put out to 2013. The member is requesting assistance with the provision of funding, along with the council's commitment, to see that the project can be carried out. What I will do for the member for Bellarine is seek some advice from VicRoads in relation to the project and see whether there is any assistance we might be able to provide going forward. I thank the member for raising this issue with me.

The member for Yan Yean raised an issue with me in relation to an upgrade to Epping Road and also the duplication signalisation of Epping Road. I find it quite extraordinary that the member for Yan Yean basically baited me in terms of the fact that there has not been a commitment made to upgrading Epping Road. I find it quite extraordinary that after 11 years during which the member for Yan Yean totally snubbed the people of her electorate in relation to an upgrade of Epping Road, providing no assistance whatsoever, now she is in opposition she is running around with petitions and making it look like she has a genuine commitment to her electorate, when obviously in 11 years nothing was done.

I also find it quite extraordinary that in the last 11 months families are all of a sudden moving into the electorate. I would have thought that in that particular part of metropolitan Melbourne there would have been families moving in for years. In fact that particular area of Melbourne has been growing for a long period of time. If the member for Yan Yean had shown any interest in her community, she would have brought this matter to the attention of the former government and secured funding for this upgrade previously. However, I

will ask VicRoads to look at the project and get back to the member for Yan Yean.

Ms Green — On a point of order, Acting Speaker, I take offence at the minister saying that in the former government's term of office nothing was done in the electorate of Yan Yean. There was significant investment in road projects there. This government has funded nothing this year and nothing in the forward years, and there is no excuse — —

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

Mrs POWELL (Minister for Local Government) — The member for Mitcham raised an issue with me about visiting her electorate, in particular visiting the Whitehorse Friends for Reconciliation group and the City of Whitehorse Council. I am quite happy to visit her and the people she would like me to meet in her electorate, particularly the Whitehorse Friends for Reconciliation and the council. The member spoke to me earlier about the great work the Whitehorse Friends for Reconciliation do and the strong commitment the group has to its community. I know the Wurundjeri people from that area are very proud people. The member also told me that the City of Whitehorse has a reconciliation action plan. It is a great thing for councils to have those plans and to work cooperatively with their communities on reconciliation.

The member would be really pleased to know that in December last year a new parliamentary tradition was started with the opening of Parliament incorporating a formal welcome to country by representatives of the Wurundjeri and the Boonwurrung people, Auntie Joy Murphy Wandin and Carolyn Briggs. This government has reinstated funding for Reconciliation Victoria. That organisation is involved with all the reconciliation groups around Victoria and helps them work with their communities to see if they can in some way decrease racism in the community and to educate people about the importance of culture and of our shared history with the Aboriginal people. In the last budget we allocated \$800 000 over four years to allow Reconciliation Victoria to continue its great work. I was really proud to officially open Reconciliation Victoria's Melbourne office on 4 October this year.

The government is also working closely with Reconciliation Victoria to develop a reconciliation framework for the state. It is great to see that councils are providing reconciliation action plans; that is what we are hoping most councils will do. The Baillieu government has provided an additional \$75 000 in funding in this budget for a 12-month extension of the

local government pilot project, which is a first in Australia. That is so that the government can assist Reconciliation Victoria to work with a number of councils in developing reconciliation action plans. As I said, it already has its reconciliation action plan, and it is important that councils that have such plans are able to work with other councils that perhaps are looking for some guidance in working with their local Aboriginal communities, providing the services they need and providing the community with information about those services.

I would be pleased to join the member for Mitcham in meeting with her community. I ask her to organise a visit with the Whitehorse Friends for Reconciliation. I would be happy to meet with her at a time that is convenient for her and the organisation and also with the City of Whitehorse to hear about how it would like to move forward with its council reconciliation and action plan and the great work it is doing with its Aboriginal community.

The member for Bundoora raised with me his concerns about a number of confidential matters that are occurring in some councils. Some of those councils are raising certain matters in committee or sometimes in camera. The member for Bundoora gave me a bit of prior notice, so I have been able to get some information for him. In his contribution the member raised a matter about section 89 of the Local Government Act 1989, which provides that council meetings must be open to the public, and that is absolutely right. The act states:

89. Meetings to be open to the public

- (1) Unless subsection (2) applies, any meeting of a Council or a special committee must be open to members of the public.

There are quite specific requirements around what matters councils can take into committee or discuss in camera. As the member said, the community would hope that is limited to those issues that require it. I will mention a number of such issues that councils may look at. They include personal matters, the personal hardship of any resident or ratepayer, industrial matters, contractual matters, proposed developments, legal advice, matters affecting the security of council property and any other matter which the council or special committee considers would prejudice the council or any person or a resolution to close the meeting to members of the public.

Section 89(3) of the act provides:

- (3) If a council or special committee resolves to close a meeting to members of the public the reason must be recorded in the minutes of the meeting.

I expect councils to comply with these conditions. As the member has said, it is more appropriate for councils to be open and accountable, and I think the community would expect that. I believe most councils comply with the conditions, and I am not aware of any councils that do not. If the member has any instances of councils not complying with those provisions, I would be happy to receive that advice.

Mr WALSH (Minister for Agriculture and Food Security) — As the Minister for Agriculture and Food Security I would like to respond to the germane issue raised by the member for Murray Valley, who is a very passionate supporter of the horticulture industry in his area. I thank the member for his adjournment matter about an article in the *Sunday Age* of 6 November. I too was appalled to read this news article which highlighted a non-published theory that eating fruit contributes to weight problems.

While it is true that your energy intake needs to match your energy output or you will gain weight, this theory ignores the need for particular nutrients that are essential for good health and are provided through eating fruit. It is completely irresponsible to promote messages that could discourage people from eating fresh fruit. This seems like the latest in a long line of nonsensical attacks on our agricultural industries, up there with the CSIRO telling people to cut back on eating red meat to stop global warming.

It is a well-established fact that Australians do not eat enough fruit. Fewer than half of all Victorians eat the recommended servings of fruit per day, and 14 per cent eat no fruit at all. Instead of eating less, we should be encouraging people to eat more fresh fruit and vegetables. If more Victorians ate fresh fruit, our community would be healthier and our horticulture industry stronger and more profitable.

One needs to ask what message the *Sunday Age* was trying to send. Often these debates are not about eating more or less, but if you discourage people from eating one product, what do they eat instead? This point was picked up in the article by a nutritionist, Dr Stanton, who is quoted as saying:

... the danger when you give out a message that fruit is somehow bad is that the people who are eating none or one piece will eat less and instead will eat chips and biscuits ...

Let there be no doubt that eating fruit is a vital part of a healthy balanced diet. Many of us remember the food pyramid. Fruit is located at the base of the food pyramid, along with vegetables, cereals, rice and bread, in the 'eat most' category. Fruit is not a part of the 'eat in small amounts' section at the tip of the pyramid with fats, biscuits and sweets. According to the Dietary Guidelines for Australian Adults:

Scientific surveys of populations around the world have consistently provided good epidemiological evidence that people who regularly eat diets high in fruits and vegetables and legumes have substantially lower risks of coronary heart disease, stroke, several major cancers ... type 2 diabetes ... cataracts, and macular degeneration of the eye.

The Australian Guide to Healthy Eating page on the Department of Health and Ageing's website recognises the importance of fruit in a healthy diet and recommends consumption of two to four servings of fruit each day for adults. An additional daily intake of around one serving of fruit during pregnancy is recommended. For mothers an additional daily intake of around three servings of fruit is recommended during lactation.

The key message for Victorians is — —

Ms Neville — On a point of order, Acting Speaker, I seek clarification as to whether the Minister for Agriculture and Food Security is also the minister responsible for nutrition. I am unclear about his response in this matter.

The ACTING SPEAKER (Mr Nardella) — Order! There is no point of order. The minister was being relevant to the matter raised by the member for Murray Valley.

Mr WALSH — The key message for all Victorians is: you will not get fat eating a balanced diet that includes fruit. Of course, as with everything, eating in moderation is important. The member has requested that the government continue to support the fruit industry, and I am happy to do that. He has also asked me to write to the *Sunday Age* to inform readers of the nutritional benefits of eating fresh fruit as part of a daily diet. I will be delighted to do so and encourage Victorians to eat more fresh fruit and vegetables and enjoy the wonderful agricultural products our farmers produce here in Victoria.

As the Minister for Water I will respond to the issue raised by the member for Mildura. The member raised the issue of works and measures to achieve environmental outcomes with less water. He particularly raised this issue around Lindsay Island, which is downstream from Mildura on the Murray

River. I am very aware of this project. It is a place I had planned to visit with the member for Mildura recently, but unfortunately that did not work out. However, I will be visiting that area with the member for Mildura some time in the foreseeable future.

It is a project that Victoria has put forward to the Murray-Darling Basin Authority for funding, and we have gained \$2 million funding from the authority to do the planning around that particular project. If you actually put in some infrastructure, particularly some weirs and some regulators, the opportunity is there to water parts of Lindsay Island and the red gums on that island. There is also an opportunity to do similar works on Wollpolla Island and on the Chowilla flood plain, which is just across the border in South Australia. There is a very strong belief, which I hope this work will prove, that you can achieve environmental outcomes there with significantly less water than would be needed for a major flood and major over-bank event. This is something that Victoria will be pushing very hard in the upcoming draft Murray-Darling Basin plan as to how we can achieve environmental outcomes in Victoria with less water.

As the member for Mildura said, particularly through the drought farmers have learnt how to achieve yield on their properties with less water, and I am encouraging them to believe that we can achieve the same sorts of results for the environment. The member for Mildura is well aware of the work that is currently under way at Hattah, where instead of having to have a major over-bank flood event to put water into the Hattah Lakes, pumps have been set up to fill the lakes. This measure is delivering an environmental outcome with less water. I commend the member for Mildura for his keen interest in how environmental outcomes can be achieved in his electorate while also saving water so that we do not have to take as much water away from food production, where it will be needed to produce some of that great fruit that people will be eating in the future after we correct that very misleading article that was in the *Sunday Age* recently.

Mr KOTSIRAS (Minister for Multicultural Affairs and Citizenship) — The member for Mordialloc raised a matter for the Minister for Manufacturing, Exports and Trade. The action she seeks is that the minister visit Mordialloc and speak to small businesses which have been impacted upon by the carbon tax because they have been provided with no other assistance by the federal Labor government.

The member for Bendigo West raised a matter for the attention of the Minister for Health. The member requests that when the minister visits Castlemaine he

meet with Castlemaine Health and provide that service with \$10 million to complete various projects. I will pass that on to the minister for his direct response.

The member for Ivanhoe raised a matter for the attention of the Minister for Police and Emergency Services. The member seeks the minister's response to a query regarding the closure of West Heidelberg police station. I will refer that matter to the Minister for Police and Emergency Services for his direct response, but I encourage the member for Ivanhoe to read the former member for Ivanhoe's criticism of the Labor government.

Mr Carbines interjected.

The ACTING SPEAKER (Mr Nardella) — Order! The honourable member for Ivanhoe will desist. I will not put up with anything further.

An honourable member interjected.

The ACTING SPEAKER (Mr Nardella) — Order! I will not put up with anything further from anybody. The minister to continue.

Mr KOTSIRAS — I will refer those matters to the minister for his attention.

The ACTING SPEAKER (Mr Nardella) — Order! The house is now adjourned.

House adjourned at 10.48 p.m.

