

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE ASSEMBLY**

**FIFTY-SEVENTH PARLIAMENT**

**FIRST SESSION**

**Tuesday, 13 November 2012**

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**FIFTY-SEVENTH PARLIAMENT — FIRST SESSION**

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<sup>1</sup> Resigned 21 December 2010

<sup>2</sup> Elected 24 March 2012

<sup>3</sup> Resigned 27 January 2012

<sup>4</sup> Elected 21 July 2012

<sup>5</sup> Elected 19 February 2011

<sup>6</sup> Resigned 7 May 2012



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**Tuesday, 13 November 2012**

**The SPEAKER (Hon. Ken Smith) took the chair at 2.04 p.m. and read the prayer.**

### **DISTINGUISHED VISITORS**

**The SPEAKER** — Order! I would like to welcome to the gallery the Honourable Joan Kirner, a former Premier of Victoria; Mr Victor Perton, a former member for Doncaster; and Mr Ross Smith, a former member for Glen Waverley. It is nice to see them all in here today. Please feel very welcome.

### **CONSUL GENERAL OF INDIA**

**Mr BAILLIEU** (Premier) (*By leave*) — All members of the house will be deeply saddened to learn of the sudden death of the Consul General for the Republic of India in Melbourne, Dr Subhakanta Behera, last Friday evening. Dr Behera had been the Consul General in Melbourne since early last year and had had a distinguished diplomatic career in the Indian foreign service. He had previously served his country overseas in Moscow, Uzbekistan, Bulgaria, Washington, DC, and as a joint secretary in the Ministry of External Affairs in New Delhi.

He held an undergraduate degree from Jawaharlal Nehru University and also a doctorate from Oxford University. Apart from his work as a professional diplomat, Dr Behera was a man of immense culture. He was a published author and poet and had also written widely in international journals of record. I know Dr Behera greatly appreciated his appointment as Consul General here in Victoria. I know he was working closely with the very significant Indian community in this state and in this city. Dr Behera had, I believe, fallen in love with our city and our state. When he first arrived here he made a point of saying that it was his mission to bring the Indian community together and to work for the Indian community but also to work in and assist Victoria.

Only last April he spoke of how much he loved Melbourne. He said:

Melbourne is a beautiful place ... it has widespread greenery, broad roads and vast meadows ... The people of Melbourne are friendly, generous, and I find it a truly multicultural society.

It was with a very sad irony that Dr Behera died on the eve of Diwali, the Festival of Lights, which has become such a wonderful fixture on Melbourne's yearly calendar of multicultural events. It is a festival which I

know Dr Behera personally found great joy in, participated in, supported and helped lead.

To his widow, Rajashree, and their son, Ananya, and daughter, Amruta, our hearts go out and we send our deepest sympathies. They have lost a loving husband and father suddenly and tragically. With the Minister for Multicultural Affairs and Citizenship I met with the family on Saturday, and I know other members of this house joined in the public service and proceedings at the consulate on Sunday.

Victorians have lost a great friend. We have lost also a great friend of Australia and a man who was the best sort of advocate for his country and for the wonderful links that are constantly being built upon between India and Victoria.

On behalf of the government I extend its deepest condolences to his family. As someone who was privileged to call Subhakanta Behera a friend, I too pause and reflect with immense sadness that he has been taken from us. The shock at his passing has numbed the community and it has numbed his family and friends, but his legacy and our memories of him will remain for a very long time. Dr Behera was a friend of the Indian community, a friend of Victoria and a friend of Melbourne, and he will be deeply missed.

**Mr ANDREWS** (Leader of the Opposition) (*By leave*) — I join the Premier to speak on this condolence. Last week I mourned the passing of Dr Subhakanta Behera, the Consul General of India in Melbourne, and today I will in a small way mark his contribution.

The foreign service of the Republic of India has lost a thinker, a scholar and a dedicated public representative. A family has lost a loving husband and father. A nation has lost an envoy that, in every way, could symbolise the great educational and political advancement of the world's largest democracy. Dr Behera entered the service in 1987. He was posted to Moscow in the USSR, Tashkent, Sofia and Washington DC among other places. He returned often to India, became a very senior public servant and was named India's Consul General to Melbourne in May last year. Dr Behera spoke five languages fluently. He wrote or edited over a dozen books. He completed his PhD at the University of Oxford on the quest for identity in literature. We can view the identity of the Indian people in Dr Behera's story — a man's dedication to his family, to a life of constant learning and to his country and its culture.

He will be missed in Melbourne and right across Victoria. Thousands will fondly recall his presence and will regret that at just 50 he had so much more to teach,

write and achieve. On behalf of the parliamentary Labor Party I offer my condolences and comfort to Dr Behera's family and to his friends and colleagues in Australia and India.

I will add to what the Premier noted about Dr Behera's friendship. Each of us in our roles get to spend quite a lot of time with members of the consular core. I think it is fair to say that for the Premier, myself and, I am sure, the Minister for Multicultural Affairs and Citizenship and others, there was a genuine warmth and friendship in relation to Dr Behera. He was a terrific person and someone who not only served in his role with great distinction but was very easy to get along with and abundantly respected.

We in the parliamentary Labor Party and members of Parliament hope his wife can adjust to life without her husband and friend and his children can adjust to life without their father and mentor. May they treasure the legacy that he has left, and may their thoughts carry him safely to the far shore.

**Mr KOTSIRAS** (Minister for Multicultural Affairs and Citizenship) (*By leave*) — I join with the Premier and the Leader of the Opposition to express my sincere sorrow at the death of Dr Subhakanta Behera. Dr Behera was a passionate career diplomat; he was a talented writer and a creative poet; he was a committed family man and a real gentleman who earned the respect and admiration of all those he met.

Dr Behera took on the post of Consul General of India in Melbourne in May 2011 at a time when the Indian community in Melbourne was facing many challenges. Upon his arrival Dr Behera wasted no time. He constituted a committee on student-related activities to assist newly arrived international students to deal with their initial transition. He also announced a Victoria-India doctoral fellowship program to offer scholarships to Indian students to undertake their PhD studies.

During my first meeting with Dr Behera he told me he needed to achieve three things during his term of office in Melbourne: the first was to promote and encourage more cultural exchanges between Victoria and India; the second was to increase trade and business opportunities; and the third was to unite the community. He said, 'My greatest challenge is how to bring the community together'. He was aware that the number of Victorians of Indian heritage had doubled between 2006 and 2010 and the number of organisations had tripled. He said the challenge for him and the community was how to get them working together as one to ensure a brighter future for its children.

Dr Behera saw his role as more than just being a consul general for Victorians of Indian heritage, as he believed the Indian community as a whole had links and was already connected to India. He wanted to reach out and connect with mainstream Victorians. He wanted to engage the wider Victorian community in an ongoing cross-cultural exchange and dialogue. In an interview with *G'Day India* he said:

Whatever I am doing here, I will see that at least 80 per cent of people come from mainstream audience. They must know what India is all about.

Dr Behera had a very simple message: to try to encourage as many Victorians as possible to visit India and to experience, see and taste what India has to offer. He said to me that if people could not go to India, then he would try to bring India to Victoria. He saw this as a means of breaking down barriers and stereotypes and of fostering the mutual respect that underpins a cohesive multicultural society. He believed that when you embrace cultural diversity, you will ensure that enormous benefits come to the state and to the nation.

In an interview in April, Dr Behera spoke about the natural beauty of Melbourne and about the friendly and generous character of Victorians, praising our strong multicultural make-up. When asked in the interview how Indians could contribute to this melting pot, he replied that he did not believe that Victoria is a cultural melting pot, because if it were the groups would lose their individual identities. To use his own words, he said that Victoria is more like a big bouquet in which individual communities and groups retain their identity, culture and sense of who they are as individual flowers, and that Indians add to this rich arrangement. Through those words Dr Behera showed he had an understanding of Victoria and Australia. His passing is a painful loss for his family, for the Indian government, for Victoria's Indian community and indeed for the wider community. I extend my condolences to Dr Behera's family — his wife, Rajashree, his son, Ananya, and daughter, Amruta.

**Mr PERERA** (Cranbourne) (*By leave*) — Dr Subhakanta Behera commenced his position in Melbourne in 2011 after serving in a number of senior postings around the world, such as in the former Soviet Union, Bulgaria, the United States of America and the United Kingdom. Dr Behera had a doctorate from Oxford University and was an intellectual. Although he was an introvert, he reached out to vast sections of the Indian community from all walks of life. He could very comfortably deal with diplomats, professionals and politicians, and at the same time could go to Little India in Dandenong to sit and talk to shopkeepers for hours and hours. He was a simple man who could attend a

function and mingle with people all night, almost until the function finished. He always came across as a warm person and a very good listener.

Dr Behera became a personal friend of mine and was someone I admired a lot. During the week ended 3 November I had the opportunity to meet with him four times, including once for dinner at his residence with an Indian delegation and my parliamentary colleague the member for Footscray. He was a good family man who was quite hospitable. At a professional level our discussions were always engaging, and I have gained immensely from interacting with him.

Dr Behera was indeed a scholar and a poet who was well known in the Indian community and in the fields of art and contemporary history. His death at the age of 50 years is excruciating and completely unexpected. Dr Behera's ability as a scholar from Oxford, his ability to interact with heads of state and his ability to relate to the concerns of the common people are rarities in this day and age. Through Dr Behera's demise not only has the Indian foreign service lost a diplomat but all in Victoria have lost a rare gem of a person. I extend my condolences to Dr Behera's wife, Mrs Rajashree Behera, and to their two young children, Ananya and Amruta, on this occasion of grief.

**The SPEAKER** — Order! I ask all members to rise in their places as a mark of respect to the memory of the deceased.

**Honourable members stood in their places.**

## QUESTIONS WITHOUT NOTICE

### **Independent Broad-based Anti-corruption Commission: powers**

**Mr ANDREWS** (Leader of the Opposition) — My question is to the Minister responsible for the establishment of an anti-corruption commission. Is it not a fact that misconduct in public office, like the actions of the member for Frankston and his use of a taxpayer-funded car for private profit, could not be investigated by the government's Independent Broad-based Anti-corruption Commission (IBAC)?

**Mr McINTOSH** (Minister responsible for the establishment of an anti-corruption commission) — I thank the Leader of the Opposition for his question, but I again reiterate that he just does not get it. The reality is that we said that we would establish an independent broadbased anticorruption commission. The linchpin of that is the term 'independent'. Decisions to investigate are a matter entirely for the IBAC Commissioner.

### **Independent Broad-based Anti-corruption Commission: establishment**

**Mrs BAUER** (Carrum) — My question is to the Premier. Can the Premier advise the house on the progress of the government's election commitment to establish an independent broadbased anticorruption commission in Victoria?

**Mr BAILLIEU** (Premier) — I thank the member for her question. This is the most historic integrity reform ever seen in this state. No doubt the fact that the previous government did nothing about this over 11 years is what gives rise to the mirth from the other side. We made the commitment in opposition, and today we are delivering on it in government.

**Mr Andrews** interjected.

**The SPEAKER** — Order! The Leader of the Opposition; that is enough.

**Mr BAILLIEU** — This is a historic package of measures to improve the integrity, accountability and transparency of government and of public officials in this state. It is a historic step, and the opposition is frustrated because it did nothing about this in government for 11 years. We are establishing not just an independent broadbased anticorruption commission but also additional oversight bodies to ensure that people in public office exercise their powers properly, legally and with probity.

There will be two new parliamentary committees and there will be reporting obligations to this Parliament and therefore to the people of Victoria. Above all, there will be independence from influence. As the Minister responsible for the establishment of an anti-corruption commission has just indicated, that appears to be something that some people still do not get.

**Mr Andrews** interjected.

**The SPEAKER** — Order! The Leader of the Opposition; I will not stand for that today. Enough is enough. He will be out if he keeps that up.

**Mr BAILLIEU** — We are doing what no other Victorian government has ever done. The former government tolerated a patchwork system which has failed Victoria and which has been widely commented on right across Australia. It was this government that promised to fix the mess, and that is what we are doing. This is another in a long list of messes that we have had to deal with. These bills will complete the steps to create a well-resourced anticorruption commission that operates independently of government. With these bills

the coalition government is completing its suite of extensive reforms giving Victorians a significantly strengthened and robust integrity regime — something which Labor simply failed to address. It failed to act upon it, failed to address it and failed to do what it knew it should be doing.

With these bills we are fixing the glaring problems and the gaps. We have put in place an integrity system that bonds the bodies together and dramatically improves procedural fairness — and that is what it should do. We are also expanding our oversight regime, and there will finally be consistent and robust oversight of key Victorian integrity bodies, including existing bodies. This has been a significant project and a vital one for Victoria. We are very proud to have fulfilled our promise, and the introduction of this legislation will be critical to that.

**Bushfires: emergency services communications**

**Ms ALLAN** (Bendigo East) — My question is to the Minister for Environment and Climate Change. I refer the minister to the reported shortfalls in the interoperability of vital radio equipment for emergency services and GPS transmitting capabilities for Department of Sustainability and Environment personnel operating in the state’s bushfire-prone areas. Can the minister outline to the house the current status of the paging notification service for DSE operational duty staff for emergency incidents, and will the system be fully operational for this year’s bushfire season?

**Mr R. SMITH** (Minister for Environment and Climate Change) — I thank the member for her question. In response to the 2009 Victorian Bushfires Royal Commission the government committed to improving the interoperability of Victoria’s fire and emergency services, and that included the replacement of radios at both DSE and the Country Fire Authority to promote safer work practices and to improve operations and planning during emergency response.

The DSE and CFA are working together on the replacement of radios, and DSE has said that the new radios will be fully compatible with CFA’s new digital network once established. It is worth pointing out — and perhaps the member can speak to her federal colleagues about it — that the federal government is denying half the bandwidth required, and maybe that would speed things up.

**Independent Broad-based Anti-corruption Commission: powers**

**Mr HODGETT** (Kilsyth) — My question is to the Minister responsible for the establishment of an anti-corruption commission. Can the minister outline to the house the powers that the Independent Broad-based Anti-corruption Commission is proposed to have, and is he aware of any alternative policies in this area?

**Mr McINTOSH** (Minister responsible for the establishment of an anti-corruption commission) — I thank the member for Kilsyth for his very pertinent question. Today is a momentous day for Victoria. Today I will be introducing two bills into Parliament which mark the final stage in the setting up of our Independent Broad-based Anti-corruption Commission (IBAC).

The new bills will complete the introduction of our new integrity bodies and allow for the commencement of the full investigative powers of IBAC and the Victorian Inspectorate. They also replace the former government’s widely criticised Whistleblowers Protection Act 2001 with a new simplified and improved protected disclosure regime and abolish Labor’s failed Office of Police Integrity.

This is the culmination — the drawing together — of all of our extensive legislative changes and reforms into one integrated integrity system here in Victoria. These are historic reforms which Labor — understandably in your case — steadfastly refused to introduce. Let us not forget — —

*Honourable members interjecting.*

**Mr McINTOSH** — It hurts, doesn’t it?

**Mr Andrews** interjected.

**The SPEAKER** — Order! The Leader of the Opposition has been warned.

**Mr McINTOSH** — Let us not forget that Labor had 11 long years to deliver a functional broadbased anticorruption commission.

**Ms Allan** — On a point of order, Speaker, the Labor opposition is not the subject of the question. I think it is obvious that the minister’s answer is going to continually debate the question because it already is, and I ask that you — —

*Honourable members interjecting.*

**Ms Allan** — You are protecting Frankston too, are you?

**The SPEAKER** — Order! The member for Bendigo East can resume her seat. I do not uphold the point of order.

**Mr McINTOSH** — As I was saying, Speaker, the Labor government had 11 years in which to deliver a functional, integrated and, most importantly, independent, broadbased anticorruption commission here in Victoria. It failed dismally. What did it deliver? It delivered an Office of Police Integrity which had limited jurisdiction and which was beset with problems from the start.

**Ms Allan** — On a point of order, Speaker, the minister's answer is not relevant to the question, which asked the minister to outline the powers that we assume will be introduced later today, because we do not have a crystal ball to find out about his legislative program. His answer is not relevant to the question that was asked, and I ask you to bring him back to answering the question.

**The SPEAKER** — Order! I believe the answer was relevant to the question that was asked.

**Mr McINTOSH** — As I was saying, we are going to fix all those problems created by the former government. We have taken the time to get our model absolutely right, and we make no apology for that. We have got on with the job of delivering a comprehensive integrity system covering the entire public sector — and deliver we have! The Independent Broad-based Anti-corruption Commission is up and running and is getting on with the job of capacity building and indeed undertaking the important process of education and prevention. Mr Ron Bonington is the acting commissioner.

We have implemented the Public Interest Monitor to appear in the public interest in applications for the use of covert powers and coercive powers, something that was sorely lacking under the former government. We are going to establish two new parliamentary committees to provide additional oversight of the system, which is again something Labor could not do. We have implemented a new freedom of information commissioner, which is probably the greatest reform to FOI in the last 30 years.

On top of that we have also implemented new codes of conduct for ministers, fundraising and advertising, something Labor could never do. These reforms are fundamental and far reaching, and with the bills to be introduced today we are delivering a comprehensive

integrity system. What did we get from the former government? We got a system that looked like a spaghetti tree — a noodle nation all over again — that could not do the job — —

**The SPEAKER** — Order! The minister's time has expired.

### **Hamilton–Coleraine rail reserve: committee of management**

**Ms NEVILLE** (Bellarine) — My question is to the Minister for Environment and Climate Change. Can the minister explain why he sacked the chairman, secretary and treasurer of the Hamilton–Coleraine rail reserve committee of management, against the clear advice of his own department, the Country Fire Authority, the Shire of Southern Grampians and an independent recruitment consultant?

**Mr R. SMITH** (Minister for Environment and Climate Change) — I thank the member for Bellarine for her question. The fact of the matter is that the representatives on the committee of management were not sacked; their terms actually expired. Maybe under the previous government when departments recommended people to be appointed to boards or committees of management that government just rubber-stamped them. Perhaps that is what that it did; it just rubber-stamped what the department said. What I did was to talk to members of the community, take on board the recommendations I was given and make a decision, as is my responsibility as a minister.

### **Rail: protective services officers**

**Mr McCURDY** (Murray Valley) — My question is to the Deputy Premier and Minister for Police and Emergency Services. Can the Deputy Premier update the house on the coalition government's delivery of better protection for Victorians and visitors using our rail network and is he aware of any alternative policies?

**Mr RYAN** (Minister for Police and Emergency Services) — I thank the member for his question. The government is very proudly getting on with its important policy commitment of recruiting 940 protective services officers (PSOs) to patrol all the railway stations in the metropolitan area and the major regional centres by November 2014. More than 190 of these PSOs have been deployed to the rail network.

The house will remember, I am sure, that some people said we would never recruit a single one of these PSOs. Some people said it might take anything up to 60 years, I think was one of the estimates, to recruit these

personnel. In fact 190-plus PSOs are out there doing a great job. They are now deployed to 24 railway stations, and I know the house wants to know where those stations are. They are Flinders Street, Melbourne Central, Southern Cross, Footscray, Dandenong, Parliament, North Melbourne, Richmond, Box Hill, Epping, Noble Park, Frankston, Broadmeadows, Yarraville, Laverton, Ringwood, Werribee, Lilydale, Hoppers Crossing, Reservoir, Croydon, Newport, Westall and Boronia.

I mention Boronia because recently someone was on the television saying, 'Where are the PSOs for Boronia?' I am able to tell that person, the member for Bendigo East, that Boronia railway station now has protective services officers. I might also say to the member and members opposite, so many of whom are anxious to have PSOs at stations within their electorates — they want the PSOs, yes they do, and that is why it has become a bipartisan policy — that it is a great thing. I am pleased to be able to say that with the passage of time we are going to see more and more of these PSOs rolled out across different stations.

We have over 400 applicants at the moment who are going through the assessment stages of the recruitment process. The next squad of PSOs is scheduled to graduate from the academy on 23 November — and just like Michael Clarke, it will be 200-plus we will have out there. This recruitment and training is happening at the same time as we are continuing to recruit the 1700 front-line operational police. As the house knows, we had 850 of them as of 30 June and we will have 1200 out there by 30 June next year. This represents the largest recruitment exercise ever undertaken in the history of Victoria Police. It is an absolute record.

The PSO policy is popular with the public because the public can see the difference these protective services officers are making at the stations. Anecdotally a lot of comment came to me about the great success of the Spring Racing Carnival where, on those very busy days for the rail network, managed so well by the minister and Metro Trains Melbourne, the PSOs were active in making sure that people were assisted in what they wanted to do, which was to get to the track as soon as possible. Recent surveys the government has undertaken indicate that overwhelmingly the travelling public of Victoria has embraced protective services officers because members of the public understand that these people are doing a wonderful job on behalf of the public of Victoria.

The community in our state wants this because after 11 years of a former failed Labor government Victoria

was left with the lowest number of front-line police per capita of any state in the Australian nation. The recruitment of these additional police and the recruitment of protective services officers is but one limb of the law and order policy which we brought to government and on which we are delivering.

### **Hamilton–Coleraine rail reserve: committee of management**

**Ms NEVILLE** (Bellarine) — My question is to the Minister for Environment and Climate Change. I refer the minister to his previous answer and to his appointment of members to the Hamilton–Coleraine rail reserve committee of management, and I ask: can the minister guarantee that none of the individuals he appointed were candidates which his department advised him were, and I quote, 'not recommended' even 'for interview'?

**Mr R. SMITH** (Minister for Environment and Climate Change) — I thank the member for her question. Once again I tell the member that I actually visited the community over in the west. I understood there were some tensions between various members of the community with regard to the committee of management. I took on board those tensions, I took on board what I heard from the local community, I took on board the recommendations from the department and I made a decision, as is my responsibility. I did not rubber-stamp the department's recommendations, as those opposite may have done when they were ministers.

### **Economy: government achievements**

**Mr KATOS** (South Barwon) — My question is to the Treasurer. Can the Treasurer advise the house on recent labour force figures for Victoria and evidence of the relative performance of this state's economy?

**Mr WELLS** (Treasurer) — I thank the member for South Barwon for his interest in the economy. Last time Parliament sat the Premier and I made comment about the Standard and Poor's independent assessment of Victoria's finances. Standard and Poor's reconfirmed its AAA credit rating with an outlook as stable — and that is great news for Victoria. Victoria is the only state that has a AAA stable rating by Standard and Poor's. Victoria also has the strongest balance sheet anywhere in the country. Victoria has consistently run surpluses on its budget. There is only one other state that has done that, and that is Western Australia. But when it comes to AAA stable, there is only state that stands alone, and that is Victoria.

Last Thursday the nation's unemployment figures were released. The release of these figures was more good news for Victoria. These figures showed that Australia created 18 700 full-time jobs, and that is good news for us as a country. What is even more significant is that of the 18 700 full-time jobs that were created, 10 500 were created here in Victoria — 10 500 full-time jobs were created in just one month here in Victoria. More than half the full-time jobs created were created here in Victoria, and that is good news.

We have job announcements at Virgin Australia, Suisse Vitamins, Sichuan Airlines, and VanceInfo, just to name a few. Just recently I was in Bendigo with the member for Bendigo East announcing more jobs for State Trustees in Bendigo East. That was a great announcement.

*Honourable members interjecting.*

**Ms Allan** — On a point of order, Speaker, section 58 of the standing orders requires that answers to questions must be factual. It would perhaps be factual for the Treasurer to highlight that those 100 jobs — —

**The SPEAKER** — Order! The member for Bendigo East! I do not uphold the point of order.

**Mr WELLS** — As I was saying, what a great announcement it was in Bendigo regarding State Trustees — and it was a great pleasure for this government to open those offices. When it comes to such things as building approvals, 36 per cent of all building approvals in the country take place in Victoria. Even the retail and residential auction results last week showed a clearance rate of about 60 per cent, when a year ago it was only 51 per cent. These are great results.

Since coming to government just on two years ago this government and the economy have created over 25 500 jobs for Victoria, and despite all the doom and gloom and all that is happening around the country, the Victorian economy is performing very well. Despite the challenges from the carbon tax and despite the challenges with industrial relations and occupational health and safety, this economy is doing very well.

*Honourable members interjecting.*

**Mr WELLS** — But not everyone wants to see a strong economy; in fact there are some who want to talk the economy down. Not everyone wants to see good employment numbers and not everyone wants to see a strong financial situation in this state. State Labor members should hang their heads in shame.

### **Akoonah Park, Berwick: committee of management**

**Ms NEVILLE** (Bellarine) — My question is to the Minister for Environment and Climate Change. I refer to the minister's written instruction that his department should 'ensure that Brad Battin, member for Gembrook, is involved in any meeting between departmental officers and the Akoonah Park committee' concerning the review of and appointment of members to that committee, and I ask: does the minister's directive for consultation on public appointments extend to Nationals and Labor members of Parliament or just to Liberal Party MPs?

**Mr R. SMITH** (Minister for Environment and Climate Change) — I thank the member for Bellarine for her question. I take this opportunity to thank all the many volunteers across this state who volunteer for committees of management, who care for their communities and who care for the Crown land over which the committees of management have authority.

In response directly to the member's question, I certainly make available the opportunity for input from anyone who is interested, and clearly those opposite are not interested. The member for Gembrook is a great advocate for his community. He is very interested in the various groups that work in his community, and I congratulate him on his advocacy. That invitation is open to anyone on the other side who takes an interest.

### **India: trade engagement strategy**

**Mr GIDLEY** (Mount Waverley) — My question is to the Minister for Innovation, Services and Small Business. Can the minister update the house on Victoria's international engagement with India?

**Ms ASHER** (Minister for Innovation, Services and Small Business) — I thank the member for Mount Waverley for his question and for his general interest in the economic and cultural engagement of the state of Victoria. As members of this house would be aware, the Baillieu government is committed to deepening its engagement with India at all levels; in fact this government's first trade mission was to India, and that took place in April 2011. Subsequent to that the Premier led the largest ever business and trade delegation to India in February 2012, and it is expected to generate over \$350 million in new trade opportunities for Victoria over the next two years.

I am happy to advise the house that in late October I returned to India for the third time in 18 months to highlight Victoria Week, which was part of Oz Fest, the

biggest Australian cultural festival ever staged in India. Members of this house would be aware that the Prime Minister was in India, in part for that reason. The Premier of New South Wales was in India at the same time as I was, and I believe the premiers of South Australia and Queensland are intending to visit India as part of Oz Fest.

I am happy to advise the house that as part of this I led a delegation that included 30 organisations and 40 delegates representing Victoria's leading firms in the creative arts and ICT, including architecture and design, film, food and wine, and technology. There were a number of very important achievements during this trip, even though it was only a four-day trip. Firstly and most importantly, on behalf of the Premier I officially opened the second Victorian government business office in Mumbai — we already have one in Bangalore. The office was announced by the Premier previously. We are the only Australian state with two offices in India. We also announced that the Victorian government was providing \$1.5 million over three years to allow the Australia India Institute to continue its work, with a strong focus on expanding Victorian engagement with India.

We also showcased Victoria as the premier food and wine state in Australia. I would like to place on record the government's thanks to MasterChef judges Gary Mehigan and George Calombaris, who are both proud Victorians and who are assisting us in promoting Victoria overseas. As members of this house would be aware, MasterChef will be filmed in Victoria next year.

I also witnessed an exciting new partnership between the Victorian company SenSen Networks and Indian-based L & T Infrastructure Development Projects Ltd. The Bulleen-based company SenSen Networks will provide its video-based data analysis technology to be deployed as a new road-tolling technology. The initial deal is worth \$1 million, but the company anticipates \$20 million of sales over the next three years. I am pleased to report that SenSen has increased its staff from six people in November 2011 to 42 in October 2012, and it plans to add a further 25 positions by May 2013.

For members of this house who are followers of Bollywood, Vidya Balan will return to Melbourne as the ambassador for the 2013 Indian Film Festival of Melbourne. Ms Balan made a range of most generous comments about Melbourne, and I thank her for that. This is all part of the Baillieu government's trade engagement strategy. The Baillieu government is continuing to strengthen its trade and cultural links with India.

## FIRE SERVICES LEVY MONITOR BILL 2012

### *Introduction and first reading*

**Mr O'BRIEN** (Minister for Consumer Affairs) — I move:

That I have leave to bring in a bill for an act to provide for the establishment, functions and powers of the Fire Services Levy Monitor, to consequentially amend certain acts and for other purposes.

**Ms D'AMBROSIO** (Mill Park) — We would appreciate a brief explanation of the bill.

**Mr O'BRIEN** (Minister for Consumer Affairs) — This is an important part of the government's landmark fire services levy reforms. This is one of the most significant tax reforms in Victoria over the last 50 years. We will make sure that Victorian consumers are protected through this transition by having a strong Fire Services Levy Monitor with effective enforcement powers backed up by significant fines.

**Motion agreed to.**

**Read first time.**

## LIQUOR CONTROL REFORM AMENDMENT BILL 2012

### *Introduction and first reading*

**Mr O'BRIEN** (Minister for Consumer Affairs) — I move:

That I have leave to bring in a bill for an act to make various amendments to the Liquor Control Reform Act 1998 and for other purposes.

**Ms D'AMBROSIO** (Mill Park) — I request a brief explanation of the bill.

**Mr O'BRIEN** (Minister for Consumer Affairs) — The coalition went to the election with a commitment to give Victoria Police more powers to effectively deal with minors in possession of alcohol. This bill will fix an 11-year anomaly in the law that required police on foot patrol who confiscated alcohol from minors to carry it around with them rather than being able to tip it out. We are taking a common-sense approach to give Victoria Police the powers it needs to deal with minors in possession of alcohol.

**Motion agreed to.**

**Read first time.**

**ELECTRONIC CONVEYANCING  
(ADOPTION OF NATIONAL LAW)  
BILL 2012**

*Introduction and first reading*

**Mr R. SMITH** (Minister for Environment and Climate Change) — I move:

That I have leave to bring in a bill for an act to adopt in Victoria a national law relating to electronic conveyancing and to make consequential amendments to the Transfer of Land Act 1958 and other acts and for other purposes.

**Ms NEVILLE** (Bellarine) — I ask that the minister provide a brief explanation of the bill.

**Mr R. SMITH** (Minister for Environment and Climate Change) — This bill provides for the establishment of a national electronic conveyancing system as provided for under the intergovernmental agreement of 2008.

**Motion agreed to.**

**Read first time.**

**INTEGRITY AND ACCOUNTABILITY  
LEGISLATION AMENDMENT BILL 2012**

*Introduction and first reading*

**Mr McINTOSH** (Minister responsible for the establishment of an anti-corruption commission) introduced a bill for an act to amend the Independent Broad-based Anti-corruption Commission Act 2011 and the Victorian Inspectorate Act 2011 to provide for matters of a transitional and savings nature and other amendments, to amend the Telecommunications (Interception) (State Provisions) Act 1988, the Ombudsman Act 1973 and the Audit Act 1994, to repeal the Major Crime (Special Investigations Monitor) Act 2004, to make consequential and other amendments to other acts and for other purposes.

**Motion agreed to.**

**Read first time.**

**PROTECTED DISCLOSURE BILL 2012**

*Introduction and first reading*

**Mr McINTOSH** (Minister responsible for the establishment of an anti-corruption commission) introduced a bill for an act to encourage and facilitate disclosures of improper conduct by public

officers, public bodies and other persons or of detrimental action taken in reprisal for a disclosure, to provide protection for persons who make those disclosures and to provide for the confidentiality of the content of those disclosures and the identity of persons who make those disclosures, to make related amendments to other acts, to repeal the Whistleblowers Protection Act 2001 and for other purposes.

**Read first time.**

**BUSINESS OF THE HOUSE**

**Notices of motion: removal**

**The SPEAKER** — Order! Notices of motion nos 4 to 13 will be removed from the notice paper unless members wishing their notices to remain on the notice paper advise the Clerk in writing by 6.00 p.m. today.

**PETITIONS**

**Following petition presented to house:**

**Schools: Doreen and Mernda**

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, and the acute shortage of schools.

In particular, we note:

1. there are now almost 2000 students enrolled at government primary schools in Mernda and Doreen, which will increase rapidly in future years;
2. there is no state secondary school in Doreen or Mernda and parents are travelling on increasingly congested roads as far as Whittlesea, Mill Park, Epping, Greensborough and Diamond Creek to access secondary schools;
3. the government has cut access to the student conveyance allowance which is used to offset travel costs for students;
4. land has been purchased by the previous Labor government for secondary colleges to be built in Cookes Road, Doreen, and Breadalbane Avenue, Mernda;
5. the recent closure of Acacia College means that a further 720 students need to find school places in 2013.

The petitioners therefore request that the Legislative Assembly urge the Baillieu government to urgently build secondary schools for Doreen and Mernda.

**By Ms GREEN (Yan Yean) (885 signatures).**

**Tabled.**

**SCRUTINY OF ACTS AND REGULATIONS  
COMMITTEE**

***Alert Digest No. 16***

**Ms CAMPBELL (Pascoe Vale) presented *Alert Digest No. 16 of 2012* on:**

**Drugs, Poisons and Controlled Substances  
Amendment Bill 2012**

**Education Legislation Amendment (Governance)  
Bill 2012**

**Offshore Petroleum and Greenhouse Gas Storage  
Amendment (NOPSEMA) Bill 2012**

**Police Regulation Amendment Bill 2012**

**Retirement Villages Amendment (Information  
Disclosure) Bill 2012**

**Road Management Amendment (Peninsula Link)  
Bill 2012**

**Road Safety Amendment (Operator Onus) Bill  
2012**

**State Taxation and Other Acts Amendment Bill  
2012**

**together with appendices.**

**Tabled.**

**Ordered to be printed.**

**DOCUMENTS**

**Tabled by Clerk:**

Australian Health Practitioner Regulation Agency — Report 2011–12

*Crown Land (Reserves) Act 1978:*

Orders under s 17B granting licences over:

Bannockburn Bushland Reserve

Edinburgh Gardens Reserve

Lorne Pier Reserve

Order under s 17D granting five leases over Lakeside Stadium Reserve

*Evidence (Miscellaneous Provisions) Act 1958* — Report 2011–12 under s 42BI

*Financial Management Act 1994* — Report from the Minister for Planning that he had received the Report 2011–12 of the Architects Registration Board of Victoria

*Melbourne City Link Act 1995:*

City Link and Extension Projects Integration and Facilitation Agreement Twentieth Amending Deed

Freeway Management System Coordination Agreement Second Amending Deed

M1 Corridor Redevelopment Deed Fourth Amending Deed

Melbourne City Link Thirtieth Amending Deed

Murray-Darling Basin Authority — Report 2010–11

*Planning and Environment Act 1987* — Notices of approval of amendments to the following Planning Schemes:

Alpine — C25

Ararat — C18

Ballarat — C158

Boroondara — C121, C152, C165

Campaspe — C92

Cardinia — C106

Frankston — C63

Greater Geelong — C269

Greater Shepparton — C164

Hobsons Bay — C63

Horsham — C53

Knox — C124

Loddon — C32

Macedon Ranges — C66, C80

Melbourne — C195

Mitchell — C89

Mornington Peninsula — C152, C158, C169

Stonnington — C145, C157

Wellington — C62, C67

Whittlesea — C166 Part 1

Wyndham — C167

Yarra — C161

Statutory Rules under the following Acts:

*Ambulance Services Act 1986* — SR 116

*Corporations (Ancillary Provisions) Act 2001* — SR 121

*Criminal Procedure Act 2009* — SR 118

*Environment Protection Act 1970* — SR 115

*Evidence (Miscellaneous Provisions) Act 1958* — SR 122

*Local Government Act 1989* — SR 117

*Magistrates' Court Act 1989* — SR 118, 119, 123

*Supreme Court Act 1986* — SR 120, 121

*Subordinate Legislation Act 1994:*

Documents under s 15 in relation to Statutory Rules 115, 116, 117, 118, 119, 120, 121, 123

Documents under s 16B in relation to:

*Australian Consumer Law and Fair Trading Act 2012* — Extension of interim ban order: small, separable or loose permanent magnetic objects

*Road Safety Road Rules 2009* — Consent for tow trucks to use emergency stopping lanes on freeways

*Transport (Ticketing) Regulations 2006* — Specification of railway stations as designated areas for ticketing compliance

*Victorian Energy Efficiency Target Act 2007* — Declaration of discount factor under s 19

*Surveillance Devices Act 1999* — Reports 2011–12 under s 30L (two documents).

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the house dated 8 February 2011:

*Freedom of Information Amendment (Freedom of Information Commissioner) Act 2012* — Part 1, ss 4, 6, 8 and 33 and Divisions 4 and 5 of Part 3 — 7 November 2012 (*Gazette S373, 7 November 2012*)

*Land (Revocation of Reservations) Act 2012* — Whole Act — 31 October 2012 (*Gazette S366, 30 October 2012*)

*Leo Cussen Institute (Registration as a Company) Act 2011* — Section 8 — 18 October 2012 (*Gazette S345, 16 October 2012*)

*Port Management Further Amendment Act 2012* — Whole Act — 14 November 2012 (*Gazette S373, 7 November 2012*)

*Transport Legislation Amendment (Marine Drug and Alcohol Standards Modernisation and Other Matters) Act 2012* — Part 1 and ss 26, 27, 29 and 30 — 8 November 2012; remaining provisions — 1 December 2012 (*Gazette S373, 7 November 2012*).

## ROYAL ASSENT

Messages read advising royal assent to:

**30 October**

**Civil Procedure Amendment Bill 2012**

**Local Government Legislation Amendment (Miscellaneous) Bill 2012**

**Resources Legislation Amendment (General) Bill 2012**

**7 November**

**Serious Sex Offenders (Detention and Supervision) Amendment Bill 2012**

**Transport Legislation Amendment (Marine Drug and Alcohol Standards Modernisation and Other Matters) Bill 2012.**

## APPROPRIATION MESSAGES

Messages read recommending appropriations for:

**Education Legislation Amendment (Governance) Bill 2012**

**Police Regulation Amendment Bill 2012**

**State Taxation and other Acts Amendment Bill 2012.**

## BUSINESS OF THE HOUSE

### Program

**Mr McINTOSH** (Minister for Corrections) — I move:

That, under standing order 94(2), the orders of the day, government business, relating to the following bills be considered and completed by 4.00 p. m. on Thursday, 15 November 2012:

Classification (Publications, Films and Computer Games) (Enforcement) Amendment Bill 2012

Education Legislation Amendment (Governance) Bill 2012

Offshore Petroleum and Greenhouse Gas Storage Amendment (NOPSEMA) Bill 2012

Police Regulation Amendment Bill 2012

Road Safety Amendment (Operator Onus) Bill 2012

State Taxation and Other Acts Amendment Bill 2012.

There are six bills on the government business program. I imagine there will be ample time for all members to make contributions to debates during the course of the sitting week.

**Ms ALLAN** (Bendigo East) — Once again it is a pleasure to follow the Leader of the House in debate and speak on the government business program. The minister has outlined six bills that are on the government business program. We will deal with them when we get to them. But when noting there are six

bills on the government business program this week I can say we know it is getting towards the end of the year as this government is cramming more and more bills into the government business program. We are used to having parliamentary weeks where there have only been three or four bills on the government business program. It is obviously getting closer to Christmas and government members are wanting to push through a bit of legislation because they have all been twiddling their thumbs for so many weeks and months during the course of the year. We are now entering the Christmas season rush as all of these bills are being rushed into the Parliament.

Whilst there are six bills on this week's government business program, there are a significant number of bills — there are another seven or eight on the notice paper — that have yet to be put forward in a government business program for passage through this house.

We heard the minister finally give notice today of the supposed package of reforms to the IBAC (Independent Broad-based Anti-corruption Commission) operations. Whilst he is very excited on the other side of the chamber on his big day of introducing all this legislation, it is important to note that — —

**Mr McIntosh** interjected.

**The SPEAKER** — Order! The Leader of the House!

**Mr Hodgett** — He's excited.

**Ms ALLAN** — He is very excited. Perhaps he should calm down just a smidge.

It is important to note that we always seek appropriate debating time to be made available to the opposition in relation to the bills before the house. I hope that between now and the end of the year we do not see a circumstance where debating time is curtailed and bills are pushed through this chamber, particularly significant bills like the IBAC legislation. I acknowledge that this legislation is significant and I hope we will have adequate debating time for it.

I will reiterate the opposition's position on second-reading speeches. I hope during this week we do not see a repeat of what has happened every other week, where valuable debating time has been lost because of the reading of second-reading speeches by government ministers primarily so that members of The Nationals can hit the 4 o'clock rush on Thursday evening.

I have a suggestion to help the government on this front, and I am happy to make this suggestion in this forum and seek a response from the Leader of the House. I have a solution for the Leader of the House as to how we might get around this conundrum. If it is agreed to, we will not continue to raise this as an issue and perhaps we can retain some valuable debating time during the course of the parliamentary week. The way around this would be for the government to agree with the opposition's proposition that we incorporate second-reading speeches into *Hansard* and not have ministers reading them after 4 o'clock on Thursday afternoons, after the guillotine. If the government chooses to continue to have second-reading speeches during the government's business program time, let them be incorporated into *Hansard*.

Let us follow the practice which was adopted by the Legislative Council and which has been in place since 2003 — a practice that was attempted to be undertaken in this place. The Leader of the House might have some memory as to why it was not put in place some time ago. There were moves some years ago under the previous government to put in place this change to the standing orders. The Leader of the House can perhaps remind members why the opposition of the day did not support that change.

The opposition of this day, however, wants to see a modern Parliament operate effectively. As such we have a proposal about the time that is taken up by second-reading speeches. It is absolutely critical that second-reading speeches are put before the chamber and that members have time to digest them. There are mechanisms that can be put in place to ensure that is all dealt with appropriately by incorporating the speeches into *Hansard*. That could be a way by which valuable debating time could be set aside for just that — that is, the debating of legislation. That is the proposition of the opposition. We are happy to propose an amendment to the standing orders if the Leader of the House would like that. We are happy to have further discussions, and we would be happy to see the government accept the opposition's small reform of the Parliament. It would be a small step forward in relation to how we can modernise the practices of this chamber.

I hope the Leader of the House takes this opportunity to embrace the opposition's proposal — that is, that he reaches out across the chamber to embrace progress. Having said that, I do not imagine the hand of friendship is coming any time soon, or, if it does, it might come in a form that opposition members do not welcome.

**Mr McIntosh** interjected.

**Ms ALLAN** — Having said that, and having had an indication from the Leader of the House, I am very sorry to inform you, Speaker, that on that basis opposition members will not be supporting the motion on the government business program.

**The SPEAKER** — Order! It is nice to have you back.

**Mr HODGETT** (Kilsyth) — It is my great pleasure to rise in support of the motion on the government business program moved by the Leader of the House. The Leader of the House is proposing an extensive government business program for this sitting week with six bills. We have a lot to get through in what will be a very busy sitting week, and so as to maximise debating time and the scrutiny of bills, I commend the motion to the house.

**Mr MERLINO** (Monbulk) — I too want to say a few words on the motion on the government business program and to support the comments and the proposal of the manager of opposition business. As we have heard, six bills are before us this week, one of the final sitting weeks of Parliament. We will be debating a number of important bills, including, as we have heard this afternoon, the Integrity and Accountability Legislation Amendment Bill 2012, which should have been named the Protection of the Member for Frankston Bill, because that is what it is all about.

**Mr McIntosh** — On a point of order, Speaker, you know what I am going to say; it is a very narrow debate — —

**The SPEAKER** — Order! I know. I ask the member to return to debating the motion before the house.

**Mr MERLINO** — Thank you, Speaker. I will do that. I understand those opposite do not want to speak about misconduct in public office.

**The SPEAKER** — Order! You are right.

**Mr MERLINO** — As we head towards these final sitting weeks for the year, it is even more important that we address the issue of second-reading speeches being given during important debating time. Opposition members have come to a conclusion: we understand that The Nationals tail will continue to wag the Liberal dog. We know and understand that is going to continue, and that is why the manager of opposition business proposes that second-reading speeches be incorporated into *Hansard*. If ministers are not going to deliver second-reading speeches after 4 o'clock on a Thursday, then the speeches should be incorporated into *Hansard*,

just as has been occurring in the other place for some nine years. These changes must occur. Opposition members anticipate that we will not get agreement, and therefore the opposition will continue to oppose the government business program.

**Mr CRISP** (Mildura) — I rise to support the motion on the government business program. We have six bills to debate this week. I pick up a whiff of hypocrisy from the member for Bendigo East and from members of the opposition. When we have five bills before us in a sitting week, they say it is not enough, and when we have six bills, it is too much. They should tell us how we get the difference and still debate a bill. Also, on the issue of the notice paper, government members like to have plenty of bills on it to give members of the opposition lots of time to prepare. That is what the notice paper is about.

We have heard all of this before. To paraphrase Shakespeare, I think the Deputy Leader of the Opposition protesteth too much. Coalition members are all here listening at the end of the adjournment debate on a Thursday when the car park starts emptying at around 4 o'clock — but it is not National Party members who are leaving. With those comments, and considering the debate we have to get through, I commend the motion to the house.

**Ms KAIROUZ** (Kororoit) — The government business program is certainly not about quantity; it is about quality, and we certainly have quality on this side of the house. Although we do not have the numbers, we have quality on this side of the house. As the manager of opposition business outlined earlier, opposition members will not support the motion on the government business program; we will oppose it.

There are six bills on the program. Time and again we have seen the government business program interrupted so ministers can make their second-reading speeches. I support the suggestion made by the member for Bendigo East that standing orders be amended to allow second-reading speeches to be incorporated into *Hansard*. This would save a lot of time and would allow members on this side of the house, as well as members on the other side, to contribute to important debates. It will be no surprise to you, Speaker, that — as you have heard — the opposition will not be supporting the government's business program.

#### House divided on motion:

*Ayes, 44*

Angus, Mr  
Asher, Ms  
Baillieu, Mr

Mulder, Mr  
Naphine, Dr  
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	Howard, Mr
Andrews, Mr	Hutchins, Ms
Barker, Ms	Kairouz, Ms
Beattie, Ms	Kanis, Ms
Brooks, Mr	Knight, Ms
Campbell, Ms	Languiller, Mr
Carbines, Mr	Lim, Mr
Carroll, 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	Richardson, Ms
Halfpenny, Ms	Scott, Mr
Helper, Mr	Thomson, Ms
Hennessy, Ms	Treize, Mr
Herbert, Mr	Wynne, Mr
Holding, Mr	

**Motion agreed to.****MEMBERS STATEMENTS****Victorian Postdoctoral Research Fellowships**

**Ms ASHER** (Minister for Innovation, Services and Small Business) — I wish to draw the attention of the house to the Victorian Postdoctoral Research Fellowships. These are three-year fellowships which will provide talented Victorians with the rare opportunity to take up a two-year overseas postdoctoral position in a leading research institute or university. In the third year participants will be employed and applying their international work experience in Victoria. These fellowships fulfil the government's election commitment to provide scholarships to enable Victorian students to study in overseas universities and laboratories, but obviously it is most important to have them return home afterwards to use that expertise. The

fellowships will strengthen the innovation capability and global networks of the researchers and of Victorian companies and research organisations.

The government will award fellowships to Victorian researchers who are completing or who have recently completed doctoral studies in the physical sciences, engineering, information and communications technology, mathematical sciences and life sciences apart from human health and medicine, and there are a range of other fellowships available to cater for those latter categories. As I said, this is the fulfilment of an election commitment, and the government will fund an indexed salary of \$71 000 per annum plus superannuation and additional allowances for these fellowships. I would urge members to advertise them widely.

**Dr Subhakanta Behera**

**Mr PALLAS** (Tarneit) — As the member for Tarneit, with one of the largest growing Indian communities represented in that area, I rise to pass on my condolences on the sad passing of Dr Subhakanta Behera, Indian Consul General to Melbourne, on 9 November. Dr Behera had a distinguished career in the Indian public service, as well as being an academic historian and creative writer. He was urbane, intellectual and a very welcoming individual to meet. He was certainly a friend of the Indian community in my electorate.

Dr Behera joined the Indian Foreign Service in 1987, serving first in Moscow, then in Tashkent, Sofia and Washington, DC. Throughout that time he held a number of senior positions, including director and joint secretary of the Ministry of External Affairs and head of the ministry's policy planning and research division. He was a man who loved Melbourne and who could demonstrate his understanding and appreciation of the Indian community in this place. He found Melbourne to be both friendly and generous. Not only was he a man who could balance his academic work and love of history with his love of poetry, he was a man who left behind a great gap in terms of appreciation from the Indian community. He will be sadly missed. He was married to Rajashree and had two children, Ananya and Amruta.

**Shire of Mornington Peninsula: council elections**

**Mr MORRIS** (Mornington) — Another council election season has come and gone, and I am pleased to say that the winds of change blew relatively lightly through the Mornington Peninsula Shire Council.

Following substantial changes to the ward structure, 3 councillors out of 11 are no longer at the council table. One, Reade Smith, retired, having served the community for many, many years, and two sitting councillors who contested the election were not returned.

Bill Goodrem, who was elected almost as long ago as I was, back in 1987, was not returned in Rye. He has served his community exceptionally well for a very long period and has had a terrific involvement. Leigh Eustace, who served one term at Mount Eliza, unfortunately was also not returned. Leigh worked tirelessly for his community and delivered real improvements, and he protected the environment, the reserves and neighbourhoods of Mount Eliza most ferociously. I think his defeat is a genuine loss.

On the other side of the ledger, we have three new councillors elected. Congratulations to David Garnock from Cerberus ward, Hugh Fraser from Nepean ward and Andrew Dixon from The Briars ward. Andrew is a young man who is not yet 25, and he will certainly bring enthusiasm and energy to the council table and provide an extra perspective. Congratulations to Frank Martin, Anne Shaw, Antonella Celi, Bev Colomb, David Gibb, Graham Pittock and Tim Rodgers, and to the new mayor, Lynn Bowden, on their re-election.

### **Hospitals: maternity services**

**Ms KAIROUZ** (Kororoit) — Media reports paint a worrying picture of the state of our health system in Victoria under the Baillieu government. Reports have emerged that hospitals have been turning women away, forcing families to book at hospitals further afield or even into the private health system. No woman should be forced to pay for expensive private care to bring a child into this world.

The stress being placed on hospitals such as the Royal Women's Hospital and the Werribee Mercy Hospital is placing stress on Sunshine Hospital, which simply cannot cope with the massive influx of requests for maternal care. The Auditor-General has revealed that over 200 women have been forced to give birth in Sunshine Hospital's emergency department because there are no birthing suites available in the maternity unit. This is simply unacceptable. This overload has meant that many women are discharged early — up to 9 hours after giving birth, as reported in the *Age* of 10 November 2012.

Does the government seriously believe its own spin: that it is doing a good job investing in health services? When women are being forced into the private health

system, forced to book their births just six weeks into their pregnancy and forced to drive far beyond what anyone would logically consider local, you know you have a massive problem. It is time the government got serious about health in the west.

### **Students: education conveyance allowance**

**Ms KAIROUZ** — On another matter, a number of families have contacted my office regarding the Baillieu government's cuts to the transport conveyance allowance. These cuts will affect 40 000 children statewide, in some cases adding hours to commuting times for children. This is yet another Baillieu government hit on the budgets of Victorian families. Members of The Nationals should be ashamed, given that regional students are hardest hit by these cuts.

### **Prahran Mission: achievements**

**Mr NEWTON-BROWN** (Prahran) — I recently had the opportunity to serve lunch at the Prahran Mission during Anti-Poverty Week. The mission does some great work to combat homelessness in our area, and Anti-Poverty Week aims to strengthen public understanding of the causes and consequences of poverty and hardship around the world. This year marks the 10th anniversary of the cause. Since its establishment in 1946, the Prahran Mission has been an invaluable and tireless source of support for the disadvantaged within the Prahran community.

### **Rail: Frankston line**

**Mr NEWTON-BROWN** — Last year I consulted the local community regarding Metro Trains Melbourne's timetabling and presented a report of the findings to the Minister for Public Transport and to Metro with the suggestion that additional peak-hour train services stopping all stations between South Yarra and Malvern were desperately needed. I am pleased that residents utilising Hawksburn, Toorak and Armadale stations have been heard and will now receive an extra evening peak-hour train service stopping at all stations and slightly faster morning peak-hour trains on the Frankston line. I will continue lobbying on behalf of the community to get a better public transport deal for our area.

### **City of Stonnington: Spring into Gardening festival**

**Mr NEWTON-BROWN** — I recently manned a Victorian government stall at the City of Stonnington's annual Spring into Gardening festival in Prahran. Thousands of locals attended this excellent community

day, which included activities for the whole family. Well done to Stonnington City Council for putting on another great day to launch spring in our area.

### **Liberal Party: Montalto branch**

**Mr NEWTON-BROWN** — I was pleased to attend the one-year anniversary of the relaunch of the Montalto Liberals branch with the Minister for Health and the federal member for Higgins. The Montalto Liberals is the fastest growing branch in the Victorian Liberal Party, and it is particularly recognised as being a gay, lesbian, bisexual and transgender branch. Well done on a great achievement, and I look forward to the branch's participation in Midsumma events in the new year.

### **City of Hume: council elections**

**Ms BEATTIE** (Yuroke) — I rise today to congratulate the 11 men and women who were recently elected to Hume City Council. In Aitken ward, Casey Nunn, Chandra Bamunusinghe, Alan Bolton and Drew Jessop were all successful. Residents in the Meadow Valley ward will be represented by mayor Geoff Porter, Helen Patsikatheodorou, Victor Dougall and Adem Atmaca. In Jacksons Creek ward, Ann Potter, Jack Ogilvie and Steve Jack Medcraft were all elected to represent the community. Casey Nunn has been a local volunteer with the Craigieburn emergency response team for over 10 years and has done outstanding work in the community, winning numerous leadership awards, including Hume's Young Citizen of the Year. Last Thursday night Hume City Council conducted its statutory meeting, where Geoff Porter was elected mayor and Casey was elected deputy mayor.

I would like also to congratulate my long-time friend Chandra Bamunusinghe, who was also elected. Chandra was born in Sri Lanka and since migrating to Australia has done wonderful work for the Sri Lankan community. I am sure he will serve the residents of Hume with honour and distinction. It is my understanding that Chandra is the first Sri Lankan born councillor in Victoria.

I look forward to working with Hume City Council. With a new council come fresh ideas and new initiatives. I wish the re-elected councillors and the new councillors all the best for the four years ahead of them.

### **Benalla electorate: council elections**

**Dr SYKES** (Benalla) — I wish to congratulate all those in the Benalla electorate who offered themselves for election in the recent local government elections. In

particular I congratulate those who were successful, especially those elected to the position of mayor. In the Rural City of Benalla it was Barbara Alexander; Russell Bate is mayor of the Shire of Mansfield; John Walsh is mayor of the Shire of Murrindindi; Jenny Houlihan is mayor of the City of Greater Shepparton; Deb Swan is mayor of the Shire of Strathbogie; Rozi Parisotto is mayor of the Rural City of Wangaratta; and the Shire of Alpine is electing its mayor tonight.

I also thank those councillors whose positions as councillor were terminated, some intentionally and some unintentionally. I thank them for their contributions to their communities during their term as councillor. To the new councillors and the council CEOs and staff I offer the challenge of improving the efficiency of their service delivery and ensuring value for money with infrastructure projects. The state coalition government has tightened its belt in response to the economic mismanagement of the Labor government and the deteriorating income flow associated with the global financial crisis. Even the spendthrift Labor federal government has been cutting its costs, albeit unfairly, as it finally realises that money does not grow on trees. Local government needs to follow suit. Some councils are utilising global positioning system technology to improve the efficiency of management in council and contract equipment, and some councils are joining together to share services. I look forward to working with the seven councils in the Benalla electorate to ensure the efficient delivery of services and infrastructure projects.

### **Helen Kapalos**

**Mr PANDAZOPOULOS** (Dandenong) — I rise to condemn the disgraceful decision of Channel 10 to sack Helen Kapalos, its newsreader. I condemn the disgraceful way Channel 10 sacked Helen Kapalos straight after the show, not giving her any opportunity as an employee who has given loyal service to have the situation explained to her or to say goodbye to her loyal supporters.

This sacking was also disgraceful because weeknight news reading does not represent culturally diverse Victoria anymore. It is generally a bloke's world out there now. Helen Kapalos as a newsreader represented the broad community, in which one in two Victorians has an overseas background. People from non-English-speaking backgrounds are part of the Victorian and Australian communities. Helen was a role model for so many different people, particularly young women from culturally diverse backgrounds who have their own glass ceilings to break. There is still much work to do in this area.

The Minister for Multicultural Affairs and Citizenship, the Premier and others keep championing our multicultural diversity in a bipartisan way. The reality is that we have lost one of the champions of diversity, a person who was not only a newsreader but who went out into the community to promote Channel 10 and to deliberately act as a role model for Victorians from culturally diverse backgrounds. She made them feel that rather than it being just a matter of government providing lip-service anyone can genuinely make it as long as they are good enough and work hard enough because the barriers are not there against them.

### **Mildura Base Hospital: oncology services**

**Mr CRISP** (Mildura) — There has long been a need for the expansion of oncology services in Mildura. Cancer rates are increasing in line with our ageing population and chemotherapy is a major treatment for cancer. Mildura Base Hospital offers four chemotherapy chairs with supporting nursing staff. Dr Terry Cook provides a service to the hospital, as does visiting medical oncologist, Dr Blum. The Minister for Health, David Davis, visited Mildura last Thursday to announce funding of \$480 000 to double the size of the oncology unit. Ramsay Health is contributing \$50 000. The partnership will result in an expansion of services, which is widely welcomed by the community in general and in particular by those providing care for cancer patients.

After the announcement the minister engaged with the community advisory board, chatted with staff and toured the hospital beginning with the oncology ward where he met with staff and discussed the extension plans with the CEO, Dane Huxley. Mr Huxley indicated that the renovations can occur quite quickly, and the minister indicated the cheque was in the mail. The minister toured the wards of the hospital and engaged with staff and patients. That the demand exists has been known for a long time, but it is the coalition government that has delivered this service.

### **Remembrance Day: Mildura**

**Mr CRISP** — I thank the veterans and their families and friends who attended the Remembrance Day service held at the Cenotaph in Mildura. I also thank the RSL for facilitating a wonderful service and for issuing a generous invitation to everybody to partake of refreshments afterwards.

### **Montmorency Secondary College: Light the Night fundraiser**

**Mr HERBERT** (Eltham) — Last Sunday I attended the highly successful Rotary Eltham Town Festival. While I was there I spoke to one of the great teachers and Rotarians from Montmorency Secondary College who told me of the school's hugely successful Light the Night fundraising effort. From 2010 Montmorency Secondary College has participated in the main Light the Night event at the Alexander Gardens to raise money for research into leukaemia, lymphoma and melanoma. This year the students and staff hosted their own community event, and after tireless preparation enacted the event on 10 October. The Light the Night event involved students, staff, families and the broader Montmorency community attending a twilight walk and carrying coloured lanterns to symbolise hope for those suffering from blood cancer and related blood disorders. Walkers carried gold lanterns in remembrance of a loved one, white to reflect on their own journey and blue to support others. In all 400 walkers completed the event. The students far exceeded their fundraising activity and raised over \$15 000 for the Leukaemia Foundation.

In particular I congratulate student leaders Jaimie Pollock, the year 12 college captain; Eric Goon, a year 12 student leader; Damon Symmons, Lewis Hough-Anderson and Hannah Lirosi, year 11 lantern ambassadors; and Jack Penrose from Yarrambat Primary School, the primary school lantern ambassador. Congratulations to all the students and staff at Montmorency Secondary College on a fantastic achievement; it is a great school and their efforts have greatly helped — —

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

### **Cr Keith Fagg**

**Mr KATOS** (South Barwon) — I extend congratulations to Cr Keith Fagg, who is Geelong's first directly elected mayor following his success at the recent City of Greater Geelong elections. This new election process was instituted under the mandate of the coalition government arising from its success at the 2010 election. The aim is to give residents and ratepayers of the Geelong region an opportunity to be part of the democratic process in electing a mayor to meet the aspirations of their community. I am delighted to have supported the model of a directly elected mayor, and clearly the community has responded well by its overwhelmingly support of Cr Fagg. I look forward to working with Mayor Fagg in delivering on

key policy issues for the social and economic betterment of the Geelong region.

### **Relay for Life: Torquay**

**Mr KATOS** — On Saturday I had the pleasure of participating in the Surf Coast 24-hour Relay for Life held at Torquay. The organisers of this fundraising event should be commended for their efforts in so far raising \$70 000 for Cancer Council Victoria to help cancer sufferers and reduce the impact that cancer has on communities. I thank Donna Symes from the Life Activities Team for inviting me to be part of its fine efforts.

### **Belmont Primary School: ministerial visit**

**Mr KATOS** — Last week I had the pleasure of attending, with the Minister for Education, my old school, Belmont Primary School, to officially open the refurbished facility — it received a complete facelift for the first time since the main building was constructed in 1880. The Victorian coalition government funded a \$3 million modernisation of the school. Belmont Primary School has continued to grow over the past decade, and under the leadership of the principal, Mark Arkinstall, has ensured that every one of its 280 students is being provided with the very best educational opportunities. It was the first time an education minister had visited the school since 1975, which ironically was the year I was there in prep.

### **Special schools: bus services**

**Mr FOLEY** (Albert Park) — I recently attended the launch of a book entitled *An Extraordinary School: Re-modelling Special Education*, which unsurprisingly is about Victoria's leading specialist school, Port Phillip Specialist School. Through its integrated service model of curriculum the school is considered to follow best practice in its field in Australia and internationally. Its innovative model for teaching students with intellectual and multiple disabilities is making some of our most vulnerable young people's lives better, richer and more fulfilling.

The book was launched by the Minister for Education, who attended with his parliamentary secretary and two upper house government members at a celebration of the school community, at which the government members lapped up the hospitality from the school and its many generous donors. Imagine the sense of betrayal when a few short weeks later the same minister introduced intentionally cruel cuts to the bus services which take these children to school, hurting the most vulnerable children who attend this and other specialist

schools. Families are now asking me what good it will do if these cuts mean that children cannot actually get to their specialist schools? Why are these families having to make choices between being productive participants in society and having to take their high-needs children to and from their specialist school each day?

The minister has taken away the entitlement of special education children to have a bus pick them up and take them home. This fits a pattern by the minister of targeting education cuts at the most vulnerable and those least able to defend themselves — cuts to the Victorian certificate of applied learning, the education maintenance allowance, TAFE and, now, transport for students with disabilities and kids on the urban fringe. This government is making a choice to inflict the maximum amount of damage on the most vulnerable in our community. The things they are choosing to cut are services to the most disadvantaged. These are the actions of a heartless government, making life even harder for the most disadvantaged.

### **Gembrook electorate: government achievements**

**Mr BATTIN** (Gembrook) — As we approach the halfway mark of the first term of the Baillieu government, it is important to reflect on local achievements that are being delivered, and I am pleased to say what has been done and is being done in the Gembrook electorate. Work to improve road safety on St George's Road, Upper Beaconsfield, is well under way. A new \$15 million special school project has started. Plans are under way for the \$20 million Officer Secondary College. Planning for the Cardinia Road duplication has begun. A 24-hour police station for the residents of Emerald and the surrounding communities has been funded. A promise to remove the unfair country fare on the 683 bus to Warburton East has been delivered. Warburton Country Fire Authority (CFA) station has been completed. The Yellingbo CFA station is operating and the Yellingbo light tanker has been delivered. The Berwick CFA station has been extended. The Gilwell Park high ropes course has been delivered. The Emerald community house, thanks to the staff, is now a great community asset. There are now 24-hour ambulance operations in Yarra Junction, Emerald and Belgrave — they are all on call.

The new car-parking space at Beaconsfield railway station should be well and truly finished before Christmas. The Rythdale Officer Cardinia football and netball clubs upgrade is nearing completion, with the Beaconsfield Football Club ready for round 1 in 2013 and the Gembrook Football Club lights having been

funded. Funding to eradicate weeds in the Emerald Lake Park will be delivered over four years, and the Cardinia North parklands are well under planning. The Clyde Road works are under way, with funding of over \$6 million for roads, 150 new car parks have been announced for the Berwick railway station and just this morning I announced \$600 000 for the St Claire's Early Learning Centre in Officer.

With this delivered I will be concentrating on delivering the final commitments to the Gembrook electorate: natural gas to Warburton and the upgrade of Emerald Primary School. The last two commitments are very important to their respective communities, and I have had very active discussions regarding the delivery of these commitments and will continue this campaign — —

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

### **Ambulance services: response times**

**Mr NOONAN** (Williamstown) — A sequence of recent media reports about the state of our ambulance service raises serious issues for the Baillieu government. I refer initially to a report in the *Wangaratta Chronicle* on 26 October detailing the case of a man who called for an ambulance on four occasions over a period of 45 minutes before being told he would have to make his own way to hospital. That man later required abdominal surgery. The *Herald Sun* reported on 30 October that ambulances had been ramped up outside the emergency department of the Royal Melbourne Hospital for up to 5 hours. The report states that patients were being transferred to other ambulance crews outside the hospital in order to free up resources.

The *Geelong Advertiser* reported on 31 October that a patient suffering from a weeping wound waited for more than 4 hours for an ambulance. In the *Herald Sun* of 2 November there was a report of a Traralgon man losing his life as questions were raised about the adequacy of ambulance staffing on the night of his death. Two days later, on 4 November, the *Age* ran the headline 'Backlog sparks ambulance alert'. As the report explained:

A backlog of cases prompted Victoria's ambulance service to activate an emergency response plan normally reserved for mass-casualty accidents ...

Remarkably this was the second time in three months that such an alert had been issued to cover normal operations.

All this happened over a period of just eight days without a word being uttered by the Minister for Health, the Premier or anyone else in the Baillieu government, which makes one wonder just what control, if any, they have over Victoria's ambulance service.

### **Tamil Senior Citizens Fellowship: 25th anniversary**

**Mr GIDLEY** (Mount Waverley) — On Saturday, 20 October, I joined Mrs Inga Peulich, a member for South-Eastern Region in the Legislative Council, the member for Ferntree Gully and other members of Parliament in celebrating the 25th anniversary of the Tamil Senior Citizens Fellowship. For 25 years the fellowship has provided the opportunity for fellowship, the provision of useful information and social opportunities in the Tamil tradition. I thank past and present committee members and volunteers for their efforts, particularly current president Mr Nallaratnam Sivarasa, JP. I look forward to continuing to support the Tamil Senior Citizens Fellowship whenever I can.

### **Eelam Tamil Association of Victoria**

**Mr GIDLEY** — It was also a pleasure to continue my support of the Eelam Tamil Association of Victoria that held its yearly cultural event on Sunday, 11 November, in Monash. I acknowledge the awards presented last Sunday and thank the president and committee members for their continuing hard work throughout the year.

### **Remembrance Day: Mount Waverley electorate**

**Mr GIDLEY** — Last Sunday Waverley RSL members combined with the state RSL in a Remembrance Day service to recall the end of hostilities of World War I on that date in 1918. As Remembrance Day fell on a Sunday this year, the Waverley RSL's local service was not held as usual at our local cenotaph. However, a number of the Waverley sub-branch RSL members contributed significantly to the state service, including Mr Mal Carson, convenor, state RSL remembrance service subcommittee, and a tireless worker for the Waverley RSL. I thank the Waverley RSL for its contribution to this state service. To those who have made so many sacrifices, including the ultimate sacrifice, in serving our country's efforts to defend our liberties and freedoms, I again say thank you on behalf of local residents.

### **Geelong–Whitehorse roads, Mount Clear: traffic management**

**Mr HOWARD** (Ballarat East) — The Whitehorse Road intersection with Geelong Road at Mount Clear has become one of Ballarat's most congested intersections. In 2000, soon after my election as the member for Ballarat East, I was pleased to assist in having funding allocated to improve this intersection with slip lanes added to and from Whitehorse Road. However, with further development along this corridor, including the significant growth of the University of Ballarat Technology Park, the recent move of the years 7 to 10 component of Damascus College to its Mount Helen campus and the establishment of Emmaus Primary School, traffic flows have further increased, especially at the 8.30 to 9.00 a.m. peak period.

I was pleased when the former Brumby government allocated a further \$2 million in its 2010 budget to further upgrade this intersection to allow for better traffic flows. The Baillieu government was elected in November 2010, nearly two years ago, and unfortunately, despite promises to get under way with these works, action is yet to commence.

One of the issues which needed to be resolved was the acquisition of a small component of land comprising three house properties adjacent to the intersection and arrangements to allow for alternative property access. I was advised in 2010 by VicRoads that negotiations had commenced with the property owners. However, when I visited one of the property owners last week I was advised that it had been some time since they had heard from VicRoads staff and that the property issues were far from being resolved. Until such negotiations are completed no works on the redesigned intersection can get under way. I urge the Minister for Roads to take action.

### **Mentone Citizens Advice Bureau and Information Centre: 38th anniversary**

**Mr THOMPSON** (Sandringham) — I pay tribute to the Mentone Citizens Advice Bureau and Information Centre. Through its dedicated volunteers this service, which recently completed its 38th year in the Mentone community, provides ongoing and emergency assistance to members of the local area.

### **Central Bayside Community Health Services: adult community options program**

**Mr THOMPSON** — I commend Central Bayside Community Health Services on its adult community options program, which is run out of premises in

Sandringham, Cheltenham and Mentone and provides day programs for adults aged 18-plus with an intellectual disability.

### **Probus: Sandringham electorate**

**Mr THOMPSON** — I place on record the good work of the Probus clubs in my electorate, including the Sandringham, Cerberus and Ricketts Point clubs. Probus is an association of active retirees who join together to provide members with opportunities to keep their minds active, expand their interests and enjoy the fellowship of new friends.

### **Liu Xiabo**

**Mr THOMPSON** — I pay tribute to Nobel Prize winner Liu Xiabo, a Chinese literary critic, professor and human rights activist. Regrettably Liu is currently incarcerated as a political prisoner in China.

### **Remembrance Day: Mentone RSL**

**Mr THOMPSON** — I pay tribute to the Mentone RSL for its remembrance service, which was held on Friday, 9 November, involving many local Mentone schools and students.

### **Remembrance Day: Beaumaris RSL**

**Mr THOMPSON** — I pay tribute to the Beaumaris RSL for its excellent Remembrance Day ceremony at the Beaumaris RSL club and commend the good work undertaken by its president, Chris Grigsby, and John Douglas, who presided over the proceedings.

### **Greek community: Mentone church celebration**

**Mr THOMPSON** — I also pay tribute to the Greek community of Mentone, which celebrated a particular celebration germane to its church in Mentone recently.

### **Breast Cancer Awareness Month**

**Mr CARROLL** (Niddrie) — Pink is big in Australia in the month of October and nowhere more so than in the city of Moonee Valley. October is Breast Cancer Awareness Month, and on Thursday, 18 October, I had the pleasure of attending the now iconic 2012 Pink Ribbon Breakfast at Flemington racecourse. Now in its eighth year, the breakfast was inspired by the late Lydia Kauzlaric, who was elected to Moonee Valley City Council in 2003 and went on to become its first female mayor in 2004–05 before, sadly, succumbing to breast cancer in 2006. However, her name and legacy live on with this event, which is now the biggest fundraising breakfast for the National Breast

Cancer Foundation in Australia. It is a testament to all involved, including key supporters the City of Moonee Valley, Strathmore Community Bank and the fabulous organisers, principally Dianne Fincher, chair of the National Breast Cancer Foundation Victorian Events Committee. Credit also goes to *Moonee Valley Weekly* columnist Alan Murphy and TV presenter Melissa Hetherington who both did outstanding jobs as masters of ceremonies.

The highlight of the morning was the touching and memorable speech by Essendon local, Michael Leddin, which was dedicated to his mother Maree who passed away last December after a long battle with breast cancer. Aged 24, Michael gave a speech that his late mother Maree would have been proud of, outlining his and his family's love for their mother and her brave fight. There was barely a dry eye in the audience at the conclusion of his speech. The breakfast raised \$72 000 for breast cancer research.

On a personal note I also pay tribute to Rachael Joiner, a former adviser to the Bracks and Brumby governments and a friend to this side of the house. Rachael is continuing her brave fight with breast cancer and while still recovering from her treatments is now on the public speaking circuit as a Think Pink ambassador. Congratulations, Rachael. Keep up the fight and the good work. Finally, thank you to my colleague the member for Keilor, who I partnered last month in our very own fundraiser which raised over \$1700 for the Cancer Council Victoria.

### **Bruce Evans**

**Mr BULL** (Gippsland East) — I pay tribute to the long-serving former member for Gippsland East, Mr Bruce Evans, who passed away last week. Born on 21 January 1925 he was educated at Lindenow State School and Bairnsdale High School, after which he became a dairy farmer for many years. Mr Evans served in the Royal Australian Air Force from 1943 to 1946 and on his return was very active in the community, being involved in many local organisations including the RSL, young farmers, the Country Fire Authority, the Victorian dairyfarmers association, the Mitchell River Improvement Trust, the scouts, the school council and the Church of England, just to name a few.

He was elected to Parliament as the member for Gippsland East in 1961 and held that position for 31 years before retiring in 1992. Mr Evans continued to live in the local area and maintained a strong interest in community matters and community groups. I am sure all honourable members of the house will join me in

extending our sympathies to the Evans family on the passing of Bruce, a great East Gippslander.

### **McHappy Day**

**Mr BULL** — Over the past fortnight I have been involved in two great fundraisers for Ronald McDonald House, an organisation that supports many rural and regional families with ill children. The first of the fundraisers was a charity auction evening organised by a local committee headed by Chris Radford, and the second was McHappy Day on Saturday when I was delighted to jump behind the counter to serve a few coffees.

### **Gippsland Rotary Centenary House: fundraiser**

**Mr BULL** — Last Thursday a group of local Lakes Entrance ladies organised an Oaks Day luncheon that I was invited to compere. It raised over \$11 000 for Gippsland Rotary Centenary House in Traralgon, which provides accommodation for many patients and the families of patients attending the Latrobe Regional Hospital. Well done to all involved in the day.

### **Frankston: government performance**

**Mr PERERA** (Cranbourne) — It is with regret that I stand here today to relay the concerns of many residents about what is happening in and around my electorate of Cranbourne. Sixty per cent of the electorate is located within the city of Frankston. Recently, residents have complained to me consistently about having to put up with unsocial behaviour in their neighbourhoods. According to these residents this behaviour has been worse in the past 12 months.

The Premier and the local member for Frankston have been going around saying that the member for Frankston has delivered protective services officers for Frankston. It was therefore interesting to read on the Nine News website on 2 November that this was not the case. The headline reads:

Shaw didn't send PSOs to Frankston: police

The story goes on to say:

Victoria's police chief has cast doubt over the Premier's assertion that Liberal MP Geoff Shaw deserves some credit for the deployment of armed guards at Frankston train station.

This is just an example of all the other things this government is claiming to have achieved in and around the Frankston area.

**OFFSHORE PETROLEUM AND  
GREENHOUSE GAS STORAGE  
AMENDMENT (NOPSEMA) BILL 2012**

*Second reading*

**Debate resumed from 10 October; motion of  
Mr O'BRIEN (Minister for Energy and Resources).**

**Ms D'AMBROSIO** (Mill Park) — I am pleased to rise to make a contribution to the Offshore Petroleum and Greenhouse Gas Storage Amendment (NOPSEMA) Bill 2012. I wish to say from the outset that from here on I will refer to the National Offshore Petroleum Safety and Environmental Management Authority as NOPSEMA. I will also refer to the National Offshore Petroleum Safety Authority as NOPSAs; I think that for the sake of brevity that is a salutary move on my part. I will now commence my substantive contribution to debate on the bill.

The bill aims to confer additional statutory responsibilities on NOPSEMA. It does this to allow it to provide further regulation on structural integrity for petroleum operations, petroleum safety zones and the designated area to be avoided in the Victorian offshore area. As I said, NOPSEMA was at one stage known as NOPSAs, the National Offshore Petroleum Safety Authority. NOPSEMA, under its previous name, has had regulatory responsibility for occupational health and safety in Victoria's offshore area since around 2005. The history and background of the authority predates even that. It shows that there has been a concerted effort across all of Australia's jurisdictions, including the federal government, to ensure that there is a coherent, consistent and unified approach to managing offshore petroleum safety and the like.

Recent amendments to the commonwealth Offshore Petroleum and Greenhouse Gas Storage Act 2006 are due to take effect from 1 January 2013. That will mean that NOPSEMA will not be able to continue regulating the occupational health and safety of petroleum operations in the Victorian offshore area, unless of course the state jurisdiction, Victoria, seeks to provide or confer that responsibility — that is, unless responsibility for regulating the structural integrity of petroleum operations is also conferred on NOPSEMA by the Victorian government. This bill is a response to the need to exercise that conferral power that the state has in reserve.

This bill amends the Victorian Offshore Petroleum and Greenhouse Gas Storage Act 2010. It does so to expand the functions of NOPSEMA to include its ability to regulate the structural integrity of facilities, wells and

well-related equipment for petroleum operations in Victoria's offshore area. The remainder of the Victorian act will of course continue to be administered by the Victorian Minister for Energy and Resources. I note that in terms of the environmental powers with respect to petroleum and greenhouse gas operations in state waters the Victorian government has indicated that it does wish to retain this function to 'ensure Victoria's key environmental key objectives are met'. I will be keen to see how that state management or oversight pans out in the future, but nevertheless it is a commitment that the government has made.

The opposition will not be opposing the bill and is generally very supportive of the changes being made. The bill expands NOPSEMA's oversight responsibilities into state waters so that it will have oversight not just of commonwealth waters, and it provides greater consistency. When in government members of the opposition were great champions of regulatory consistency across jurisdictions. In fact the previous Labor government in Victoria led the way on many fronts in terms of national consistency, cutting red tape and streamlining bureaucratic processes. On the retention of the environmental management oversight, as I said, it remains to be seen how rigorously the state government will pursue the maintenance of this obligation or regulatory function in Victoria. Opposition members hope it will do so with full effect.

It is salutary to comment on and provide some historical context for NOPSEMA and its predecessor, NOPSAs. The offshore petroleum and gas exploration industry has been beset by quite significant health and safety issues. I would not say that that it has very often been the case but when there have been problems they have been quite critical, unfortunate and sad, in terms of the loss of life. It is very important for us to be mindful of how dangerous this industry can be for workers and their lives and of the impact of safety measures not being as rigorous as one would hope or would require to maintain the safety of personnel. I know that over the past 10 years all jurisdictions — the states and the national jurisdiction — have been working very hard to ensure that, where it was possible and practical, the end goal of uniformity or consistency in safety could be reached.

NOPSEMA in its current form was established early this year, on 1 January. It is Australia's first national regulator for health and safety, well integrity and environmental management for offshore oil and gas operations. NOPSEMA replaced NOPSAs, which was established in 2005. At the time its functions were to regulate the health and safety of workers on offshore

facilities in commonwealth waters and in waters where state powers had been conferred.

NOPSEMA was established after very extensive and rigorous consultation. That was done not through one process but over a variety of processes to ensure a greater buy-in and rigour in the end result. By way of example, I refer to the Productivity Commission report of 2009, the federal government's final response in 2011 to the report of the Montara Commission of Inquiry — I will refer a little later to that inquiry — and also to the work of the commonwealth Minister for Resources and Energy, Martin Ferguson. All those rigorous processes and strong recommendations were directed to the one effect, which was the endorsement to establish NOPSEMA as a single unified national regulator whose functions were to enforce compliance with offshore safety, well integrity and environmental management across the industry.

The responsibility to investigate and report on offshore environmental practices and make recommendations had previously rested with the state and territory designated authorities, which I touched on earlier. With the passing of the commonwealth Offshore Petroleum and Greenhouse Gas Storage Amendment (National Regulator) Bill 2011, that responsibility was transferred to NOPSEMA from 1 January 2012. Effectively NOPSEMA consolidates the state, territory and national regulations for health and safety, structural integrity, environmental plans and the day-to-day operations associated with petroleum activities in commonwealth waters.

As I mentioned, NOPSA was established under the commonwealth Petroleum (Submerged Lands) Act 1967 and the Petroleum (Submerged Lands) (Amendment) Act 2003 and began its operations on 1 January 2005. Going back to 1999 the then commonwealth government commissioned a review of offshore safety regulations in Australia. There has been a very long-term gestation in changes to health and safety regulations with respect to offshore industry activities, whether in commonwealth or state waters, and the review provided an important framework for pursuing regulatory consistency across the jurisdictions. The 1999 review included an evaluation, which was undertaken by an independent team of offshore safety experts and, again, comprehensive consultations were conducted with workforce representatives, state and Northern Territory regulators, federal officials, facility operators and the like.

The review culminated in a final report entitled *Future Arrangements for the Regulation of Offshore Petroleum Safety*, which was published in 2001. It found a number

of deficiencies or gaps that needed to be plugged in terms of having a consistent and coherent framework for health and safety. It recommended that the current framework of laws be revised and that a national petroleum safety regulatory authority be established.

We then move on to 13 September 2002 when the Ministerial Council on Mineral and Petroleum Resources (MCMPR) reconfirmed the priority for improving safety in Australia's offshore petroleum industry. You can see that over a long period of time there has been a strong and cooperative approach to improving safety and the regulatory regime relating to the offshore petroleum industry. It is important to highlight that when it comes to health and safety the best and shortest way to achieve real improvement and effective change is to have strong cooperation right across the jurisdictions. It is the best way to achieve those outcomes, and consideration of the way the industry has been looked at over the last 10 years certainly points to that. On 22 May 2003 there was agreement across the jurisdictions for transitional arrangements to be put in place. The MCMPR Standing Committee of Officials agreed on a transitional plan, and movement towards that transition occurred from there on.

I must refer, sadly, to a series of occurrences that led to a greater focus on health and safety in offshore petroleum operations. The first was an incident at the Montara H1 wellhead in the Timor Sea in August 2009, which highlighted the disastrous consequences that can still occur with offshore petroleum mining. That Australian disaster brought a greater focus on the need to expedite the strong work that had been undertaken by all jurisdictions up until then. Within months of the Montara incident there was the occurrence of the Macondo Deepwater Horizon well disaster in the Gulf of Mexico in April 2010. I am confident that every one of us here today remembers the images of that terrible disaster which led to the loss of 11 lives. Within a span of eight months we had two significant disasters, which again highlighted how dangerous an industry this is and the important role Australian jurisdictions play in doing as much as they can to minimise and prevent hazardous situations, which in these two terrible cases led to the loss of lives. Those two occurrences spurred further work and quickened the pace of reform.

The findings of the Productivity Commission, and later the Montara Commission of Inquiry, which released a report in June 2010, and the federal government's final response to that on 25 May last year, shone a strong light on a number of continuing deficiencies in terms of regulatory failure. It also raised serious questions at the time about the resourcing capacity of the Northern

Territory Designated Authority to adequately monitor the operations in its own waters and enforce the compliance of the existing regulations when it came to health and safety.

The Montara Commission of Inquiry report recommended that, as a primary objective, a single independent regulatory body be responsible for safety in addition to well integrity and environmental approval. The inquiry proposed that these functions and responsibilities, which at that time rested with the state and territory designated authorities, be allocated to a single governing body. It is salutary to reflect that at the time of the Montara incident NOPSA did not have authority — or jurisdiction, if you like — to regulate wells or well activities. What was the result of those inquiries? There was the Australian incident, with the inquiries that followed, and the Gulf of Mexico incident. These incidents led to three very different changes within six months. If we look at the regulatory changes of the last 18 months, going back to April 2011, we can see that there have been quite significant moves to respond to the incidents that have occurred in recent times.

In April 2011 the commonwealth government proceeded with plans to appoint NOPSA as the regulator for the Petroleum (Submerged Lands) (Management of Well Operations) Regulations 2004. On 29 April 2011 the Offshore Petroleum and Greenhouse Gas Storage Act 2006 was amended to extend NOPSA's functions to include the regulation of well integrity and the provision of oversight of well operations, management plans and the approval of well activities. Last year the authority's functions were further expanded as a result of the passing of the Offshore Petroleum and Greenhouse Gas Storage Amendment (National Regulator) Bill 2011. In effect that made the authority the commonwealth government's primary regulator of the compliance with environmental safety laws of all offshore petroleum facilities located in Australian waters.

As a result of the bill before us the authority's role will include the regulation of occupational health and safety, wells and well operations, together with the regulation of the structural integrity of facilities and environmental management within commonwealth waters. These are additional functions that have been conferred on NOPSEMA, which is certainly something that we are pleased to support.

I wish to make reference to a terrible incident of more recent times. On 27 August this year we saw the deaths of two workers on a gas rig off the coast of Warrnambool. I refer to the incident involving the

Stena Clyde offshore drilling unit, which is about 90 kilometres south-east of Warrnambool. These are ongoing challenges for us. Deaths continue to occur, and that is something we will continue to investigate, but I refer to this incident to demonstrate by way of example that this is a very dangerous industry. It is incumbent on all jurisdictions to work as cooperatively as possible to ensure that regulatory improvements are made to avoid, as much as we possibly can, injury and deaths, which are real hazards in the industry.

I will reflect on a personal story that demonstrates the effects of these hazards by quoting from an article by Michael West in the *Age* of 5 October 2012. The first two or three paragraphs bring home how tragic these accidents can be in this industry for those who manage to survive disasters but are left with very traumatic memories. The article states:

It was 9.00 a.m. on the Stena Clyde drill rig in Bass Strait when things went horribly wrong.

Workers had been trying to free the drill pipe from the seabed for three days when part of the drilling equipment sprung loose and killed a man instantly. Another, also struck by a rotating tong, died on the way to hospital.

One was a 60-year-old from Scotland, the other a 32-year-old man from the Northern Territory.

That was six weeks ago — Monday, August 27. There were seven men present in the immediate vicinity on the rig when the tragedy struck, including the two who died. All the survivors are traumatised.

As I said earlier, I have quoted this passage simply to remind us of how real and unforgiving accidents can be in this industry.

I do not wish to comment much further. I only wish to say that where there remain great hazards in particular industries it is incumbent on all jurisdictions, parties and governments, no matter what their persuasion, to bear in mind first and foremost the importance of preserving life and maintaining health and safety. I hope that members of political parties and governments will always have those aims at the forefront of their minds when it comes to legislating and providing regulations that achieve those results that we all cherish very much. We all want to be able to go home of an evening or at the end of a week or month, depending on where in your work you are situated. There are more important things in life than work, and life is about living. I wish to end my comments on that note.

**Mr NORTHE** (Morwell) — It gives me great pleasure to speak on the Offshore Petroleum and Greenhouse Gas Storage Amendment (NOPSEMA) Bill 2012. This bill does a couple of main things: it

defers some of Victoria's functions to the commonwealth, but what it really does is reflect that the name of the National Offshore Petroleum Safety Authority has changed to the National Offshore Petroleum Safety and Environmental Management Authority, which I will refer to as NOPSEMA in my contribution, and it confers some additional powers and functions to NOPSEMA under the act itself.

I congratulate the member for Mill Park on her contribution. It was a very considered and well-structured contribution on what is very important legislation. When we are talking about the gas and petroleum industry it is imperative that we have strong regulations around this very important industry.

This is a very pertinent and relevant industry to the Gippsland region. The Gippsland Basin is well known and regarded for its gas and petroleum industry, and through Esso and BHP Billiton the industry has been a feature of the Gippsland region for many years. Indeed there have been some 43 years of oil and gas production within Bass Strait. Sale was the first town to be connected to gas way back in 1969.

This industry is not only about the offering of economic and employment opportunities; at the end of the day it is also about providing a necessary product, and in terms of gas it is about providing a clean product that can be used in households, businesses and industry. It is an important industry from an economic and employment perspective. There are literally thousands of Gippslanders and Victorians who are employed in the industry, and of course it is important to local economies. In my own electorate of Morwell there are many people who travel to Bass Strait to work on rigs within the industry. It is a vital industry from those two perspectives.

In relation to the storage basin that exists within the Gippsland Basin, I want to refer to some of the projects that the Victorian government has invested in. One of those is CarbonNet, which is a joint project between the state and commonwealth governments. It is a \$100 million project, to which the Victorian government has contributed \$30 million. This project is looking at the opportunities that exist for the storage of gases within the Gippsland Basin. That is a significant investment by the Victorian government, and we are joined by the federal government in ensuring that those opportunities are considered and continue to be thought through. Again, in the context of the bill itself, this is a very important project for assessing the opportunities that can be explored for improved environmental performances in the state of Victoria and indeed Australia.

The electricity industry is also important in this endeavour, as is the brown coal industry. The Victorian government has invested significantly in this area. Again in partnership with the federal government it has invested in a \$90 million advanced lignite technologies project to find ways to improve our environmental performance in using brown coal as a resource. That might mean not only improving efficiency at power plants but also looking at other by-products that can be utilised, whether for transport fuels, hydrogen, liquefied natural gas, briquettes, fertiliser or other such products. To put this in the context of the bill that is before us, there are other industries and sectors that are also vitally important in the Gippsland region.

To return to the bill itself, we have seen recent amendments to the commonwealth Offshore Petroleum and Greenhouse Gas Storage Act 2006, which are due to take effect on 1 January 2013. That will effectively mean that NOPSEMA will not be able to continue regulating occupational health and safety for petroleum operations in Victoria's offshore area if responsibility for regulating the structural integrity of petroleum operations is not also conferred on NOPSEMA. That is essentially what this bill seeks to do.

It is important to understand the existing water jurisdictions. The waters up to 3 kilometres from Victoria's coastline are Victoria's responsibility, but beyond that they become commonwealth waters. Over time we have seen some changes to federal legislation occur, and this legislation seeks to keep pace with that, if you like.

NOPSEMA was really borne out of the National Offshore Petroleum Safety Authority. That is the responsible authority for regulating occupational health and safety in Victorian waters. As the member for Mill Park said, NOPSEMA was established following the Montara Commission of Inquiry. The member for Mill Park articulated quite well the devastation caused by that particular disaster in 2009, whereby for 10 weeks we had enormous amounts of oil heading out to sea and not being dealt with. It was a terrible set of events. One of the recommendations that came out of that inquiry was to create a single independent regulator and to expand the functions of what was then the National Offshore Petroleum Safety Authority. That recommendation was accepted by the federal government and subsequently NOPSEMA was born. As I have said, it plays a vitally important role in regulation.

The member for Mill Park also referred to a recent event, the Stena Clyde event, on the south-west coast, which was another tragic set of circumstances where

two men unfortunately lost their lives. I think we should have regard to the fact that it is not only those gentlemen and their families who suffered but also their fellow employees who had to witness such a terrible event. I know the impact will be ongoing for those people. That is why it is imperative that we have strong regulations around this industry. For all it is worth, it is a dangerous industry. We believe the legislation we are putting in place, in giving NOPSEMA those functions around occupational health and safety and the regulation of the wellhead integrity, is vitally important.

The Victorian Offshore Petroleum and Greenhouse Gas Storage Act 2010 is also being amended so that in the Victorian offshore area the functions of NOPSEMA are expanded to include the regulation of the structural integrity of facilities' wells and well-related equipment. That will ensure that NOPSEMA can continue to perform its operations around the regulation of occupational health and safety for offshore petroleum operations in our state waters. Further, the CEO of NOPSEMA can appoint petroleum project inspectors for regulation purposes in state waters.

There are changes to the petroleum safety zones in terms of what will be deemed an 'area to be avoided'. The zones that exist in Bass Strait are in place to ensure that we reduce the risk of collision between vessels and our offshore facilities. The responsibility for establishing and administering petroleum safety zones and authorising entry into those areas to be avoided will also transfer from the Minister for Energy and Resources to NOPSEMA. However, other aspects of the Victorian act will remain intact. With respect to the environmental management of petroleum operations in state waters, the state will retain its functions. Essentially these petroleum operations are just pipelines — nothing more, nothing less — so it makes sense that that should be the case.

In summary, it is important that we have NOPSEMA regulating occupational health and safety along with structural integrity for petroleum operations in the Victorian offshore area. The bill provides consistency and integrity to the industry, and I commend it to the house.

**Mr NARDELLA** (Melton) — I support the Offshore Petroleum and Greenhouse Gas Storage Amendment (NOPSEMA) Bill 2012. There has been a long process behind this bill coming before Parliament which involved a review of the existing national legislation that happened after the Montara oil well disaster of 2009. The oil well failed and oil spewed forth for quite a long period. It did not involve injury or loss of life, but it was a serious situation that could have

potentially had such a result. Prior to that disaster, 11 people lost their lives when the Macondo Deepwater Horizon failed in the Gulf of Mexico. That could very well happen here.

Honourable members who contributed to this debate before me referred to the tragedy of the Stena Clyde oil well disaster that occurred recently 90 kilometres off the coast of Warrnambool. Over a period of three days two men lost their lives in very tragic circumstances. Parts of the rig failed, including a drill. The drill first hit a 60-year-old worker from Scotland and then a 32-year-old worker from the Northern Territory, who was flown from the rig and died afterwards. The incident involved seven other workers who were on the rig at the time and working in close proximity to the accident. According to press reports they were traumatised and were flown off the rig pretty quickly. Given what they witnessed, I hope they are receiving advice and counselling.

I have seen an industrial accident, and I have seen close calls. I have seen blokes injured and workers almost injured. It is very traumatising. They are awful situations. Those types of incidents need to be minimised. This legislation is critical in putting together a national framework to minimise death and injury, especially on oil rigs in waters that are under the jurisdiction of the state or the commonwealth. The member for Morwell said that rigs are in state waters in Victoria if they are up to 3 kilometres from the shore boundary and in commonwealth waters if they are further away — for example, the Stena Clyde oil rig is 90 kilometres offshore from Warrnambool.

This legislation deals with occupational health and safety, which is an area that has developed over a long period. Political parties and governments talk a lot about reducing regulation and red tape and that type of thing, and this legislation is about doing just that, which is a good thing. The legislation is about having one set of regulations in one piece of federal legislation. This bill before the house confers on the National Offshore Petroleum Safety and Environmental Management Authority responsibility for that. Companies that operate in and around Victoria should have only one set of regulations to deal with, to know and to understand, and, as the regulator, NOPSEMA is the appropriate body to handle that.

We all talk about reducing regulation, and we put forward targets to achieve that. We say, 'I am going to cut red tape by 50 per cent and 100 per cent' and all of that type of stuff. You hear this during every election process, when every political party comes out and says, 'We are going to cut red tape'. But this legislation is

part of putting that in place. More importantly, this legislation is about the safety of workers on oil rigs. It is about learning from the experiences and incidents that have occurred. NOPSEMA is the appropriate body to review such incidents so we can learn from them. It is the body that has the necessary expertise. We must understand that this is a development that has been pursued since the mid-1960s. I think it was in 1967 when the National Offshore Petroleum Safety Authority, the first responsible authority in relation to this issue, was set up under the commonwealth Petroleum (Submerged Lands) Act 1967. This legislation continues the learning and understanding; it will also make oil rigs safer.

One issue affecting oil rigs is their isolation. We talk about people who fly in and fly out of Western Australia, the Northern Territory, Queensland and other places, but we have people who fly in and fly out of Victoria. Philip Davis, a member for Eastern Victoria Region, in the other place, was a fly in, fly out Albury worker for quite a number of years before he became a member of Parliament. Some members of Parliament who have performed that role in the past have done so to better themselves and their families. When people undertake any form of work, they need to be as safe as possible. Safety is everybody's responsibility — workers, companies and unions.

Of interest was the situation experienced by the Maritime Union of Australia at the Stena Clyde offshore drilling unit near Warrnambool. Due to changes to right-of-entry laws, it took a little while for union representatives to get to that facility to be part of the organisation to make that oil rig safe. As the member for Mill Park said, it is everyone's responsibility to make sure that at the end of the day all people, regardless of what work they undertake — whether it be working on an oil rig, serving as a member of Parliament or just sitting behind a desk — go home to their families and are not maimed, injured or traumatised, and that workplaces are as safe as possible. I believe we have come a long way. Farmers would also understand that we have all worked together to make our workplaces safer.

I remember discussions and debates in the late 1980s about the rollover protection cages for tractors. Such measures are very important to safeguard farmers' lives and livelihoods and those of their families. At the end of the day — or early in the morning for farmers — it is important that people come home to their families, to their kids and to their wives or husbands. In the case of farmers, it is important that they come home to their wives. Usually it is the blokes on farms who are out on tractors all night doing the harvesting, and it is

important that they come home safe; that is the important aspect.

On 13 November 1992 I spoke in the Parliament about the injuries received by Peter Morelli, who was one of my colleagues, in the early 1980s — 30 years ago. Members can read in *Hansard* about the workplace injuries he received. I do not want to see anybody injured at work. I commend the bill to the house.

**Ms WREFORD** (Mordialloc) — I rise to speak in support of the Offshore Petroleum and Greenhouse Gas Storage Amendment (NOPSEMA) Bill 2012. Gas, oil and coal are three energy sources Victoria is very rich in, and they provide this state with a worldwide competitive advantage. Because we have direct access to our resources, our power costs are relatively cheap; however, the world's largest carbon tax has impacted upon that, and the people in my electorate of Mordialloc are noticing the tax's impact as their gas and electricity bills mount. Nevertheless we still have a competitive advantage because we have energy reserves in Victoria.

One of the reasons Victoria has been successful in the manufacturing sector and places such as Braeside in my electorate are so successful is that we have had that competitive advantage, and this government is committed to keeping it that way. This government is also committed to the safety of workers. Shortly I will be meeting with a business owner in my electorate who is extremely forward thinking about safety in his business, and we will be discussing some of the ideas he has had. Workplace safety is very important, and this bill keeps that in the front of our minds in relation to petroleum and gas operations occurring within our 3-kilometre offshore area. As most members would know, beyond 3 kilometres from our shore, these matters come under the federal government's jurisdiction.

This bill is designed to maintain the regulatory framework in the context of recent changes. On 1 January 2013 recent amendments to the commonwealth Offshore Petroleum and Greenhouse Gas Storage Act 2006 will come into effect. Since 2005 the National Offshore Petroleum Safety and Environmental Management Authority has been responsible for monitoring occupational health and safety in Victoria's offshore areas. If for some reason this bill is not successful, then NOPSEMA would not be able to continue in that role. The bill makes amendments to allow the authority's continued involvement and confers additional statutory responsibility on NOPSEMA. In order for NOPSEMA to be allowed to continue to monitor occupational

health and safety in Victoria's offshore areas, the authority must also be responsible for regulating the structural integrity of petroleum operations.

Prior to NOPSEMA's creation in 2009, there was the National Offshore Petroleum Safety Authority. NOPSEMA was created after an inquiry into Australia's worst oil disaster, where there was a blow-out from the Montara wellhead platform in the Timor Sea off Western Australia. There are no wellheads in Victorian waters, and there are not likely to be due to the horizontal drilling technology that is available. The importance of sound occupational health and safety practices was highlighted by the terrible loss of two workers on the Stena Clyde drilling facility in Bass Strait in August. NOPSEMA is investigating the two fatalities, which are the first in four years in Australia. This demonstrates the importance of having a properly qualified regulator. We are expecting NOPSEMA's brief in Victoria to include regulation of the structural integrity of petroleum operators so the authority can continue its important work. NOPSEMA will have to employ structural integrity inspectors to check facilities, wells and well-related equipment.

We are also expanding NOPSEMA's brief by handing it responsibility from the Minister for Energy and Resources for establishing and administering areas to be avoided. Some areas have higher volumes of ship traffic, petroleum facilities cannot be built where there is a reasonable risk of collision and ships cannot enter areas around petroleum facilities. The minister remains responsible for titles, environmental management, greenhouse gas safety zones and greenhouse gas operations in Victoria's offshore areas, and under commonwealth legislation NOPSEMA could have been handed those responsibilities as well. However, the Victorian government has decided to maintain these powers so that Victoria's environmental objectives can be achieved.

In Victoria greenhouse gas operation facilities are primarily pipelines at this point in time. Whilst these changes are not as glamorous and exciting as the newly dredged Mordialloc Creek, they are very important for maintaining the safety of workers and for the prevention of accidents that could do significant environmental damage; therefore it makes sense that NOPSEMA has a responsibility to regulate occupational health and safety practices.

Gas, oil and coal are the key drivers of Victoria's economy, and the safety of workers and protection of our environment are also incredibly high on this government's agenda. This bill brings them all together by ensuring the best management of occupational

health and safety practices and the structural integrity of petroleum facilities in Victorian waters.

The government is moving to ensure that NOPSEMA continues to monitor occupational health and safety on offshore petroleum facilities and that its role is expanded to review the structural integrity of offshore petroleum facilities. We are also expanding NOPSEMA's role in establishing and administering areas to be avoided to keep the petroleum facilities and ships at a safe distance. I commend the bill to the house.

**Mr FOLEY** (Albert Park) — I rise to make a few brief comments on the Offshore Petroleum and Greenhouse Gas Storage Amendment (NOPSEMA) Bill 2012. As the shadow minister for energy, the member for Mill Park, has indicated, whilst the opposition is generally supportive of these changes, as they expand the National Offshore Petroleum Safety and Environmental Management Authority's oversight of responsibilities into state waters and not just commonwealth waters, which provides a bit more consistency for the sector, we believe there are still some issues with regard to environmental management oversight that need to be addressed. In his second-reading speech the Minister for Energy and Resources said that 'to ensure Victoria's key environmental objectives are met' would be a priority of the Baillieu government. The opposition is sceptical of that. However, with regard to the substance of the bill, as other members have stated, this bill makes a series of relatively straightforward structural changes to improve the regulatory efficiency of a sector that is important to Victoria's, and indeed Australia's, energy security.

Oil and gas facilities operate off Victoria's coast. These reservoirs of gas, oil and other fossil fuel forms are a key part of current energy services, not only for Victoria but also for the rest of Australia. These are parts of natural systems that cover both onshore and offshore arrangements deep in the geological structures of both commonwealth and state waters and also state lands. In that regard the offshore protection and national regulatory framework aspects of this bill form a sensible part of a division of responsibilities between the state and federal jurisdictions which ensure that important issues such as occupational health and safety are taken account of. This work is dangerous. Those facilities are part of heavy industry, and they operate in some very treacherous areas. The dangers involved in this work should not be underestimated. Sadly, as other members have mentioned, in recent times we have seen deaths in these areas. There are also significant environmental issues in other state jurisdictions and in commonwealth waters in the Timor Sea, all of which

contribute to a climate whereby there can never be enough focus on both occupational health and safety and environmental performance. So the arrangements that this bill seeks to put in place for the operations of regulatory agencies that oversee these important areas, to make them as efficient as possible, should receive widespread support. I am certainly glad that this Parliament will speed the passage of the bill to achieve that.

Having said all that, a number of members have mentioned the fact that the carbon, petroleum and gas resources that drive our homes, factories, cars and lifestyles, and indeed our economy, are significant parts of the energy equation that this state operates through and indeed that the rest of the commonwealth also operates through. Making sure that we are in a position to deal with the challenges of decarbonising the economy over time to take advantage of the opportunities that this will create for investment, manufacturing, export industries, and knowledge-based and skills-based industries is something that needs to be seriously considered by the Victorian and Australian governments. I am pleased that initiatives associated with the introduction of the carbon price earlier this year have seen some serious work being put into this area. Despite the climate change deniers' predictions that the sky would fall in and that the world as we know it would end, businesses have been getting on with the job of accommodating those arrangements and dealing with the sensible changes and reinvestment strategies for the future that are required.

Having said that, while we will continue to be reliant on the important contributions that coal, gas and carbon energy forms give us for some substantial period of time, if we prepare we can make the transition earlier and be in a better position to not just achieve energy security but also to take advantage of new forms of employment, new opportunities for export and new opportunities for skills and services economies, particularly in the booming Asian economies which are growing at enormous rates as their middle classes look to energy sources that can sustain them well into the future. That was why it was particularly disappointing to note that in the almost completely forgettable environmental partnership statement that the government launched yesterday the five dot points that were given to climate change and the opportunities that deal with —

**The ACTING SPEAKER (Mr Weller)** — Order! I do not believe yesterday's statement is relevant to the bill. The member is straying. I have shown a fair bit of latitude.

**Mr FOLEY** — On a point of order, Acting Speaker — —

**The ACTING SPEAKER (Mr Weller)** — Order! I have not finished. I ask the member to come back to debating the bill that is before the house.

**Mr FOLEY** — I am happy to be guided by you, Acting Speaker, but I note that preceding speakers referred to carbon pricing in a way that was attacking the federal government. I accept your guidance but also take the opportunity to note the broad-ranging nature of this discussion.

**Mr Nardella** — NOPSEMA is also about the environment.

**Mr FOLEY** — Indeed. But I will, as always, Acting Speaker, be guided by your wisdom on these matters.

In regard to how this particular bill will affect the operation of offshore facilities, it is to be hoped that the operators of these facilities — which are if not the largest companies in the world certainly amongst the largest and most powerful companies, with budgets that exceed most Third World nations' total gross domestic product — will take into account the fact that the lives of their workforce are the most important things to those workers and their families as they seek the opportunity to engage in gainful employment whilst contributing to both the welfare of the companies they work for and the energy needs of the Victorian and Australian economies.

There are also environmental provisions that deal with the relationship between commonwealth responsibilities and state responsibilities at the 3-mile limit which marks the swap from one jurisdiction to the other. How those environmental issues and management issues, both onshore and offshore, get dealt with is important, and whilst this bill focuses exclusively on offshore areas, as has been said earlier those natural resources deep in the geological formations of the earth are both onshore and offshore.

In that regard it has been particularly instructive to note that we will not be facing similar problems in, for instance, the coal seam gas sector because the government has put a moratorium on that particular area, which we must note has been particularly swift work by The Nationals in wagging the government dog. We also note the humiliating backdown that the Minister for Energy and Resources had to cop when he referred one day to the opposition's position as all sorts of outrages on business and the environment and then had to eat the most humble of pies to support The Nationals' position by making sure that the moratorium

on that work was put on hold until such time as the commonwealth's review of these arrangements was able to be dealt with.

That review is coming to an end in the not-too-distant future, so we on this side of the house will, with great interest, watch The Nationals tail wag the Liberal Party dog further on this particular issue, and we will watch with great interest whether the Minister for Energy and Resources is in a position to deliver on his commitments around promoting this particular sector or whether he will toe the line of The Nationals' demands.

**Mr CRISP (Mildura)** — I rise to make a contribution to the Offshore Petroleum and Greenhouse Gas Storage Amendment (NOPSEMA) Bill 2012. The purpose of the bill is to amend the Offshore Petroleum and Greenhouse Gas Storage Act 2010 to reflect that the name of the National Offshore Petroleum Safety Authority has been changed to the National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA) and to confer additional functions and powers on NOPSEMA under the act.

In rising to support this bill I note that it is pretty clear that this is just a shift of powers to the commonwealth. It ties up issues of occupational health and safety and the structure of well heads as commonwealth powers. We only have powers for 3 kilometres offshore, and I would think that having these powers under a uniform regulation makes good common sense.

Mildura is about as far as you can get from the offshore area, so I am not going to be talking for a long time on this bill, but it is something that is of interest to me because this is partially about greenhouse gas storage and how we manage carbon in our economy. The offshore option for CO<sub>2</sub> is that you compress the gases that are drawn off from the exhaust towers of our coal-fired power stations. I cannot resist some observation here that often when the media are showing a power station on a CO<sub>2</sub> story they show the cooling towers emitting steam and they go right past the chimneys that are emitting the CO<sub>2</sub>. So you take that CO<sub>2</sub> off the towers, you do some more scrubbing with it, then you cool it, you compress it, you cool it again and then you take it to stable geological storage.

This has been under investigation for a long time, and it is an energy-intensive way of storing our carbon. There are other options, and this is where the coalition government has been very supportive in my electorate of Mildura. If we are looking at how we manage carbon — and geosequestration is one of those options — you can use solar power, and we have a solar power station under construction in Mildura,

being the Silex system. We have heard today that a TRUenergy bid to the commonwealth government was not successful. Others have made comments elsewhere about what that means, particularly for a low-carbon future. Biosequestration, which is the alternative to geosequestration, is the use of algae to absorb the CO<sub>2</sub> with nutrition to create green slime — for those who are not familiar with algae — which can then be processed. I have tasted some of the algae, which is fairly good. It is like having a rather large dose of fish oil, but as someone pointed out, your teeth are stained green, so I had to keep my mouth shut for a while after that experiment. But that is one way. Biomass is another.

*Honourable members interjecting.*

**Mr CRISP** — I hear members of the opposition suggesting we should get some now. Biomass is another way, so it is all part of this process of us moving forward to manage CO<sub>2</sub> in our geosequestration. There are a whole lot of complexities around this that relate to how the commonwealth is going to interact with the state, what powers the state minister needs to keep and what powers the federal government can take on, because although it is common-sense legislation, and I commend it for being before us, it is not without its difficulties when you are splitting hairs on who is responsible for what. There are quite a lot of complexities. I am not going to go into these now because, as I said, it is a long way from Mildura. It is a common-sense bill and one I am extremely pleased to support.

**Ms CAMPBELL (Pascoe Vale)** — I wish to comment on the Offshore Petroleum and Greenhouse Gas Storage Amendment (NOPSEMA) Bill 2012 only in relation to matters that have been raised by the Scrutiny of Acts and Regulations Committee. The *Alert Digest* tabled in the house this week made reference to the fact that the Scrutiny of Acts and Regulations Committee has written to the Minister for Energy and Resources in relation to the presumption of innocence and legal onus on the accused. It is a matter that has been brought to the attention of the house on at least three occasions recently and it is a matter on which it is important that legislative officers keep well informed, discuss with other departments, the chief parliamentary counsel, Gemma Varley, and also the government solicitor, because legal onus is an important concept when it comes to the accused and criminal offences.

I draw the attention of the house to the committee's comment, which relates to its charter report. We wrote to the minister and in summary referred to the fact that we wanted information on whether or not new

section 647A(4) places a legal onus on the accused. We noted that clause 8 of the bill inserts the new subsection, which creates an exception to a new offence of failing to return to the National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA) the identification card where that card was lost or destroyed. We had recently received correspondence referring to legal advice that an exception to a criminal offence may impose a legal onus of proof on the accused without express words to that effect.

I am pleased to report to the house that the committee received correspondence from the minister, which was tabled in the house. He was able to point out the following information for the benefit of the house in this debate in relation to any future legal cases. I highlight this because it may assist in future legal cases and future prosecutions. I quote from the minister's response that was tabled with the *Alert Digest* this week:

Subsection 647A(4) is an exception to the offence in subsection 647A(3). Section 72 of the Criminal Procedure Act 2009 provides that if an act creates an offence and provides an exception, and an accused wishes to rely on the exception, then the accused must present or point to evidence that suggests the reasonable possibility of the existence of facts that would establish the exception. Consequently, the new subsection 647A(4), when read with section 72 of the Criminal Procedure Act 2009, imposes an evidential onus on an accused. It follows that an evidential onus in these circumstances does not limit the right to be presumed innocent in subsection 25(1) of the Charter of Human Rights and Responsibilities Act 2006.

I am sure that matter has not been keeping members awake at night as they try to sort out this fine point, but it could well keep somebody awake at night if they are expending an exorbitant amount of time and money on any future legal cases. It is important that it be put on the public record, firstly, for the members who were lying awake trying to clarify this, and secondly, to assist the court and an accused in future cases.

**Debate adjourned on motion of Mr KATOS (South Barwon).**

**Debate adjourned until later this day.**

## CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) (ENFORCEMENT) AMENDMENT BILL 2012

*Second reading*

**Debate resumed from 11 October; motion of Mr CLARK (Attorney-General).**

**Ms HENNESSY** (Altona) — I rise to make a contribution to the debate on the Classification (Publications, Films and Computer Games) (Enforcement) Amendment Bill 2012, and in doing so I intend to sketch out the position of the Labor opposition in respect of this bill. The bill seeks to implement two substantive reforms. Firstly, it seeks to amend the Classification (Publications, Films and Computer Games) (Enforcement) Act 1995 to allow for the sale, hire and distribution of R 18+ classified video games to adults. Secondly, it seeks to allow law enforcement agencies and their personnel to securely transmit objectionable material and child pornography to national intelligence-sharing databases. Labor will not be opposing the bill before the house today.

On the first matter, we recognise that the proposed change in the law has been more than a decade in the making. It is a proposal that complements commonwealth legislation that has recently been passed and is consistent with where the international law and regulation of this matter presently stands. It follows a decision relating to the national classification scheme, which is overseen by the former Standing Committee of Attorneys-General (SCAG), which in July had a name change to the Standing Committee on Law and Justice. This body supports the reform.

The second reform that the bill implements seeks to bring Victorian law into line with the practices and standards in other jurisdictions, and it seems a sensible proposal for practicality's sake. There are obviously a number of risks in that change, and I will very briefly speak to those towards the conclusion of my contribution.

The main purpose of the bill is to implement a nationally agreed approach to adult computer games that will effectively allow for the trading in Victoria of computer games with a classification beyond the existing MA 15+ classification ceiling. As I mentioned, this reform has been a long time coming and a long time in the making. In fact this is a reform that has been under way for over a decade, and gamers right across Australia have been campaigning for this change to the classification regime dealing with adult theme

computer games. Under the law the commonwealth classification board classifies films, games and publications in accordance with what is known as the national classification code and its guidelines. Those guidelines are maintained in commonwealth legislation on the advice of what has until recently been SCAG and censorship ministers, for want of a better term.

The Classification Review Board effectively approves the decisions of the Classification Board. Both boards are independent statutory bodies and are comprised of quite a broad representation of eminent Australians of different ages and different backgrounds with the idea of seeking to try to bring a multiplicity of views into what can sometimes be a contestable space between the rights and freedoms that one expects in a vibrant and liberal democracy and arguments about when one should impinge upon those rights for the sake of the greater public good which might relate to the harm that such materials may cause.

Until recently legislative change in the commonwealth jurisdiction games which exceeded the impact test for MA 15+ had been refused classification in Australia. In effect we have had no higher a ceiling than the MA 15+ classification under which to shoehorn materials for adult-only purposes. SCAG has been considering the introduction of an R 18+ classification for computer games for many years. Part of the politics of this debate has been that the SCAG decisions must be unanimous, so one member of SCAG can veto a decision. As with the United Nations Security Council, this has meant that only in the rarest of circumstances has unanimous agreement been reached. This is particularly relevant given the very valid and legitimate view that sometimes informs the contestable debate about freedom of expression and the potential public harm that may be caused by virtue of that freedom of expression in certain circumstances.

As I noted earlier, in July last year there was a revelatory moment when unanimity was reached between state and territory ministers and, in effect, the commonwealth finally agreed to the new classification which has now been inserted into the commonwealth act following the passage of the Classification (Publications, Films and Computer Games) Amendment (R 18+ Computer Games) Bill 2012 — quite a mouthful. The passage of that commonwealth legislation means that computer games can now be the subject of an R 18+ impact test by the Australian Classification Board.

The purpose of the legislation we are debating today is to allow for the sale of R 18+ computer games to adults in Victoria and their lawful purchase by adults in

Victoria. The bill also provide for restrictions around the promotion, demonstration and sale of R 18+ computer games to minors for what I hope are self-apparent reasons. The R 18+ classification permits nudity, drug use, sexual simulation, violence and the implication of sexual violence. It applies no restrictions on themes or language. The impact test for the previous ceiling classification of MA 15+ applied the same restrictions as are now allowed under the R 18+ classification but used the statutory test of what is justified in context. I should also note that depictions of consensual explicit sexual activity are classified as X 18+. Detailed instruction in crime, violent drug use, paedophile activity and depictions of gratuitous sexual or violent activity such as bestiality or cruelty are refused classification.

Current industry practice has been that popular computer games that would otherwise have been considered R 18+ have been tweaked. In anticipation of not being able to obtain an adult-only classification many of the producers of games have slightly tweaked games to try and shoehorn them under the M 15+ classification. Much of the game play and violence has remained in the tweaked version of those games, perhaps minus a particular graphic or reference deemed outside what was previously allowable under the impact test. Following the tweaking of those games to satisfy the Australian Classification Board and their subsequent classification there have still been quite profoundly adult-themed games under the MA 15+ classification that 15-year-olds have been able to purchase in accordance with the law, often without parental knowledge of the extent of the inherently violent or adult-themed nature of the game.

I would hate this bill to be misconstrued as an attempt to open the door and take away regulation of what might be appropriate for a 15-year-old versus an adult. It does not do that; it sensibly tries to acknowledge that fully grown consensual adults ought to be able to choose adult R-rated computer games, if that is their wish. In the absence of that regulation, what was occurring was that these games, after being only slightly tweaked, were being shoehorned into the MA 15+ classification and made available.

I will quote a case study by Tim Colwill, who has been an advocate for this change. He has led the R 18 games campaign website, and he used the example of a very popular computer game. I am not sure if you, Acting Speaker, are familiar with a game called *Fallout 3*. Tim Colwill has explained the occurrence in some detail. He stated:

*Fallout 3* was initially refused classification in Australia by the Classification Board. They objected to the high level of realistic drug use involved in the game, specifically noting that players could use morphine to dull pain, and that the use of drugs was too realistic, providing players with an incentive to use them. The Classification Board did not object to the level of violence in the game, noting that 'the violence in *Fallout 3*, which includes large blood bursts, dismemberment and post-mortem damage is strong in impact' and 'can be accommodated at an MA 15+ rating'.

Bethesda Softworks through their publishers withdrew the game and made a series of edits to it, resubmitting it to the Classification Board in late August. The major change made to the game was to alter the depiction of the game's drugs to reduce their realism and change their effects. All real-life drug names were removed and replaced with fictional alternatives, which satisfied the board's criteria that there was no incentive or reward for a player to choose to use drugs. The game was released on 31 October 2008 in Australia with an MA 15+ rating.

*Fallout 3* is a violent and adult game. It features a dynamic combat system which allows players to selectively target enemy limbs and provides real-time depictions of the damage inflicted, ranging from dismemberment to exploding heads. The player explores a devastated post-apocalyptic landscape and is exposed to many mature themes such as strong language, slavery, drug use and the supernatural. Though the drug use was altered to reduce its realism it still plays a major part in the game and is often useful for helping players to perform even greater acts of violence.

...

Even with these changes, *Fallout 3* is still rated for 18 years old and above in Britain, New Zealand and across Europe. In the United States it is rated M 17+. In Australia however, this violent and adult game is legally available to children as young as 15, simply because Australia lacks the capability to restrict games to adults only.

That is the end of Mr Colwill's example. It paints a compelling justification for the need for an R+ classification — and we can see how the market responds in the absence of an R+ classification.

It is my view that the reform balances the interests of adult computer gamers in a free and liberal democracy to play games of their choice. Whilst those games may not be everybody's cup of tea, with the community wanting to ensure the continuity of protection against completely objectionable material, this is a very sensible regulation which strikes a very sensible balance.

The issue is similar to that governing the freedoms of adults in Victoria watching, buying or selling movies that are rated R 18+. The reform is simply an extension of the rules that currently apply to films. The bill applies them to another medium that does not just exist in contemporary Australia but in fact provides a very popular activity and is a very big industry, which I will talk to briefly. This reform will ensure that more games

appropriately fall into the R 18+ category and therefore, by the design of the bill, fall lawfully and through the trading environment beyond the reach of younger teenagers. At the age of 18 consenting adults can make the choices they want to make.

The reform will hopefully ensure that parents are made more cognisant of the adult-related themes of the games which will be classified as R 18+ and of the fact that without this reform their children might otherwise have been playing just slightly amended versions of those games under an MA 15+ classification. It is important that our regulatory environment is cognisant of, responsive to and reflective of the fact that we live in a changing and dynamic environment when it comes to technology.

Technology, particularly games, is a very important part of recreational design and business not just in this country but particularly in this state. Computer games are no longer just a plaything for young children. The time of the Atari has moved on.

**Mr Noonan** interjected.

**Ms HENNESSY** — The member for Williamstown says that he is still a man of the Atari — and I am sure he enjoys watching his Beta video when he goes home at night!

In fact it is important to note that the average age of a gamer in Australia is 32 years and, perhaps most surprisingly, that 47 per cent of active gamers are women, so it is certainly a most attractive pastime and phenomenon for a diverse range of people in the community. The depiction of those who like to play computer games as like the characters in *Bill and Ted's Excellent Adventure* is not factually borne out in the demography, activity and practices of Australians and particularly Victorians who play computer games.

It is interesting to note also that Victoria is actually the Australian centre for the production of computer games. It is a flourishing industry which contributes many jobs. It is an important part of our economy and in fact contributes millions of dollars to Victoria's exports. It is fair to say that Australians have been engaged for many years in a hard-fought campaign for these changes. Following the release in 2009 by the commonwealth of a discussion paper on the introduction of an R 18 classification, 58 000 submissions were received. When governments seek to consult with and engage the community, getting 58 000 people to actually make submissions and make a considered contribution to a matter pertaining to regulation is no mean feat. It speaks to the passion and

interest surrounding this industry, as I said. The industry is forecast to grow at more than 10 per cent per year. Even in Victoria it is forecast to contribute \$2.5 billion annually by 2015.

This is a serious business and a serious recreational activity. It is really not good enough that lawmakers and public policy-makers of all persuasions and in all jurisdictions took 10 years to get their act together to come up with a sensible regulatory solution to the issue. I commend these changes on that basis. Let there be no doubt in anyone's mind that this is a mainstream activity. This reform seeks to ensure that it is regulated from the perspective of mainstream Victorians.

That is not to say that there are not critics. As I said, adult-themed computer games may not be the pastime of choice for many people. A number of organisations have opposed the introduction of the R 18+ classification for computer games in Australia, and I think it is important that we respect their entitlement to have that view. Whilst we do, the opposition's position is that we support the government's implementation of the national agreement reached through the SCAG process. As such, it is appropriate that Victoria's law be reformed and amended to ensure that the proper safeguards and protections for minors are put in place by regulating a mainstream and very important industry in a sensible way. We will not be opposing the bill before the house today.

I move now to the second part of the reform — very briefly, may I assure some members of the house — which is also important. It provides exemptions to laws around the online transmission of prohibited objectionable material by law enforcement agencies to national intelligence sharing databases. As the law stands, law enforcement agencies are prohibited from the online transmission of objectionable material, including child pornography, to other law enforcement agencies. There is no exemption in the law for any organisation to do that for that purpose. In essence, law enforcement agencies are caught up in the primary law that prohibits the transmission of objectionable material. They require an exemption to enable them to share that material with national or other law enforcement agencies without committing the primary offence.

We certainly understand the cumbersome processes that law enforcement agencies have to go through currently. We support the purported intent of this change. To the extent that we have any concern — perhaps this is a quibble more than a concern; I do not wish to engage in overstatement — obviously whenever we move to a more predominantly ICT-based

environment there is a whole series of risks. As government members make their contributions to the debate we would like to be assured that the government has sought advice and that it is satisfied that Victoria Police are confident that they have the right security around their ICT arrangements. Given the objectionable nature of the material we are talking about, it will be absolutely critical that this is properly managed within Victoria Police and that there is no capacity for that material to be accessed, misused or unlawfully distributed.

Having made those minor comments around some of the only concerns we really have about the thrust of the reform, I wish the bill a speedy passage through the house.

**Mr NORTHE** (Morwell) — It gives me great pleasure to rise to speak in the debate on the Classification (Publications, Films and Computer Games) (Enforcement) Amendment Bill 2012. This is an important bill which has three primary functions. They are to provide offences relating to computer games that have an R 18+ classification, to establish penalties relating to computer games with a classification of R 18+, and to provide an exemption for law enforcement personnel and other authorised persons from certain offences under the act. That last function was just referred to by the member for Altona in her contribution.

The classification of and censorship around films, publications and computer games is absolutely critical. I am sure that parents in the Parliament and in the community more broadly understand the importance of making sure that there are appropriate safeguards in place with respect to the classification of films, publications and computer games. The evolution of computer games means that they have changed markedly, I guess, from when we were young, Acting Speaker — from the old *Pac-Man*, or whatever it was, and the old *Super Mario* and such games.

Over a period of time computer games have changed dramatically. The area is contentious and there is a lot of comment in the community about the adequacy of classifications and censorship — in this case about computer games in particular — in a contemporary world.

Victoria is part of a national scheme. The Classification Board is charged with the responsibility of making a determination on the classification of publications, films and computer games within the national classification code (NCC) and the relevant classification guidelines. The parliamentary library has

produced a very good document in regard to this piece of legislation. It is well worth reading as it refers to some of the classification categories that exist under the NCC: G rating applies to general viewing for films and computer games; PG rating applies to parental guidance in relation to persons under 15 years of age; M rating applies to mature viewing and is not suitable for persons under 15 years of age; MA 15+ rating applies to mature accompanied people in relation to films and computer games which are unsuitable for viewing by persons under 15 years of age; and then you get into the nitty-gritty detail of restricted categories such as R 18+, X 18+ and refused classification, better known as RC.

Under the current scenario films can have an R 18+ restricted classification, which basically states that a film is unsuitable for a minor to see. However, computer games do not have that classification; the maximum classification for computer games at the moment is MA 15+ for mature accompanied. The bill seeks to deal with some of those scenarios whereby computer games could be considered unsuitable for minors and places them in the R 18+ category.

It is interesting to note that the library document talks about the Classification Board's decision on the various classification categories and notes that there have been 827 determinations made in 2011–12 in relation to computer games. Three of those determinations were made in the RC category, so there is not a whole bunch of them that have been refused, which is good, but there are three and that is really three too many from our perspective.

Consideration of the R 18+ classification for computer games, as referred to by the member for Altona, has been considered by the relevant censorship ministers across Australia. Whilst there might be contention in some quarters about this, it is important that we strike a balance in making sure that we have protection for consumers, for our children and for our youth by ensuring that these computer games are classified appropriately.

It is also important to understand that computer games depicting abhorrent, violent or offensive content will still remain illegal, and that is very important in the context of this legislation. Under the new guidelines for the classification of computer games increased restrictions within the MA 15+ category may fall within the new 18+ classification category. In some instances we have seen the practice whereby computer games that are subject to adult classification overseas are being modified to meet the MA 15+ classification category in Australia. These are adult-oriented games and the establishment of the R 18+ classification for computer

games assists in this regard. In addition it is not just children who are playing these games; in this day and age there are a number of adults who are very interested in computer games.

As mentioned earlier in the debate, we have seen the establishment of restrictions on R 18+ computer games in Victoria and that coincides with the new commonwealth classification category. Restrictions include the limiting of access for hire, sale, advertising and demonstration of R 18+ computer games to minors. It also establishes penalties for non-compliance, which is sensible, and restricts the advertising of R 18+ games. The member for Altona also referred to part 2 of the bill which talks about the child exploitation provisions of the bill, and we are seeking to provide some improved efficiencies in the law enforcement process in order to deal with the scourge of child pornography and exploitation. This is part of a national, combined effort by all agencies to deal with these particular matters.

It is dreadful to consider some of the materials and situations that arise out of child pornography and child exploitation; it is just hard to contemplate. Digressing ever so slightly, the Law Reform Committee of the Parliament, of which I am a member, is conducting an inquiry into sexting which has led us to some of these particular matters, and it is important that we get it right and improve efficiencies where possible to ensure that we deal with the scourge of child pornography and exploitation as effectively as we can. Unfortunately when you are dealing with these matters there is generally a large volume of material that arises out of these cases and any support we can give to our agencies is very important.

Under the current scenario Victoria Police officers have to physically hand over material to their federal counterparts. If the legislation is not changed, it will effectively be illegal to forward, via online transmission, some of the material that may be intercepted by Victoria Police, so this is a sensible provision. These agencies are reliant upon the Australian National Victim Image Library and the Child Exploitation Tracking System. These are basically vehicles in which these materials are stored and categorised, and they play an important part in the enforcement of laws relating to child exploitation and child pornography. These amendments create an exemption for law enforcement agencies, which is to be authorised by the Chief Commissioner of Police, from certain online transmission offences contained within the act. The exemption that will apply is consistent with child pornography offences within the Crimes Act 1958, so these are important and sensible provisions.

In summary, this is very sensible legislation, and I am pleased to see that the opposition supports the amendments before the house.

**Mr LIM** (Clayton) — I welcome the opportunity to speak on the Classification (Publications, Films and Computer Games) (Enforcement) Amendment Bill 2012. There are a number of provisions in this bill, but my contribution will deal with the introduction of a new R 18+ classification for computer games.

The introduction of this classification is the result of an agreement made by the Standing Committee of Attorneys-General. Earlier this year the federal Parliament passed the Classification (Publications, Films and Computer Games) Amendment (R 18+ Computer Games) Bill 2012. The commonwealth bill received royal assent on 6 July 2012. This bill before us follows the lead of the federal government.

Some might find it surprising that our Attorney-General would introduce a new R 18+ classification. I risk defending him among his conservative constituencies by saying that he obviously found the national momentum too great to resist. Along with the introduction of the R 18+ classification, the current top classification of MA 15+ will become more restrictive in what it covers. Without this bill and the new R 18+ classification, some computer games, including new editions of existing games, would have become illegal in Victoria. Such games include *Grand Theft Auto*, and I will say something about that in a moment.

The term ‘computer game’ is a bit of a misnomer. Rather than a gamer being hunched over a computer, they are more likely to use a game console such as an Xbox or a PlayStation connected to a big screen such as a television. This is worth thinking about, because it means that the computer game is well and truly on display in the home. Parents should think about situations in which older members of the family are playing games such as *Grand Theft Auto* in front of children.

The commonwealth has released new guidelines for the classification of computer games. The accompanying document sets out a number of principles, and these include:

- (a) adults should be able to read, hear and see what they want;
- (b) minors should be protected from material likely to harm or disturb them ...

Bearing in mind these principles, it is ironic that it has been easier to get away with scenes of violence than it

has been with those of a sexual nature. It is very much a case of make war not love. Those who have viewed *Grand Theft Auto* will understand what I mean. *Grand Theft Auto* includes drink driving and much killing, including the shooting of police officers and the running over of innocent bystanders. Until now this game has had an MA 15+ rating, which is hard to understand unless one explains it as being about the unavailability of an R 18+ classification. *Grand Theft Auto V* is now due for release. Assuming it maintains its level of gratuitous violence, I would hope that *Grand Theft Auto* will attract that R 18+ classification.

The point I want to finish on is that the move at a national level in regard to the classification of computer games recognises the reality we are faced with. Without this legislation people would still access illegal games, either from overseas or by obtaining pirated copies online. We are much better off regulating this industry than criminalising what can reasonably be viewed by adults. At the same time this will allow the authorities to concentrate on that which should not be viewed under any circumstances, including abhorrent material such as child pornography.

**Mr NEWTON-BROWN** (Pahran) — Probably the earliest video game I can recall is the one with the bouncing ball on the black-and-white screen where you moved vertical bars to play a primitive game of tennis.

**Mrs Victoria** — *Pong*!

**Mr NEWTON-BROWN** — I have been assisted by the member for Bayswater. That game was called *Pong*. Fast-forward to today, and *Pong* is now a real-life game of tennis. For example, on the Nintendo Wii a game of tennis is almost a lifelike experience, where you actually simulate strokes with your arm, you see the shadow of the ball as it travels across the court and you even have a crowd to cheer you on. Things really have progressed in the world of video games, and the Australian video game industry has developed dramatically over time. As games have become more sophisticated, what was once a pastime for kids has become embraced by adults. I am not sure if the member for Bayswater has moved on from *Pong*.

**Mrs Victoria** — I have a Wii.

**Mr NEWTON-BROWN** — She has informed the house that she has a Wii. I am sure many people who played *Pong* at an early age have moved on to the Wii and other more sophisticated video game consoles.

With regard to movies, we have been happy for members of the community to view movies with extreme content — that is, those with an R rating — but

the nanny state has prevailed for far too long in the area of video games in what I believe is a misguided attempt to protect the adult community from violence and sexual themes in games. I can only speculate as to why this is so. I suppose games began as a pastime for kids, and perhaps it has taken the community this amount of time to understand that there is an adult consumer market for games with adult content. I also understand there have been concerns within the community about the interactive nature of these games, particularly concerns that violent games could encourage people to act out violent fantasies contained within the games. I understand there is no evidence to support this proposition, but the community has had to have that debate.

In any case, with this bill and corresponding federal legislation we are growing up and getting real about the market for games, which adults should have the choice to play or not to play. Sure, many of us may not want to watch murders in movies, just as many of us may not want to simulate killing someone with a gun in a video game, but it is a fundamental tenet of liberalism that government should not overly regulate our lives, it is a fundamental tenet that people should have freedom of choice and it is a fundamental tenet that free speech should be permitted except in extreme cases of some more offensive material.

To have games that have been designed for adults and classified as such overseas finally being given an R 18+ classification in Australia, rather than their being sneaked in under the MA 15+ category, is a real win for common sense. The demand for an R 18+ video game rating has been overwhelming. The federal Attorney-General's department received over 58 000 submissions, and of those about 98 per cent were supportive of the introduction of an R 18+ category.

Just last month Victoria hosted the Game Connect Asia Pacific conference in Melbourne. We are recognised as the creative heart of gaming in Australia. I note that the Minister for Innovation, Services and Small Business is in the chamber, and I was pleased to open that conference on her behalf. At that conference I heard that the Victorian games industry is growing at an exponential rate, and for many decades it has had a record of being at the forefront of games development — for example, in 1982 Beam Software developed *The Hobbit*, which was one of the first major international game hits available across multiple platforms. Since then we have had firms such as Firemint, with its *Flight Control* and *Real Racing* titles, both of which have been international bestsellers. In 2009 IronMonkey Studios produced the international

bestseller, *The Sims 3*, which went to no. 1 in the US within 24 hours of being released. Another local company, Firelight Technologies, has provided the audio middleware for such influential games as *Guitar Hero*, *Need for Speed*, *World of Warcraft*, *BioShock* and *LittleBigPlanet*.

Victoria has 75 games companies, which is around half of Australia's share of games companies. We are the centre of gaming in Australia, and the efforts of the minister in making sure that we are in that space and continue to be in that space are to be applauded. Victoria also has 1000 students graduating annually from 29 courses delivered from 20 institutions. Of course this year we have had the Australian Centre for the Moving Image Game Masters exhibition, which features 125 playable games and celebrates the video game designers who have contributed to gaming over the years.

Support from the government for the industry has been progressed by announcements such as that by the Minister for Innovation, Services and Small Business of two new programs to support Victorian game developers in developing and marketing quality games for a global audience. Half a million dollars has been devoted through Film Victoria to these programs, which will lead to growth opportunities for local studios and a larger share of the global marketplace for Victoria's gaming companies.

The really big announcement by the minister last month was that the Penny Arcade Expo, otherwise known as PAX, will be held in Melbourne in 2013 and 2014. This expo really is a big deal; it is the world's premier gaming festival. Melbourne's hosting of PAX is a fantastic opportunity for our local games designers. It is a major coup for Victoria and Australia. I understand it is the first time this event has been held outside the United States.

To return to the bill, why do we need this R 18+ rating? In my opinion it comes down to a few different important factors. The first is that without it the freedom of choice that we should have would be restricted. Australians enjoy strong protections for our liberties and freedoms. Adults in Australia can see almost any movie they like, rent any DVD or read any book they choose safe in the knowledge that government respects their personal judgement. Only in extreme cases will censorship apply. However, when it comes to video games, adults in Victoria have been treated like children for too many years. Under the current law mature and responsible adults are prevented from accessing the same themes, images and stories that they could see in any film or television show

simply because they are delivered through a gaming format.

We also need this R 18+ rating because without it piracy is encouraged. Video game piracy is thriving in Australia and worldwide and it hurts the industry worldwide and in Australia. Our small but thriving gaming development industry relies on people paying for games so that developers are able to get adequate recompense for the work they have done in developing them. Finally, the R 18+ category enables adult material to be placed out of the reach of children. For too long games with themes which are potentially inappropriate for children have been put in their hands as MA 15+ rated games because games manufacturers have simply tweaked the content so that it complies with that category, while the themes are still the same. The R 18+ rating makes it very clear to parents that if they are buying a game with that rating, it is for adult consumption. It means that parents will not be buying MA 15+ games in the belief that they have content that is appropriate for their children when it is not the case.

In conclusion, we need a stronger and fairer system of gaming classification. We need a system that better protects minors from unacceptably strong content, we need a system that better informs parents and guardians of what they are buying for their children, and perhaps most importantly, we need a system which better protects the freedom of all Australians to choose what they want to watch or play, as they have been able to do with movies and books for many years. This bill achieves this, and I commend it to the house.

**Mr CARROLL** (Niddrie) — It is my pleasure to rise to make a contribution on the Classification (Publications, Films and Computer Games) (Enforcement) Amendment Bill 2012. As previous speakers have mentioned, the bill does two things. It amends the Classification (Publications, Films and Computer Games) (Enforcement) Act 1995 to allow the sale, hire and distribution of R 18+ computer games to adults, and it establishes penalties for non-compliance. The bill also enables law enforcement agencies to securely transmit objectionable material, such as child pornography to national intelligence databases.

The bill makes the classification of computer games consistent with the way we treat other forms of media. Ron Curry, from the Interactive Games and Entertainment Association, which represents games makers, says new rules bring games into line with books, movies and television. There has been more than a decade of debate and more than 60 000 public submissions and three rounds of consultation on these changes. The overwhelming majority of people who

responded — 98 per cent — supported the proposed reforms.

Currently computer games are treated differently from films for the purpose of classification and they cannot be classified at a higher level than MA 15+. The lack of a classification specifically for adults means that anything with adult content is refused classification. The industry and gamers say that some material made for an adult audience winds up with an MA 15+ rating instead, making it more likely that children will be exposed to violent or sexual material. Some games previously classified as MA 15+ will be reclassified as R 18+, which is a positive step.

The video game industry has widely supported the introduction of a new adult classification system. It says the average Australian gamer is approximately 32 to 33 years old, male and university educated. Seventy-five per cent of all Australian gamers are aged 18 years and over. In fact in the 20 to 25 years since people started to play computer games the industry has undergone exponential growth.

I recall selling games when I worked in the sound and vision department at Kmart in Airport West. At Christmastime the games outsold the CDs and everything else in the store; the games went out like hotcakes. Often I would sell a particular computer game, and I knew it had a lot of violent content. I was very much aware that the person purchasing the game probably should not watch it. These reforms are a step in the right direction.

Today Australia has two leading mobile developers, Firemint and Halfbrick, which develop *Spy Mouse* and *Fruit Ninja*. The mobile phone games market is expected to take in almost half a billion dollars in the forecasted year. By 2014–15 it will take in some \$2.5 billion. As has been mentioned previously, both the industry and gamers say that some games meant for an adult audience wind up with an MA 15+ rating instead, making it more likely that children will be exposed to violence or to sexual material. Some games that were previously classified with an MA 15+ rating will be reclassified with an R 18+ rating.

A good case study to refer to is *Grand Theft Auto IV*, which was one of the most highly anticipated titles in 2008 and was subject to one of the most intensive and expensive marketing campaigns of any video game to date. Before its release, Rockstar Games announced it would censor the game voluntarily to make sure it met an MA 15+ rating. It is one of the most available video games in Australia. Although it was not officially announced what changes had been made, an

investigation by the games industry and the community found three key differences in the edited Australian version of the game.

Firstly, the player is unable to view the simulated sex scenes in the game; rather the camera is locked behind a vehicle during the relevant encounter, showing a rocking vehicle animation and accompanying soundtrack. Secondly, players are no longer able to see blood in pools under killed characters, and neither can a player leave bloody footprints by walking through blood spots. However, blood continues to splatter as normal. Thirdly, the visual impacts of injuries to players or other characters have been reduced by replacing more violent graphic bullet wounds and blood patches with slight discolouration. According to current Australian Classification Board standards these changes were enough to warrant the game receiving the highest possible rating of MA 15+.

*Grand Theft Auto IV* remains a high-impact game focused on free roaming within a city, in which a player is free to pursue his goals by any means necessary, including murder, blackmail, extortion and bribery. In an open and unregulated environment with minimal regulation, players are exposed to a high number of high-impact adult themes such as gambling, prostitution, drugs and gang violence.

Worthy of note is that in December 2008 the classification board rated an uncensored personal computer version of *Grand Theft Auto IV*, which had a rating of MA 15+, without any of the previously mentioned changes. This version was identical to the international version and included all objectionable content that Rockstar Games had removed from the console version, yet this version was also rated MA 15+. Although the censored version was made voluntarily and not at the behest of the classification board, the uncensored version was identical to a game that every other country in the world considers to be suitable for adults aged 18 and over. It was rated MA 15+ in Australia.

Members should consider this: if *Grand Theft Auto IV* were a movie, it would have been rated R 18+ and kept out of the hands of children. In other countries, including New Zealand, United Kingdom and countries across Europe, it is impossible for children to purchase a game such as *Grand Theft Auto IV*. Nevertheless today under Australian law there is nothing to prevent children aged 15 and over, or younger children with their parents' consent, from purchasing this game and playing it simply because our rating system does not have the capability to keep high-impact games like this out of their hands. It is important for parents to be

informed about the high-impact content of games such as *Grand Theft Auto IV* that players are exposed to. Currently our rating system has no way of protecting children from being exposed to games like this, and that needs to change. I repeat that this legislation is a step in the right direction.

Classification guidelines need to be appropriate to mediums they apply to. Interactivity is an important consideration that the classification board must take into account when classifying computer games. Members would agree that there are differences between what different sections of the community condone in relation to passive viewing. Due to the interactive nature of computer games and the active and repetitive involvement of participants, as a general rule computer games may have a higher impact than similarly themed depictions of the classified elements in film and therefore there is a greater potential for harm or detriment to people, particularly to minors.

The gaming industry in Victoria grew exponentially under the previous Bracks and Brumby governments, and it is continuing to grow under the Baillieu government. However, Victorian games developers have been dealt a huge blow with the removal of funding for some of Film Victoria's games investment program. In the 2012–13 budget the Victorian government did not renew funding to continue digital media programs that have supported local games development for the past decade. This is despite the government recently describing games development as a growing local industry with high commercial potential. I agree. We must consider that the games industry is worth more than \$1 billion a year in Australia. It is also experiencing fierce growth amidst a period of economic downturn while other industries are hurting. While video game sales decreased in 2010 for the first time in the past two years — sales decreased by 16 per cent — the industry still amassed \$1.7 billion in hardware and boxed software sales.

Despite the reduction, video game sales were still able to eclipse DVD and Blu-ray sales. According to Randolph Ramsay, editor of Game Spot in Australia, the games industry has been outranking the film industry for some time. According to forecasts, predicted sales are expected to reach a staggering \$2.5 billion in 2014–15. The video games global market is expected to reach a value of \$90.1 billion by 2015. The Australian industry is expected to grow faster than the global market over the coming years. By 2015 it is predicted that the Australian industry will have a 9.5 per cent compound annual growth rate while the global market will sit at 8.2 per cent.

We must also remember that the advertising industry is now getting in on the act and getting more involved in the games industry. Those who viewed Barack Obama's two presidential election campaigns will know that his campaigns targeted voters aged between 18 and 34 years of age. In 2008 Barack Obama's presidential campaign was the first to embed Democratic Party advertisements in games. Our very own Transport Accident Commission has embedded advertising in fast-paced racing games such as *Need for Speed*.

While the opposition does not oppose the introduction of R-rated games, it has some concerns. Nevertheless we believe this is a step in the right direction. This legislation will put in place a system that is suitable for other forms of multimedia and content. It is step in the right direction, and I wish it a good passage through the house.

**Ms ASHER** (Minister for Innovation, Services and Small Business) — I wish to make a few comments on the Classification (Publications, Films and Computer Games) (Enforcement) Amendment Bill 2012, obviously from the perspective of the fact that Film Victoria funds the games industry and that I have some oversight of that particular area of private sector development, which is important for the state of Victoria.

The bill introduces a new censorship regime and, given the new economic and social importance of computer games, it is very important that Victoria and Australia have a suitable regulatory regime that balances industry interests with community interests. On 18 June the federal Parliament passed into law bills which would introduce a new R 18+ classification for video games, and previous speakers have made comments about that. This reform is part of a national process to institute an R 18+ classification, and it will complement the commonwealth's Classification (Publications, Films and Computer Games) Amendment (R 18+ Computer Games) Bill 2012. That legislation is due to commence on 1 January 2013.

The legislation before the house is supporting legislation that will allow games to be treated under the same classification rules as other entertainment media, and other members have commented on that. Members have also commented on the current system. The Australian classification system was one of the few globally which did not have provision for an adult classification of R 18+ for computer games. Instead we had a system where any computer game that exceeded what was permissible within the MA 15+ category was simply refused a classification. Games that were

refused classification had to be modified to gain an MA 15+ rating. From an industry perspective this regime imposed additional costs on games publishers, and of course these costs were passed on to consumers.

The introduction in this bill of the R 18+ classification will give parents a clear understanding of the guidance for what is suitable or not suitable for their children, and it will hopefully protect children from material that may be harmful to them. From my perspective the bill will also give adult gamers the right to make informed choices about what they want to see and hear in a computer game. As one of the spin-off benefits to the industry, the costs and the red tape that were previously involved in re-doing games to meet the Australian classification will be removed.

The introduction of an R 18+ classification for computer games reflects the changing demographics of computer games players. As has been mentioned by the member for Altona and other members who have contributed to the debate, the majority of gamers are over the age of 18 years. According to the Game Developers Association of Australia and the Interactive Games and Entertainment Association (iGEA), the average age of an Australian gamer is 32 years, which the member for Altona also commented on. It will be of benefit to the industry to have GDA and its members support the introduction of the R 18+ rating which is included in the bill. GDA was a public supporter of iGEA's campaign to see the legislation introduced.

GDA is currently promoting the new R 18+ legislation internationally as a positive change for Australia which will allow the country to compete globally for investment in what is a US\$60 billion industry, so the legislation will result in considerable benefits for the Victorian industry. I will go through a couple of supportive comments in relation to this bill. The Interactive Games and Entertainment Association said:

An R 18+ classification for computer games will provide Australians with the ability to make educated and informed decisions on their entertainment choices, regardless of the medium or delivery method.

Frank Gibeau, president of EA Games, said:

The implementation of a new 18+ age rating classification is the right step for consumers, and for the industry, in Australia.

Antony Reed, chief executive officer of the Game Developers Association of Australia, said:

An R 18+ rating allows Australia to compete for investment with other modern economies.

Those comments come from an industry perspective, and this bill, which has come from a censorship perspective, will assist industry in Victoria.

In terms of the industry, as other speakers have mentioned, according to a 2011 PricewaterhouseCoopers entertainment outlook report the global digital games market is forecast to be worth \$76 billion in 2012, and the Australian share of this market is estimated to be worth \$2.1 billion, which is more than 2 per cent of the global market. According to the report, digital games revenue is now significantly larger than box office revenue globally. These changing trends have been commented on by other speakers.

By way of example, in 2010 the digital games market was worth \$64 billion, well in excess of the \$36 billion generated in global box office spending. In Victoria we have the lion's share of the industry; we have 75 digital games companies, or some 47 per cent of the national total. It is a growth area for Victoria, and one the government is very supportive of.

The government does a number of things to assist local games companies. We have a program to assist games companies to access export markets, including the Technology Trade and International Partnering program, through the Minister for Technology, Gordon Rich-Phillips. This year the Baillieu government launched two new games programs through Film Victoria: the Games Development program, to invest in the development of commercial projects, and the Games Release program, to assist with the release and distribution of games in the marketplace.

Whilst I understand the member for Niddrie is very new in this place, he needs to make sure of his facts before he comes into the house making allegations that funding has been withdrawn. If the member for Niddrie had continued his research, he would have seen that \$500 000 has been provided in 2012–13 for Film Victoria to support games development through the two programs, Games Development and Games Release. If the member for Niddrie wants to make allegations about cuts to programs, he needs to do his research, because he will find out that he is wrong.

As the member for Prahran rightly referred to, in October I was delighted to announce that Melbourne has secured the Penny Arcade Expo, known as PAX, for 2013 and 2014. PAX is the world's premier games festival and will be the largest digital games consumer event ever held in Australia. That is something the industry has asked government to help secure, and the government has again delivered for the games industry in that regard.

I support the bill before the house. Obviously there is a whole range of censorship matters that most members have referred to in their contributions, but this is a bill that will provide definitive and definite advantages for the games industry in Victoria, the most significant of which are that games will not have to be modified to be able to be played in Australia and game developers will not have to prepare two different types of games. This bill will assist the development of that industry. I commend the bill to the house.

**Ms KAIROUZ** (Kororoit) — I rise to speak on the Classification (Publications, Films and Computer Games) (Enforcement) Amendment Bill 2012. I note that the bill has two main purposes: to introduce a restricted R 18+ classification for some computer games in Victoria consistent with commonwealth amending legislation, and to facilitate improvements to the enforcement of child exploitation offences. Today I intend to focus my remarks largely on the classification aspects of the bill.

Computer games, as you know, Acting Speaker, are a popular culture phenomenon that, along with other aspects of multimedia technology, has been extremely popular and is growing in sophistication at an exponential rate. Not only are games becoming increasingly lifelike and interactive, the platforms on which to play such games — including personal computers, laptops, minicomputers and tablet devices, including iPods and smart phones — are extending to a breadth that even the most imaginative futurist could not have foreseen. The effects of such games, particularly on children and young adults, are the subject of much debate.

A Canadian study published in the journal *Developmental Psychology* suggested that violent games:

... reinforce the notion that aggression is an effective and appropriate way to deal with conflict and anger.

It further suggested that:

... long-term players of violent games may become more likely to react aggressively to unintentional provocations such as someone accidentally bumping into them ...

Violent games have been linked to numerous violent events, including the recent Norway massacre and the London riots of 2011. So-called 'Super Nanny' Jo Frost stated in a 2011 UK newspaper column that:

These horrific games where points are given for burning, shooting and killing, where the graphics are so realistic you believe that they're real scenes of carnage, where those who play fantasise they have the power of life and death, are so brutal they completely desensitise anyone taking part.

Closer to home, and after a series of stabbings and knife crimes involving young people, New South Wales police commissioner Andrew Scipione recently concluded that:

There is nothing more potentially damaging than the sort of violence they're being exposed to, be it in movies, be it in console games they're playing.

Some take the counterview that video games do not encourage crime but prevent it. For example, earlier this year Ray Carroll, executive director of the National Motor Vehicle Theft Reduction Council, suggested that:

Many young people would rather stay at home and play *Grand Theft Auto* than go out and steal a real car.

He also suggested that this view helps explain the decline in car thefts over the last decade. Similarly, the commander of the New South Wales police property crime squad has suggested that video gaming was the cause of a 50 per cent drop in property crime. Further, in an article in *Forbes* Paul Tassi rejects suggestions that violent video games were behind the tragic mass murder committed by Norwegian Anders Behring Breivik, a murder that horrified the nation and horrified the world. Also, a 2008 paper by Christopher Ferguson found that:

... no significant relationship between violent video game exposure and school shooting incidents has been demonstrated in the existing scientific literature, and that data from real world violence calls such a link into question.

In another study Swedish researchers at the University of Gothenburg found, as reported in *Science Daily*, that:

... more than anything, a good ability to cooperate is a prerequisite for success in the violent gaming environment.

And further, a Finnish study found that online multiplayer communities are social networks built around multiplayer online computer games. This study also found that online multiplayer gaming enables the formation of lasting relationships, with long-term interaction laying the foundation for a feeling of community.

So what should we believe? Does this research confirm that there is due cause for moral panic, or is such a theory simply a myth? One can find ample arguments for each point of view and perhaps several others as well. Perhaps what the science says is less important than what common sense tells us — and that is that most reasonable people would expect that the supply of extremely violent material should be restricted in its availability to children and young people under the age of 18 years, whether it be in printed media, in film or in

computer games. But there is more that we can do, and legislating restrictions to the supply of objectionable material in its many forms is only part of the picture. We can do more to ensure that young people are immune from exposure to violence and other potentially damaging aspects of modern society.

Of greater importance is the building of protective factors for individuals, families and communities, which previous Labor governments under Steve Bracks and John Brumby understood and acted on — ideas of the kind that this government will too easily dismiss as fads or find too expensive or otherwise undesirable to consider at all. Instead of cutting funding to institutions that create positive outcomes for young people and their communities and build resilience along the way, this government should be strengthening these institutions and the work that they do. For example, institutions such as TAFEs, social services for young people such as school-focused youth services and community health services, which have been at the forefront of health promotion delivering preventive programs for young people, should be strengthened. Instead they are feeling the Treasurer's wrath.

I said at the outset that I would not focus my attention on the part of the bill that deals with improvements to law enforcement in relation to child exploitation offences. Suffice it to say that any regulatory changes this house can make to assist law enforcement agencies in their efforts — particularly when they are used to stop such terrible behaviour and bring any offenders to justice — should be considered favourably. The opposition does not oppose this bill, and I wish it a speedy passage.

**Mrs VICTORIA (Bayswater)** — It gives me great delight to be able to speak on the Classification (Publications, Films and Computer Games) (Enforcement) Amendment Bill 2012. This bill has been a long time coming. In fact state and federal ministers have been talking about this for 10-plus years. The changes to the classifications that are before the house are logical, and there are a lot of reasons why they should be implemented. I will go through those in a moment.

The main idea behind the bill is to change the classifications and to bring in the new R 18+ rating but also to give law enforcement officers the capability of transmitting illegal content. Previously, in the fight against child pornography, if a product had been seized and law enforcement officers needed to transmit it to another jurisdiction, they were not able to do that. They would have been breaking the law. We are doing away with that problem and giving law enforcement officers

the flexibility to be able to work more expediently with their counterparts in other states and jurisdictions.

I do not want to focus on that. I want to focus on classifications and in particular the new national classification scheme (NCS). An intergovernmental agreement underpins the NCS. We are obliged to do this, but I think we have done it in a particularly good way. The commonwealth Classification (Publications, Films and Computer Games) Act 1995 functions as a framework for the classification of films but also, in this case, computer games and publications as well. The commonwealth is also responsible for the national classification code and the guidelines for publications and various other media. However, states will perform the regulation and enforce compliance with the code. This will make life a bit clearer and easier for our law enforcement people.

Currently if you want to produce a new game, you need to go to the Classification Board and hope the game fits into one of the categories. At the moment the categories are: G, PG, M and MA 15+. As I said, we are adding the new R 18+ category. There will also continue to be another classification, which basically says this product is not able to be classified because the content is deemed to be not appropriate at all for showing or displaying in Australia.

While I am thinking about it, I want to congratulate the Australian Centre for the Moving Image (ACMI) on its fantastic recent winter masterpieces exhibition, which saw some great numbers go through. It was called Game Masters. The minister at the table, the Minister for Tourism and Major Events, was there to open the exhibition, and it was well received. As somebody commented to me on the night, it was geek heaven. Everybody who was into gaming in Melbourne seemed to have been crammed into the ACMI foyer downstairs, and they were absolutely revelling in it; I think there were 125 playable games. They certainly thought that it was the ant's pants. The games went right back to *Pong*, *Pac-Man* and *Space Invaders*, and they were all playable. It was great. It went right through to the new 3-D interactive games. People were having an absolute ball.

The new R 18+ category will restrict sales, which is quite logical, but also the delivery and the demonstration of games. Games shops in shopping centres, such as EB Games, will not be able to display those R 18+ games on their screens for people to be enticed to come and buy them; that will not be allowed. This brings us into line with what the commonwealth is doing. Some of the other states have already introduced this reform. Those that have not enacted this legislation

have it on the table in their parliaments ready to go through. The intention is, wherever possible, to be consistent with R 18+. It is a classification for films and games, but there are differences between the two forms. Anything that is interactive — which games are and films are not — is more dangerous. People are far more impressionable when playing these games rather than just viewing a screen, which is what they do at the cinema.

In the 2011–12 classifications produced by the Classification Board, 827 commercial computer games came to classification. Those games were quite varied. The majority of games were in the G and PG categories. There were 395 G and 229 PG games classified. The M and the MA 15 classifications were much lower, with only 109 and 91 decisions respectively. Only three of the games that were submitted were refused classification because they were deemed to be totally unsuitable under the national classification code. These games were considered unsuitable for minors to see or play. With the introduction of R 18+, minors would not be able to see those anyway. What we are doing here is logical. It protects young people, but it also still allows us to weed out games that are totally unsuitable.

I want to refer to what is happening in Germany because that country's games classification is extremely interesting. They have gone even further with their categorisation. They will not allow any games to be distributed, shown or played if they contain blood. Walking past EB Games you see characters being shot or having their necks chopped off. Games containing that sort of material cannot be sold in Germany. If blood is shown, the game is banned. The other thing that they are not allowed to do is glorify the hurting of anybody who is in a uniform and performing their job, such as a patrolman or a police officer in the line of duty — for example, you could not have a bank robbery game where the bank robbers could come in and shoot the guards at the door or something along those lines. That simply cannot happen.

It is interesting to note that in Britain some years ago there was a game called *Carmageddon*. In that game cars could drive through people lined up accessing their daily business. They even had a section where you could drive through people in wheelchairs. The matter was taken to court, where it was considered to be totally obscene and was subsequently banned. *Carmageddon* was out the door. They said, 'There can be no indiscriminate violence allowed on British TVs, if you like, when they occurs in games'. The Brits have gone to that stage.

I spoke to Bill McIntosh, who owns and runs Torus Games, a business in my electorate that is a very big game manufacturer in Australia and has been running for some 20 years. I said, 'What if somebody wanted to do that here?', because we are not saying you cannot show blood and that sort of thing. Bill explained to me, 'It comes down to the fact that it is about sales, and no publisher will put its name to a game that will not sell because the retailers will not pick it up and therefore the publisher will have no source of income. In some ways it is self-regulating as to the content and how far game makers will go, but if they feel that it is really distasteful, they will self-regulate'. I think that that is certainly very encouraging. There was a game company at one stage that had the motto 'Bad taste is where we are at'. Needless to say it is now out of business, but self-regulation appears to be very important.

I congratulate the minister on introducing this bill. I am glad we are coming into line with the commonwealth government. I think what we have before us are some very logical and certainly necessary changes. We are still going to have the RC classification, which is the refused classification. If something is totally inappropriate, it will not even be able to get the R 18+ classification, and I think that that will protect minors. I commend the bill to the house.

**Debate adjourned on motion Ms EDWARDS (Bendigo West).**

**Debate adjourned until later this day.**

**Sitting suspended 6.30 p.m. until 8.02 p.m.**

## **POLICE REGULATION AMENDMENT BILL 2012**

*Second reading*

**Debate resumed from 24 October; motion of Mr RYAN (Minister for Police and Emergency Services).**

**Ms ALLAN** (Bendigo East) — I am very pleased to rise to lead the Victorian parliamentary Labor Party's contribution to the second-reading debate on the Police Regulation Amendment Bill 2012. I am happy to indicate to the house at the outset that this is a bill that the opposition will not be opposing. I thank the departmental officials who provided me and a member of staff with a briefing a couple of weeks ago. I also thank the minister's office for their cooperation in organising the briefing in a timely way.

The substance of the bill is that it reflects and puts into legislative effect where it is relevant the conditions

around the memorandum of understanding (MOU) that the government signed with Victoria Police and the Police Association Victoria at roughly this time last year. I guess it is not much of a surprise that as an extension of that MOU this bill is supported by the Victoria Police and the Police Association.

There are a number of elements to the bill which I will not labour over, because they are fairly self-explanatory. It establishes a new Police Registration and Services Board, introduces the registration of Victoria Police members for the very first time, and makes a range of productivity reforms which aim to tighten the function of appealing promotion decisions and prevent any misuse of this process by members of the force. It allows the Chief Commissioner of Police to demote or dismiss a member who is 'incapacitated' and this is defined in the legislation. It removes the ability of a chief commissioner to demote or dismiss on no-confidence or integrity grounds.

The bill clarifies that a chief commissioner may make a compulsorily directed transfer of a member to a specific location, and this is particularly relevant in terms of the ability to staff stations that may in various circumstances be unstaffed for a period of time. Finally, the bill allows the chief commissioner to offer more flexible employment contracts — for example, by allowing officers to go off on special projects. The bill also allows for members to be deemed to have abandoned their employment following an unauthorised absence.

I will spend a little bit of time on the new Police Registration and Services Board, because that is a substantial feature of this legislation. The bill establishes the new board which will replace the existing Police Appeals Board; however, the new Police Registration and Services Board does more than just deal with the functions that were previously dealt with by the appeals board.

I will deal with the appeals processes first and foremost because that is what is picked up by the new board. Currently if a member is aggrieved by another member's promotion — and in professions this happens from time to time; people get a bit upset for various reasons when others are promoted around them — they are able to appeal to the Police Appeals Board. A member may also ask the board to review their transfer, demotion or dismissal. I understand, and again this information has been very helpful coming as it did through the briefing process, that at the moment the appeals process can become quite protracted and bogged down. As a result, the bill will provide for a

new framework for appeals to be reviewed by the new board.

The second-reading speech states that as a result of these changes — and this is a large part of the productivity drivers that came out of the memorandum of understanding through the enterprise bargaining agreement process last year — the time an appeals process takes will be reduced through the new board process and through some improved mechanisms, which I will go through in a moment, from an average of 75 days to around two weeks. That is a significant reduction in time and I think it is evident that it will result in some improvements in efficiencies and productivity. It will be achieved in a particular way.

Currently, as I have indicated, the process of promotions appeals and transfers can be sensitive to misuse. There can be circumstances where members can stifle another's promotion by, for example, submitting large amounts of material at the last minute, which under the current arrangements is required to be fully reviewed by the board. Often this documentation takes the form of additional information about a member on matters beyond the scope of what is currently under consideration for the purpose of promotion. In some ways this will close a loophole but it also addresses some of those productivity measures around the MOU.

The framework put in place by the bill will prevent additional documentation being lodged unless there are exceptional circumstances. It will limit appeals against transfer and promotion decisions to four in a 12-month period per member. It will strictly limit and restrict the deadlines for lodgement and determination of appeals, and it will require that a member be present for the meeting or opt for a withdrawal for an absent hearing if they are not going to be present. This prevents rescheduling and delay. The mechanisms that are going to be put in place and given legislative effect in this bill will hopefully achieve the desired outcome of reducing the appeals process from an average of 75 days to two weeks.

As I said, there are two other functions of the board that are worth examining for a moment. The first relates to the registration division. At the moment there is no provision within the Victoria Police structure to register police officers at a certain level. This is particularly relevant if they take leave for a period of time or retire. There is no provision for these officers, if they wish to return to the police force, to have their previous skills and experience recognised and be able to re-enter the force at their previous level. This bill will introduce and maintain a police profession register to allow former

members or those on leave to return to Victoria Police at their pre-existing level of seniority. This is referred to as lateral entry. The bill also provides the Chief Commissioner of Police with the authority to approve this lateral entry. The board's function will be to provide advice to the chief commissioner in these circumstances about the character and the skills of the individual seeking re-entry and make a recommendation, but ultimately the decision will be up to the chief commissioner.

This is a good step forward in modernising workplace practices in the police force, and it reflects what happens in many other workforces across our community. My attention was drawn in particular to the second-reading speech by the minister which provides an example where a member of a particular rank — in this case the rank of inspector — takes maternity leave from the force to have a baby. Currently that officer would have to return to work at a lower level. Under the new bill they will be able to apply and be considered for re-entry at the level they achieved before they took leave to have a baby. As someone who has just recently returned to work following a period of maternity leave I think this is a great initiative which will assist women to return to the workforce and have it recognised that their skills are not necessarily lost while they are away from work and caring for their child.

The third area addressed by this bill is the professional standards division, which provides advice on standards of competency, education and training. That is fairly self-explanatory, although this division will be kept busy when you consider the rollout of protective services officers and some of the challenges around that, which I will come to in a moment.

I would like to spend a little bit of time on the provisions in the bill that change the power of the chief commissioner to dismiss someone on no-confidence grounds to a power to dismiss them on the grounds of incapacity. Members of this house who were in the previous Parliament would recognise some of the elements of this section and many other sections of this bill around improving some of the processes, because this matter was before the house in another form back in 2008.

This bill allows the chief commissioner to compulsorily transfer, demote or dismiss a member who is incapacitated. The bill defines 'incapacitated' as an inability to perform a task efficiently. The process will maintain all appeal rights as well as the current procedures for dismissal, which begin with remedial action and go all the way through to a final notice being issued if the problem persists. As I said, though, this

means that the bill will remove the power of the chief commissioner to dismiss a member on no-confidence grounds, with the definition of no-confidence relating to integrity, community confidence or bringing the police force into disrepute.

It was advised through the briefing process that dismissals under the current no-confidence provisions have not been successful to date when they have been appealed to the review board or subsequently to the Supreme Court. A disciplinary provision for members who bring the force into disrepute will still exist, and that capacity will be retained, but there is a view that removing the no-confidence power and putting in place a tighter definition around incapacity will deal with some of those problems. I can understand why this step has been taken. What is a little challenging to understand is why the government of the day did not support this provision when it came before the house in 2008.

Back in 2008 the former government sought to introduce a bill that would make a number of legislative changes to the Police Regulation Act 1958 to modernise the management of misconduct, performance and employment within Victoria Police. Having read the second-reading speech and looking at the bill, I know that many of the provisions in the 2008 legislation are contained in the bill before the house tonight. Those of us who remember the debate on that bill at the time recall that it was forcefully opposed by the current government. Ultimately the bill was defeated in the Legislative Council, and the opportunity to put in place some of these changes back in 2008 was lost because of the intransigence of the then opposition.

Like the bill before us today, the 2008 bill sought to clarify the chief commissioner's power of transfer and allow the chief commissioner to offer flexible employment contracts for special purposes. It is worth reflecting that in the debate at that time there was a fair bit of carry-on; you would have thought the world was going to end and that the sky was going to fall in. There were plenty of Chicken Littles amongst those who now occupy the government benches in relation to the effect of that bill. I recall in particular that a member for South Eastern Metropolitan Region in the Council, Mrs Peulich, said:

When this provision was aired initially there were concerns that the ability of the chief commissioner to almost arbitrarily dismiss a police officer would risk the development of a subservient culture that might facilitate the development of corruption in the future. All power corrupts and absolute power corrupts absolutely. That is why the opposition felt the police commissioner having such unfettered power was unreasonable and certainly in breach of the government's human rights charter.

It seems that today those concerns are not sitting with the government of the day. Four years have gone past, and what has changed? Pretty much the only thing that has changed is that the opposition is now the government and it has signed a memorandum of understanding with Victoria Police and the Police Association Victoria, recognising now that that was an appropriate approach. You have to wonder whether the approach of opposition members was influenced more by their views of the person who held that office or their views of the office itself. That is of grave concern, and I think history shows us that the performance of government members in the way they have treated the office of the Chief Commissioner of Police is shameful. Their legacy stands for itself.

There is what you could call a curio in this bill — that is, the fact that government members are now supporting something they opposed in 2008. Others might call it blatant hypocrisy. Call it what you will; it is being proposed by the government, and it is being changed through this bill. As members of the Victorian parliamentary Labor Party we are being consistent in our views, which is why we are not opposing this bill but are supporting a position on which we have been consistent. That record stands for itself.

As I have said, the bill also removes the chief commissioner's power to dismiss a member on the grounds of integrity, community confidence or bringing the force into disrepute. In its place the bill gives the chief commissioner the power to dismiss a member on the grounds of incapacity or, more specifically, their ability to perform their task efficiently. Let us have a little look at the difference between the word 'integrity' and the word 'efficiency' and how that might go about informing government decisions. We have to ask whether the government chose efficiency over integrity when it cut around \$65 million from the budget of Victoria Police in this year's state budget.

**Mr Nardella** — How much?

**Ms ALLAN** — Sixty-five million dollars, which the government will tell us will not affect front-line services. We know that to be a lie, a falsehood, and that the effect is starting to be felt out in the community. Already we are seeing that under this government crime rates have increased for the first time in a decade. We were very proud of our efforts to reduce crime and to make good inroads into crime rates. Now with the latest crime statistics we have seen that for the first time in a decade crime has gone up. You have to wonder whether some of the policy decisions made by the government have led to this happening. Did the government choose efficiency over integrity when it

introduced the protective services officers, putting them on the front line, giving them only a third of the training of regular Victoria Police officers yet providing them with all the powers?

You really have to look at the government's claims around integrity when you look at the lengths it went to to undermine police command. We saw the sorry saga in 2011 of the way the office of the chief commissioner was undermined from within the heart of government itself, from the office of the Deputy Premier, who is the police minister. This has cast a pall over the capacity of the police minister to do his job in this area. Did the government choose efficiency when it was considered easier to sack a staff member and dismiss a parliamentary secretary than to address the real issues around the Deputy Premier and his office? Those are some of the choices government members have made. Opposition members have made a choice to be consistent on this front and not oppose the bill.

A feature of this bill that I have also mentioned is the way it puts into effect the memorandum of understanding with Victoria Police. We have to remember too that this is another big integrity issue, given how the protracted negotiations really hung over the government over the course of last year. Victoria Police officers will not forget that it was this Liberal-Nationals government that wanted to undercut the commitments made to police officers. The Police Association was quite strident in its own campaign. When reporting to its members that the enterprise bargaining agreement was signed off and was about to be announced, on its website it said:

After arduous negotiations lasting nearly 12 months and nearly 5 months of industrial action by our members ...

It was a significant campaign. We can remember the advertising campaign during the Australian Football League finals about this time last year, when the Police Association pleaded with the government to 'just do something'. We know that that is a famous football phrase, but the Police Association opted to use it to characterise that situation very strongly.

**Dr Sykes** — Who said that?

**Ms ALLAN** — The Police Association said that.

**Dr Sykes** interjected.

**Ms ALLAN** — And Jack Kennedy said that.

**Dr Sykes** interjected.

**Ms ALLAN** — John Kennedy said that.

**Dr Sykes** interjected.

**The ACTING SPEAKER (Mr Morris)** — Order! The member for Benalla!

**Ms ALLAN** — You would think that the member for Benalla was the only one in this place who knew a little bit about football.

**The ACTING SPEAKER (Mr Morris)** — Order! I think a return to the bill would be handy.

**Ms ALLAN** — We should always remember that the member for Benalla is an excitable chap who is best forgotten.

There are a couple of issues I want to touch on before I conclude. The first goes to the productivity gains that are claimed to be made from this bill. I have already identified what is in the second-reading speech, particularly around the changes to the appeals process. Seeking productivity gains is a noble and important thing to do, and looking at improving practices is always a good thing. I think what would be helpful would be if the government provided some transparency around practices in this regard.

Legitimate questions that we seek to have answered during the passage of this bill in this place and the upper house are: how will these productivity improvements be reported on, and how will these productivity targets be met? When are we going to see evidence to show that by what is put in place by this legislation we are being asked to vote on during the course of the passage of this bill through Parliament the government can demonstrate that these productivity gains have been met? That is important information that must be provided by the government.

Another issue is to resourcing. Putting in place a new structure will require additional resources. No bones can be made about that fact. Putting in place a new body with three divisions taking on the role of the Police Appeals Board but also expanding that and picking up two additional functions means that body has significant additional responsibilities. While in the short term you could argue that the resources of the Police Appeals Board will be folded into the new function, ultimately additional people and additional resources will need to be put to this task. Where will the government be providing these funds from, at a time when, as I have indicated, resources are being cut or slashed from the Victoria Police budget? Sixty-five million dollars has been cut out of the bottom line of the Victoria Police budget. It cannot come out of the wages of Victoria Police; that is a locked away component. It can only come from the operations of the

force. It is an issue that the government should be explaining during the passage of this bill through this chamber.

We already have information that has been released publicly about how the \$65 million in budget cuts is affecting almost every aspect of the Victoria Police force. It gives the lie to the government's claims that front-line services will not be affected. We are seeing the impact of these cuts being felt in a number of ways. We are seeing restrictions on petrol budgets; upgrades to police buildings being affected; new and upgraded computer hardware and software having been stopped for a significant time; new position advertisements not being placed in papers or external job-seeking websites; a tighter rein over the posting of death notices, for goodness sake; tighter control over towing of stolen vehicles or vehicles for use as evidence; no photographic equipment, such as cameras and night vision equipment, to be purchased this year; unsworn officers no longer being paid for any overtime hours worked; and the tightening of the use of private vehicles as well.

**Mrs Victoria** — On a point of order, Acting Speaker, I believe the member is straying from the content of the bill. I know she is the lead speaker. However, this has nothing to do with the content of this bill.

**The ACTING SPEAKER (Mr Morris)** — Order! I do not uphold the point of order, but I do support the sentiment of the member for Bayswater's point. If we could get rather closer to the bill, it would assist the house.

**Ms ALLAN** — As I indicated, and perhaps if the member had been paying some attention she would have heard, the point I was making was that a legitimate question from the opposition is how these functions will be resourced from within government at a time when resources are being cut by the government. If the member is a little bit sensitive about going out to her electorate of Bayswater and explaining to her community why the \$65 million in budget cuts are affecting front-line services, that is her problem, not ours. The member should not be bringing her problems onto the floor of the house in this way.

It is a legitimate question to be asked, particularly as I have indicated that there are a number of other functions within the operations of Victoria Police that are being affected directly by these \$65 million cuts. We have seen cuts to the Country Fire Authority, cuts to the metropolitan fire services and cuts to Victoria Police. These cuts affect the people who we ask to

protect our community in times of emergency on a day-to-day basis. These are people whose day job is to protect the community, and they are being asked by this government to do more with less money. The member for Bayswater might be embarrassed about that, she may not want to defend that and she may try to gag debate on that, but that is really an issue for her.

**Mrs Victoria** — On a point of order, Acting Speaker, I believe this is now becoming a personal attack. I would ask you to bring the member back to the bill.

**The ACTING SPEAKER (Mr Morris)** — Order! I ask the member for Bendigo East to return to the bill.

**Ms ALLAN** — I am happy to return to the bill, Acting Speaker, but do seek advice regarding those legitimate questions around resourcing at a time when the budget is being slashed and burnt by the government.

It is important to note that this is happening at a time when, as I said, we are seeing the first increase in the crime rate in a decade. There are a number of areas where crime has increased, including drug possession and use, burglary offences and motor vehicle theft. Overall crime across the state has increased by 8.2 per cent. That is a significant jump. It is the first jump in a decade, and it is greatly worrying. Victorians are right to question, and indeed the opposition has a responsibility to question, the policies and programs that the government is rolling out because its decisions around budget cuts are limiting the capacity of the force and having a direct impact. Why are government decisions and programs making things worse out on the streets of Victoria?

In conclusion, the parliamentary Labor Party does not oppose the bill. We raise a couple of issues that we live in hope will be addressed during the passage of the bill through the Parliament. However, we will continue to pursue these issues that we consider important. These are the issues around integrity within the police force, around the treatment of the chief commissioner's office, and around the way the government behaves in treating its own people and the way it has cut into the budget. These are things we will continue to pursue. Having said that, we support the passage of the bill through the house and look forward to the government explaining why in 2012 it is supporting things that it did not support in 2008.

**Dr SYKES (Benalla)** — It gives me great pleasure to rise and contribute to the debate on the Police Regulation Amendment Bill 2012. I welcome the

opposition's not opposing — and even supporting — this bill. I was very pleased to hear the first 10 minutes of the speech of the lead speaker for the opposition highlighting the merits of this piece of legislation. But then we saw a return to type — the whinge, the whine, the carp, the harp, the criticism and the failure to recognise that the Baillieu-Ryan government has come into power and is fixing the mess. We faced a situation where after 11 long years of Labor we had the lowest ratio of police to population of all the jurisdictions in Australia. How could someone stand up and be proud of that record?

Then we had the diatribe in the member for Bendigo East's presentation about protective services officers and the criticism of their level of training and the initiative in general. That is not consistent with what members of the public are saying. They are welcoming this initiative on the part of the Baillieu-Ryan government to deliver safety to our streets and railway stations and generally fix the mess.

This bill is the outcome of a highly successful negotiation of the EBA (enterprise bargaining agreement) with the Police Association. It has resulted in a win-win situation. We have the police members — those men and women in blue who go out and put their lives on the line day after day, dealing with people who are of dubious character and who sometimes have mental health issues and dealing sometimes with people who are driven by a union agenda to create havoc and destroy the basic — —

**Mr Nardella** — What are you talking about?

**Dr SYKES** — I am talking about the Groton confrontation where our police were asked to stand up and protect the rights of law-abiding individuals. It is great that those serving policemen and policewomen are getting a good outcome as a result of this successfully negotiated EBA, but equally the taxpayers of Victoria are getting a good outcome because they are seeing productivity gains and common-sense outcomes in terms of operations within the police force. The member for Bendigo East — and the member for the Melton should listen to this — spoke in support of the common-sense changes that we have introduced as a result of the agreement with the Police Association.

I want to congratulate the Premier and the Minister for Police and Emergency Services on successfully negotiating this great outcome. As the member for Bendigo East indicated, a couple of the key aspects of the proposed legislation relate to the establishment of a register of police of good character who chose to leave the force of their own volition to have a family,

experience other aspects of life or for other reasons. They are of good character, they have good skills and at some stage they would be valuable assets to have back in the force.

What we are doing is implementing common-sense legislation that says that if these are skilled-up people, it does not make sense for them to come back in at the base grade. For 11 long years the Labor government failed to come up with a common-sense solution to harness the skills of these people and allow them to come in at a higher level. The government has recognised that for these people it is about the money in their pocket, because they are coming in at an appropriate level in relation to their skills. The government has recognised that, for the sake of the taxpayer, it does not have to go through the ludicrous exercise of retraining these people and having them work up through the ranks when they are already suitably qualified to perform at a higher level. It is also a self-esteem issue that these people are able to come in at the right level.

The other common-sense aspect of this legislation relates to enabling people to be recruited in response to a need for what we would call surge capacity — that is, the recruitment of key people in the face of events involving terrorism or natural disaster. We can have people come in with not only experience within the force but also life skills. That is absolutely fundamental and critical when we have a natural disaster situation where people are under enormous levels of stress. It is reassuring to have an experienced copper there, doing the right thing, guiding people and making the sound judgements that a less experienced person might not be up to making in the heat of the situation.

This was particularly noticeable during the bushfires in the manning of roadblocks, where inexperienced people without local knowledge sometimes made some bad calls about allowing people through, for whatever reason. However, if you had an experienced copper on the roadblock with local knowledge and good interpersonal skills, they could come up with an outcome. There would be an appropriate level of risk management involved, but the decision-making process would also take into account the human factor. This is a fantastic initiative by the government, and it was supported by the Police Association. It will allow for the recruitment of these well-qualified people with life skills in times of emergencies.

The other aspect of the bill that reflects a common-sense approach is the putting in place of more efficient handling of the rights of appeal when a person is not promoted or does not get a position that they

aspire to. Similarly it puts in place common-sense arrangements in relation to the relocation of people. This has all come about through a process of negotiation between the Police Association, the government and the agencies in the middle, and we have come up with a good outcome.

I will put a human face on this. In my electorate of Benalla we have a large number of coppers. We have more than 20 police stations and quite a large number of officers. We have police stations such as Rick Kist's in Murchison; I saw him on Sunday. He does what any copper in a small town does: he mixes with the locals and makes sure that things are ticking along. We have Pat Storers in Violet Town. He is a great local copper, and his community involvement is evident by his membership of the local council. Then we have fellows like Darren Witting slow, who is in charge of the highway patrol. He is doing a very difficult job. Last week I went out with Darren. I saw how his experience is applied to achieving the outcome of reducing the road toll, in this case in respect of heavy vehicles. He has a very human and pragmatic approach. We also have fellows like Dan Trimble, an inspector, who has a firm but just approach to policing.

What we have is common sense, what we have is practicality and what we have is something that puts a human face on policing. The member for Bendigo East suggested that our side of politics had opposed legislation relating to these issues that had been introduced by the former Labor government. The reality is that some aspects of that legislation were totally inappropriate and were not common sense, and we were vehemently opposed to it. The Labor government of the time, despite suggesting that its legislation was important, failed to correct those problems and resubmit the legislation to this Parliament.

To fix the mess we have come in and sorted it out. We went through a process and came to an agreement with the Police Association. We have heard the noise from the opposition about enterprise bargaining agreement negotiations. The reality is that these negotiations followed the standard script. It does not matter whether it is Labor or the coalition in government; the fact is that there is a negotiation process and we went through it. The difference between our side of politics and the other side is that we have come up with a win-win situation where we have value for money for the taxpayer. We have achieved a great outcome for the police and for the community of Victoria. I congratulate the Minister for Police and Emergency Services on this fine piece of legislation.

**Mr NARDELLA** (Melton) — If you had just come down from Mars, and you had just listened to the member for Benalla, you would think that in November 2010 the world had started in regard to the police in Victoria — their conditions, their salaries, the increase in police numbers and the increase in resources and equipment. Let me say that that is not the case. Some people might be surprised, but that is certainly not the case.

With this legislation, along with previous legislation and previous resourcing, these things are incremental; these things increase. In the four years leading up to 1999 the Kennett government slashed 800 police members. Government members want to come in here and spin this to say that they found a situation in 2010 that was worse than the one Labor found in 1999. That is not the case. Unfortunately members like the member for Benalla and others make these things up.

In terms of the legislation, it is sad that the rhetoric the government has put to the house is not the reality of the situation. When you scratch the surface, the support for the police is just not there. Whether you are in government or opposition you get judged on the actions that you take. In 2008 changes to legislation were required to allow the Chief Commissioner of Police to deal with some of the more unsavoury elements within the police force, elements that can be found within any police force at any time, and those changes were opposed by the Liberal Party and The Nationals. Thank goodness, this legislation will remedy that situation, but it has taken the government two years to introduce it. It has taken the Baillieu government two years and an enterprise bargaining agreement (EBA) negotiation that was extended beyond any reasonable time — —

**Ms Garrett** — It was a debacle.

**Mr NARDELLA** — As the member for Brunswick says, it was an absolute debacle of an EBA negotiation. The government was dragged kicking and screaming to the negotiating table, and this bill has come out of it. It has taken two years for this legislation to be put in place. There was nothing wrong with government members putting their thinking caps on. Actually there was a problem with that. They did not know where their thinking caps were; they had lost them! If they had been able to find their thinking caps, they could have put them on, and then they might have said, 'Hang on, we could have put this in the legislation in 2008, which this bill is based on. We could have put it in that legislation, and then we could have assisted the Chief Commissioner of Police to deal with the more unsavoury elements within the police force'.

Unfortunately those thinking caps are still missing in action.

Clause 14 of the bill provides reasons for the Chief Commissioner of Police to have no confidence in certain police officers and attempt to get rid of them that way. The legislation will be changed so that officers can be dismissed as a result of their incapacity or inability to perform their tasks efficiently. That is extremely important in terms of the chief commissioner having the power to deal with people who they do not believe should be in the police force. There are aspects of this legislation in relation to which there are appeals processes and so forth, but certainly these amendments will make it much better for the police commissioner. Police commissioners, including the current one, have been calling for this for quite a period of time.

With regard to the flexibility that clause 10 of the bill introduces, I actually wrote to the Minister for Police and Emergency Services about 12 months ago and made some of these types of suggestions, including that he have a look at ways that retired police officers could come back into the force and assist in critical periods or assist with backfilling positions or with other requirements as necessary. These suggestions are based in a sense on the UK model.

Unfortunately, however, the problem is that there is a lack of funding. You cannot rip \$65 million out of the police budget and then have a situation, as encompassed by clause 10 of this bill — which inserts new sections 9 and A into the principal act — where you are able to then go and pick up these officers, who are in the main experienced officers who for whatever reason have left the force and may want to come back. They could be put on contracts or employed part-time or according to a specific task-based model, and their expertise and professionalism could be used within our community. But unfortunately if you keep ripping money out of the police budget, those opportunities for them to better serve our community will not be there. You have just got to have a look at the various things police have got to cut back on — for example, buying petrol. They have got to cut back on buying petrol. Maybe they will rush out to some of the crime scenes on police horses! The government cannot just keep ripping money out of the police budget and expect to employ people within this flexibility model, which clause 10 allows for.

The honourable member for Benalla congratulated a number of police officers within his electorate, and I certainly want to congratulate all of the police officers within my electorate. The two major stations in my electorate are Melton and Bacchus Marsh, which are

professionally and expertly led by Inspector Mario Florentine and Inspector Mick Myers respectively. All the officers, regardless of the work they do, undertake that work professionally and care about the community, but the leadership of these two inspectors — and the inspectors before them for that matter — is just amazing. I see that on a day-to-day basis, whether they are dealing with the new communities — the new people, the new families, the new individuals who are moving into the electorate, because Bacchus Marsh is growing by 3 per cent and the municipality of Melton is growing by around 7 per cent — or looking after the existing communities. I cannot speak highly enough of them in terms of the way they undertake that leadership role and task their members to do the work that needs to be done. I also want to acknowledge their officers and other police members and also the support staff who do such a fantastic job.

We are supporting the bill before the house. It is four years too late. Unfortunately the Liberal Party and The Nationals play politics with the police. That was certainly the case back then and it is still the case now, but I do wholeheartedly support the police in carrying out their roles within our community.

**Mrs FYFFE** (Evelyn) — I am pleased to rise to speak on the Police Regulation Amendment Bill 2012. The bill amends the Police Regulation Act 1958 to enable streamlined regulation of Victoria Police members. Chiefly, the bill establishes a new Police Registration and Services Board, replacing the existing Police Appeals Board. The new board will replace several former functionaries and will comprise of three divisions: the review division, the registration division and the professional standards division. This bill has been introduced in response to a memorandum of understanding between the government and the Police Association which arose from last year's enterprise agreement negotiations.

The bill introduces many changes, all of them good. The one I want to concentrate on in beginning my contribution is the repeal of section 68 of the Police Regulation Act 1958. Currently, if the chief commissioner is satisfied that someone is unsuitable to remain a member of VicPol they may issue a no-confidence notice to the member. A member who has received a section 68 notification has 21 days to demonstrate to the chief commissioner why they should not be terminated from VicPol. The section 68 powers have only been used six times and five of those times the notice was overturned.

But the controversial use of section 68 drew much criticism in my community in March 2010 after an

internal investigation into members using the internet email system to transmit homophobic, racist and pornographic material. Of all of those implicated Sergeant Tony Van Gorp, who was officer in charge at Healesville police station and long-time member of the police, was the only one to be served with a section 68 notice. Sergeant Van Gorp committed suicide at Healesville police station five days after receiving the notice. It has been alleged that members of the solicitor-general's office and in-house Victoria Police lawyers had advised senior police against the use of section 68 in regard to Sergeant Van Gorp.

I will quote from an article of 21 February by Kath Gannaway in the *Mountain Views Mail*. I think most of us in the community knew Tony, his work in the community and especially how hard he worked during the bushfires and how much he felt for people around him who he knew and who were lost. For many years Kath had worked closely with Tony and many members of the police force. She has written many articles about our police officers; she has written several articles about Tony. The article of 21 February refers to the time after the coroner had made his finding and states that:

The two people closest to Tony Van Gorp, his partner Gayle Shelley, and his brother Fred Van Gorp, have maintained a dignified silence over the past two years.

Behind the scenes, they've grieved, fought for justice and the reputation of the Healesville police sergeant, and for changes to Victoria Police disciplinary processes to ensure what happened in Healesville on 22 March 2010 never happens again.

The grieving is their own, but they had hoped that the inquest they and the Victorian Police Association were calling for would deliver the answers and changes they and other police wanted.

We cannot change the fact that Tony committed suicide; we cannot change the fact that the family is grieving, but we can make the changes to section 68 of the Police Regulation Act 1958 — the family have said that they want this.

I have spoken about Tony in this house, and I have talked about him being a darn good local country copper who knew his community and whose community knew him. I asked the questions that members of the community had asked me:

... why there was no intervention, no counselling, no reprimand, no reassignment, instead of the matter being taken straight to the section of the Police Regulation Act that allows the supreme executive power.

For the benefit of Hansard reporters, I will say I have quoted my contribution in the house of 13 April 2010.

I hope this legislation goes some way toward helping Tony's family and people in the community. We have listened and the police force has listened. These disciplinary actions and changes will be introduced by this Parliament.

It is always very difficult when someone who is very much a part of a community makes a mistake. We do not know how many mistakes Tony made. We do not even know the extent of what he did. It is very sad that he took the step he did and did not feel he had anyone to turn to help him through that time. He left a very good legacy for the police force.

Other members have talked about other police officers in their electorates. I have a great bunch of police officers in my electorate. They have to cover a wide variety of crimes — there are country crimes as well as normal suburban and semi-city crimes. At the moment one of the crimes police officers in my electorate are investigating is the stealing of flowers. We are having a plague or a set of robberies involving people going to flower farms, cutting flowers and taking them away presumably to sell them. It is a crime that may not be noticed for a few days until a grower tries to pick the flowers to sell at markets. It is a difficult crime for our local police to solve.

Some of our growers have been robbed. At times they might have a reasonable amount of cash locked in a safe on their property after they have been to market. There has been the theft of farm machinery and stock. Sadly, we have a very high incidence of road accidents and road fatalities right across the Yarra Ranges shire because our roads are beautiful but twisting. People underestimate the dangers that can come around the corner.

There are also the usual sorts of crimes in my electorate such as burglaries, car thefts and, sadly, a lot of domestic violence which, I know, bothers a lot of our local police. When they have been in the community for a while they get to know the people. They are called repeatedly to attend situations to try to assist families, including women and children — whoever is the victim. They spend so much time doing this. They go over, above and beyond their duty. I have the deepest respect for all of them. Whenever I call them to ask for advice or to ask a question, they always provide general advice with no hesitation at all. As is the case with every member of Parliament, people come into my office making all sorts of allegations, and you know that sometimes those allegations are really far-fetched.

I raise another aspect of the issue. The police are now doing a lot of work involving elderly people who are

becoming befuddled or not coping very well. The community policing is fantastic in the Yarra Ranges. Police are going around the community and assessing what is needed. An elderly person becoming confused can make allegations that are not true, and police need to have a response to that. Linda Hancock, who works in the Lilydale police station, is particularly good at dealing with situations like that.

**Mrs Victoria** interjected.

**Mrs FYFFE** — My colleague from Bayswater is also aware of the work being done.

The police have established a telephone service to assist in the care of elderly people. I am pleased with the changes we have made; I am pleased they are being made with the consultation and support of the police force. It is very much supported on this side of the house. I am especially pleased about the abolition of section 68. I hope that helps Tony's family.

**Ms GARRETT** (Brunswick) — It gives me pleasure to rise to make a contribution on the Police Regulation Amendment Bill 2012. As we have heard from previous speakers in this house, this is an important bill. The work our police members do day in and day out is extraordinary. It should be acknowledged and applauded — at times it is done under the most difficult circumstances imaginable — particularly as it is done under the command and control structure of Victoria Police. Balancing the rights and interests of members of the police force with the critically important role of the Chief Commissioner of Police to perform his or her duties in the best interests of the force is always critical.

Such issues include employment conditions, including transfer and promotion arrangements, how members are dismissed, how members' conduct during their employment is examined and dealt with and what processes exist for appeal. Members often work in very highly charged, sensitive and difficult circumstances in the discharge of their duties, and this is a critical and complex area, so it is profoundly important to get the balance right. This is an important bill.

In his contribution the member for Benalla spent much of his time on the enterprise bargaining agreement (EBA) negotiations with police members. Understanding where members of the police and those who support them are at is critical, so we have had a wide-ranging debate about those matters. I will refer to some specific provisions that were touched upon by other members. To take up the points made by the member for Benalla, it is fundamental to the good

conduct of Victoria Police that issues be taken into serious consideration.

Turning to the manner in which this bill has come before the house and the manner in which the EBA negotiations were conducted, I note the profound disappointment and anger reflected throughout the force during those long months of negotiation. One would have to say that this government has failed the most fundamental of tests about listening to and understanding the needs of policemen and policewomen who do such a fine job for this state.

The fact that this bill has come before the house when so much of its content was opposed by the government during its days in opposition demonstrates that the government has not learnt, or has not even begun to learn, the lesson of the importance of listening to, understanding and negotiating with police members and their representatives in the conduct of ongoing discussions about the future of policing and the importance of changes that need to be made. Members of the opposition agree that consultation and negotiation are critical, and we point to the fact that this government has failed significantly on a number of occasions.

Turning to the content of the bill, it has some important provisions. Again members of the opposition point out that many of these provisions were proposed during our time in government and were rejected by members of the then opposition who are now in government. Previous speakers have gone through these provisions, including those regarding the creation of the registration division to allow police members to return to Victoria Police at pre-existing seniority. This provision is very important in terms of the knowledge bank of the force and the work that needs to be done. Obviously the current functions of the Police Appeals Board will continue in its hearing and determining of appeals and reviews, and the professional standards division is very important.

Regarding the capacity for the chief commissioner to compulsorily transfer, demote or dismiss a member, changing those provisions is important. The no-confidence provisions were very vague and broad, and it is important that members of the force have the capacity to have certainty about when a chief commissioner is using his or her discretion and to be able to appeal those issues when appropriate — that is absolutely critical. The bill also contains a provision which clarifies in legislation that the chief commissioner may make a compulsory transfer of a member to a specific work location but that the member can appeal that compulsory transfer if it is considered to

be unjust and unreasonable. It is important that we balance the rights and interests of those within Victoria Police, who do such a fine job, with the capacity of police command to perform its obvious and manifest important functions.

Again turning to the importance of negotiation and understanding the issues facing the dedicated men and women of Victoria Police, when members of the opposition were in government and sought to modernise these provisions, that measure was vehemently opposed. One can only point to the conduct of the EBA and say it was an exercise in not listening and in not understanding, and it provided a source of grievance to those who, day in and day out, go out to serve and protect the community.

Let us also touch upon the fact of this government's savage cuts to Victoria Police. It should be very difficult for members of the government to stand up here and applaud themselves, pat themselves on the back and give themselves an A-plus when in fact they are ripping the guts out of Victoria Police to the extent of \$65 million dollars. The impact of those cuts is widespread, and they are going to hit front-line services, as they must. This is another example of this government not living up to its rhetoric and not following through with negotiation, discussion and understanding, as some on the other side of the house would have us believe. The fact is that in a disdainful manner government members are ripping the heart out of the capacity of the organisation to do its core business of protecting the community. The fact that we are seeing increases in crime in this state for the first time in years also demonstrates that this government is not only dropping the ball on this issue but never held the ball to start with.

In conclusion, members of the opposition do not oppose the bill. Many of its provisions were put before this house in the time we were in government and were resoundingly rejected by those opposite. The government should be held to account for that backflip. We will also be holding the government to account on the rhetoric we have heard in the chamber tonight about negotiation, discussion and understanding, because the feedback opposition members are getting from those in the force is that the government is failing on every measure to negotiate, understand and consult with those who do this front-line work, so opposition members will be holding the government to account on this issue. We will also be holding the government to account on the savage cuts to the Victoria Police budget, and we will be holding the government to account on the impact those cuts will have on services provided to the Victorian community.

Having said that, opposition members will not oppose this bill, because we proposed much of its content in the first place. It is important to get the balance right between the many rights and interests of those who service the rights of police command to conduct itself and its organisation. However, we will be seriously — as we have been over these last two years — holding a magnifying glass up to this government and its many failures in regard to the men and women of Victoria Police.

**Mrs VICTORIA (Bayswater)** — It gives me great pleasure to stand to speak on the Police Regulation Amendment Bill 2012. As members have rightly pointed out, some of these changes have been mooted for many years — in fact it has been pointed out to me that some of these changes have been asked for for as many as 20 years, so they have been a very long time coming. We also need to remember that the Baillieu government has been in government for only two years and that there were 11 years before that — and even some years before that — when these sorts of advances were not made. I am delighted that the Baillieu government has been able to make them.

I will start by placing on the record my sincere gratitude to members of the force in my area. Some three police stations service the Bayswater electorate, and the officers in charge do a wonderful job. During my time in opposition I had many cups of tea with them, and on many occasions they told me how their numbers were down in terms of front-line members, so it is a great joy to now be able to walk in and say hello and for them to say, 'Thank you; we are so grateful now we have front-line police'. Whether they be in the Ringwood, Knox or Boronia police stations, members of the police force are delighted they now have enough members to go out and be a visible presence. We know that policing is about prevention as well as treatment. I want to thank the officers in charge at those stations but also their teams, including both sworn and unsworn members.

The purpose of this bill is to abolish the Police Appeals Board and to create the Police Registration and Services Board. This new board will be comprised of a president, serving police, former police members, legal practitioners and academics. The balance of the board will be decided at the time when it comes into existence. The bill will also amend provisions relating to appointments, transfers, appeals and reviews — I will go into a definition of those a bit later — and also establish a police profession register. This aspect of the bill is creating a lot of excitement amongst people who have wanted to take extended leave but have known that either they could not come back to the force or they would have to come back at a lower rank.

Part V of the act will be replaced in order to establish the Police Registration and Services Board, which will have three divisions. This will be an independent statutory body, so it will be independent of Victoria Police; probity is of the utmost importance for members of the government. There will also be a review division, which will determine appeals and reviews. This division will look at applications lodged by police members and also protective services officers (PSOs). Again I want to place on record how delighted I am to have PSOs in my electorate. The minister at the table, the Minister for Environment and Climate Change, and I both share Ringwood railway station, as it is on the border of our electorates. I have spoken with the officer in charge at Ringwood police station, who said that crime has literally dropped to zero while PSOs have been in attendance at the railway station. He and his members are delighted and say they could not have wished for a better outcome.

Everybody is reluctant to embrace change. At the Maroondah Festival on the weekend I asked probably six or seven police members what they think of the PSOs in the area. All of them could not speak highly enough of what the PSOs were doing for the area and remarked on how much the area had been cleaned up. I am thrilled that the PSOs are having that sort of impact at Ringwood station, and we expect to see the same at Boronia station. They have been in place for only a week or so there, but already I am getting feedback that they have been a positive influence on the area.

There will also be a registration division, which will maintain the police profession register. This will look at the applications for registration and provide advice to the Chief Commissioner of Police not only about the character and reputation of an officer but also about the skill set and expertise of somebody who might be looking at lateral entry into Victoria Police. Even though the registration division will have all of those criteria to look at, it will also have to look at the aptitude and efficiency required to perform as a member of the police force at the rank or specific level at which the former member wants to come back into the force. It is not okay just to walk away for an extended period of time and then say, 'I want to come back in a particular role'. You need to be able to keep up professional training and that type of thing.

There will also be the professional standards division. This division will give advice to the chief commissioner about how to make our police force here in Victoria current and relevant to what is required for modern-day policing. It will consider the training and qualifications that might be necessary for members in order to be the best that they can be. It will be able to

assess competency standards. It will also look at educational courses available to members and at supervised training arrangements. Again, this division will have serving and former members appointed to it. That is important because there would be no point in having somebody such as me appointed to this sort of board. As much as I appreciate police officers, I do not know about all of the training that they undertake.

The level of training that PSOs have received has been brought up in the house tonight, which disturbs me. When that quote appeared in the media last week I was dismayed, because three police officers rang me independently and said they were worried about what is being put out there by the opposition. PSOs may not have the same length of training as police officers, but when it comes to firearms training there is no difference in the training, so they are not a hazard to the public; if they were, opposition members who have been very vocal about wanting PSOs at their stations would not be calling for them. Opposition members need to be responsible in how they play politics. They have not been doing that of late, which is upsetting members of the police force.

The main aim of these amendments is to improve the efficiency of appeals and also to reduce resolution time. At the moment resolving an appeal takes an average of 75 days; that is going to be cut right down to about two weeks. A faster resolution for a police officer gives them peace of mind, which allows them to get on with the job at hand. There will also be a streamlining of procedures for the lodgement of appeals and reviews, and new time frames will be put in place that need to be adhered to.

The police profession register is the first of its kind in Australia. I am pleased that we are leading the way on this. It will help ensure that experienced police officers are not lost to the profession. This has occurred in the past in many professions, whether it be nursing, policing or other areas of employment. Even for photographers, as soon as you leave the industry the technology moves on well ahead of you, and to be able to come straight back into a role can be quite daunting. In order to not lose people from the profession, the idea is that if they want to take a career break, they can stay on the register while they are not serving as police officers. It is not only current members who may wish to take a break who can go on the register but also those who have already left the force. They might have been out of the force for 5 or 10 years. As long as they have not been discharged from the force and as long as they have left of their own volition, they will certainly be allowed to apply to be on the register. I am delighted that we have had overwhelming support for these

reforms from the Police Association. Certainly as part of the enterprise bargaining agreement that happened last year, it has been very much embraced.

I want to touch on something that the members for Bendigo East and Melton said. They both talked about how when we were in opposition we had not allowed legislation to go through. But I remind them of a press release of 12 September 2007 when the then government and the then Premier bragged about the introduction of a police registration board, which would acknowledge on-the-job experience. They also talked about new mobility policing enabling the chief commissioner to deploy police to key crime hotspots.

This is all stuff that we have been able to put in place in less than two years. The previous government's announcement was more than three years out from the last election, so it failed dismally. We are delivering, and we are very pleased to be the first state to be able to lead with this type of legislation. I commend the bill to the house and wish it a speedy passage.

**Mr EREN (Lara)** — I too wish to speak on the Police Regulation Amendment Bill 2012. Yet again we are seeing a lot of hypocrisy from the government. This is the same government which in opposition forcefully opposed this type of bill when it was brought before the house back in 2008. We do not mind if it takes up some of our ideas from when we were in government — obviously it has chosen a number of bills which it has brought before the house. We do not mind because it is for the betterment of the community. Government members are welcome to take any of our ideas from the time when we were in government, but it is a bit hypocritical of the government to have vehemently opposed them back then and to now bring them in two years into its term.

This bill seeks to amend the Police Regulation Act 1958 to give effect to the memorandum of understanding (MOU) entered into by the government, the Chief Commissioner of Police and the Police Association. It also reflects the conditions of the MOU signed by both parties during enterprise bargaining negotiations in 2011. The changes aim to strengthen the process of promotions and appeals and to allow for the registration of a police member's seniority and clarify and/or expand the chief commissioner's powers of employment and dismissal.

The bill will establish a new Police Regulation and Services Board and introduce the registration of Victoria Police members. Registration will allow for an officer to leave and then re-enter the force at the same seniority on the advice of the board. The new board will

be headed up by a president who will be accountable to the minister for the performance of the board, and each division will be headed up by a deputy president.

The bill will make productivity reforms which aim to tighten the function of appeal against promotion decisions. Currently the appeals process can easily be misused by some members who submit reams of documentation and cause delays.

There are a number of parts to this bill, which will go a long way towards improving the police force. As the member for Bendigo East so eloquently put it in her speech, these were ideas that we brought up when we were in government, but what this government has done is taken from Paul and given to Peter. By that I mean that some \$65 million has been ripped out of the police budget. What we are seeing is obviously a redirection of the government's policy platforms to give that money to another sector. This government, when in opposition, said much about public safety and said it would spend more on police, but what has happened is that it has ripped \$65 million out of the budget.

I remind members — and I have made comment about this on many occasions — that in 2007 we had some issues relating to crime, particularly a violent crime that was perpetrated on a young lady when she was brutally raped in the centre of a town. We had a public forum at which I represented the government. The then Leader of the Opposition — now Premier — and the then shadow Minister for Police and Emergency Services, the honourable member for Kew, attended the forum, along with Paul Mullett, who was the secretary of the Police Association. Obviously a lot of discussions took place. There were a lot of people at that public meeting and lots of promises were made.

I want to quote from statements made to the forum by both the then shadow Minister for Police and Emergency Services, the current Minister for Corrections, and the then Leader of the Opposition, the current Premier. The then Leader of the Opposition said you would have to have had your head in the sand not to realise Geelong needed more police, that there was a shortfall of over 70 and that there was a need of greater police numbers on the beat. Those were the words of the current Premier.

The then shadow minister for police said:

... the Geelong community is saying we need more police.

He further stated:

... we have a police minister. He receives an additional salary than a normal member of Parliament. He gets a big car and a huge staff. It's for him to communicate to the community as

to why and how, and if it's appropriate to explain to the community, why the numbers in Geelong are satisfactory. If they are not it's up to him to explain why they are not satisfactory and what he is going to do about it.

This is on the public record. Bay FM, K-Rock, the *Geelong Advertiser*, *Geelong News*, *Geelong Independent* — all of the media were there; they all heard it. This was nearly six years ago. Six years ago the now Premier said we needed more than 70 extra police in Geelong. Guess what we received earlier this year? Seven extra police — and that is five years after he made those comments. Not only has the population grown in Geelong, but indeed when you look at the latest figures, crime has gone up — and government members have the cheek to come in here today and actually gloat about what they have done for the police.

What they have done is rip \$65 million out of the budget. Crime rates are up. Where are the police that were promised for Geelong? The now Premier said there would be more than 70 police when he was Leader of the Opposition. It was easy to say that then, but today he is keeping very quiet about it. I have pressured him on a number of occasions about it, and I pressured the now Minister for Police and Emergency Services when he came to my electorate to open the state-of-the-art police station in Lara. We built that. Our government committed to that.

What this government does is go around the state and do nothing but cut ribbons on projects that we started. That is fine; but can I just say that when government members gloat about what they have done, we will at every opportunity remind them that the investments we made far outweigh the investments that the government is making at the moment. I said at the time that I would hold the Premier to his words. I said, 'Mark my words, I will hold you to those words'.

The member for South Barwon has graced us with his presence; he has just walked into the chamber. I do not know where he has been; maybe he was snoozing with Captain Snooze out there somewhere. What I expect from the member for South Barwon is that he stick up for Geelong in relation to police numbers.

We have before the house today bills that the government was vehemently opposed to in 2008. Now it is taking the credit for them, just as it is taking the credit for all the projects that we committed to and for which government members are cutting ribbons. That is fine, as I said, but the government should stick to its words. Far too many promises have been broken, and when it comes to police numbers, you just cannot do that because at the end of the day it is about the safety of the community. The government needs to invest

appropriately in the police force to make sure that the crime rates go down.

The minister may laugh about this issue, but it is no laughing matter. They were empty promises that were made, some more than five years ago. I hold the member for South Barwon accountable; he should make sure that the commitments and promises that were made to Geelong are honoured. Government members cannot just come into this place and gloat about what they do and then not stand by the promises they made.

Having said all that, we are not opposing the bill before the house, because clearly the proposals before the house are our ideas and we are not about to oppose them. With those few words I wish the bill a speedy passage.

**Debate adjourned on motion of Mr R. SMITH (Minister for Environment and Climate Change).**

**Debate adjourned until later this day.**

## COMMISSION FOR CHILDREN AND YOUNG PEOPLE BILL 2012

### *Statement of compatibility*

**Ms WOOLDRIDGE (Minister for Community Services) 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 Commission for Children and Young People Bill 2012.

In my opinion, the Commission for Children and Young People Bill 2012, 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 purpose of the bill is to establish the Commission for Children and Young People as well as to repeal and re-enact with amendments certain provisions of the Child Wellbeing and Safety Act 2005. The commission will be constituted by a principal commissioner who will be appointed by the Governor in Council.

The main objective of the commission is to promote continuous improvement and innovation in policies and practices relating to the safety and wellbeing of vulnerable children and young people and child and young persons generally.

The functions of the commission include to:

- provide advice to ministers, government departments, health and human services;
- promote the interests of vulnerable children and young people in the Victorian community;
- conduct inquiries into deaths of child protection clients, provision of child protection services and certain other services to vulnerable children and young people; and
- functions in relation to the Working with Children Act 2005.

### Human rights issues

The human rights protected by the charter act that are engaged by the bill are:

- privacy and reputation;
- protection of families and children;
- humane treatment when deprived of liberty;
- children in the criminal process; and
- right to privilege against self-incrimination.

### Section 13 — Privacy and reputation

Section 13 of the charter act provides that individuals have a right not to have their privacy unlawfully or arbitrarily interfered with, and not to have their reputation unlawfully attacked.

Clauses 27, 30 and 42 of the bill engage the right to privacy by enabling the commission and an authorised person to require some government departments and service providers to provide relevant information and records.

Any interference with privacy occasioned by these provisions will not be unlawful or arbitrary. The powers are clearly set out in the bill, are necessary as part of the commission's monitoring role and are limited to this purpose.

There are other provisions in the bill that also engage the right to privacy. Clauses 46 and 47 require the commission to give a report of an inquiry to some ministers and the Secretary to the Department of Human Services. Clause 53 permits the commission to disclose information to certain authorities including the Ombudsman and a coroner. Part 6 of the bill also contains provisions that permit disclosure of confidential information acquired by the commission in certain circumstances. Clause 61 sets out the requirements when the commission must notify the Independent Broad-based Anti-corruption Commission of a matter of which the commission becomes aware in the performance of functions or exercise of powers under the bill or any other act that appears to involve corrupt conduct.

Nevertheless, the bill contains safeguards aimed at preventing these information-sharing provisions from being used in a way that could interfere with privacy in an unlawful or arbitrary way. These include a confidentiality provision in clause 55 that prohibits a relevant person from disclosing confidential information except to the extent necessary to perform functions or exercise powers under the act or that the

person is expressly authorised, permitted or required to give under the act.

Clauses 50 and 52 of the bill both engage the right to privacy and the right of individuals not to have their reputation unlawfully attacked. Clause 50 enables the commission to give a report to Parliament and clause 52 allows the commission to publish a copy of such report on the internet. It is possible for a report to Parliament to identify an individual whose reputation may suffer as a result. However, any interference with the right to privacy and reputation will not be unlawful or arbitrary. There are restrictions on identifying individuals and the commission is required under clause 48 to give a person an opportunity to comment on material that is adverse to the person before the report is provided to the secretary, minister or Parliament.

It is also relevant to note that the commission is bound to act independently and impartially and to adhere to the main objective of the legislation, which is to promote continuous improvement and innovation in policies and practices relating to the safety and wellbeing of vulnerable children and young people. Any limitation of the reputational right not to have oneself unlawfully attacked by publication of adverse material in a report is therefore justifiable when all relevant factors, including the public-interest purpose of publishing a report, are taken into account.

### Section 17 — Protection of families and children

The right of every child, without discrimination, to such protection as is in their best interests and may be required by them because they are a child is engaged by this bill.

This right is promoted by the bill, as the establishment of the commission will increase the accountability of the child protection system and other child services. A key object is to promote a culture of reflection and continuous improvement of policies and practices relating to the safety and wellbeing of vulnerable children, which will ultimately benefit children who access those services.

### Section 22 — Humane treatment when deprived of liberty

#### Section 23 — Children in the criminal process

These rights are engaged by the function of the commission in relation to young people who are detained in youth justice facilities. The function is to provide advice to ministers, government departments, health services and human services about policies and practices relating to the safety and wellbeing of vulnerable children and young people, including detainees in youth justice facilities. The commission must perform this function for the purpose of promoting the best interests of the child or young person.

As this function is aimed in part at promoting the best interests of youth detainees, the rights of those young people to humane treatment when deprived of liberty, and to age-appropriate treatment, will be promoted by the bill.

### Section 25 — Right to privilege against self-incrimination

Section 25(2)(k) of the charter act provides that a person charged with a criminal offence is entitled not to be compelled to testify against himself or herself or to confess guilt. Clause 42 of the bill engages this right by requiring persons in charge of certain services or a school to provide access to information held by that service or school.

Nonetheless, the right under section 25(2)(k) of the charter act is not limited as clause 45 provides that a person can be excused from providing information that would tend to incriminate the person.

### Conclusion

I consider that the bill is compatible with the charter act because the rights which are engaged by the bill are unlikely to be limited. If any rights are limited by the bill in individual circumstances, to the extent that those rights are limited, those limitations will be reasonable and demonstrably justified in a free and democratic society.

The Hon. Mary Wooldridge, MP  
Minister for Community Services

### *Second reading*

**Ms WOOLDRIDGE** (Minister for Community Services) — I move:

That this bill be now read a second time.

I am delighted to stand here today and introduce this bill to the Parliament which will provide for the establishment of a Commission for Children and Young People, which is independent of government, for the state of Victoria.

This bill honours a significant election commitment of the Baillieu government to strengthen the oversight and support for vulnerable children and young people in this state.

Victoria will now provide vulnerable children with the same system of independent checks and balances over the child protection system that all the other Australian states and territories have had for years.

In early 2012, the government released a comprehensive reform agenda for Victoria's system of child protection, *Victoria's Vulnerable Children — Our Shared Responsibility*.

The commitments articulated in this paper presented a range of reforms representing broad transformational change, as well as the improvement of existing processes and services.

Central to these reforms, and critical for sustaining oversight and attention on all the services that support vulnerable and disadvantaged children, is the establishment of a Commission for Children and Young People.

The commission established by this legislation will replace the existing Office of the Child Safety Commissioner.

At present, the child safety commissioner is not independent. The current child safety commissioner is appointed by the Premier, and with the exception of child death inquiries which are required by legislation, conducts inquiries only at the request of the minister, and makes reports only to the minister in relation to these inquiries.

Under the Commission for Children and Young People, the principal commissioner and any additional commissioners will be independently appointed for a term of five years by the Governor in Council. The commission will also prepare an annual report for Parliament.

The commission will retain the features of the Office of the Child Safety Commissioner that the community values, including a strong voice for children promoting their safety and wellbeing; monitoring out-of-home care services; functions related to working with children and undertaking inquiries into the deaths of children known to child protection.

The commission will also have strengthened powers and functions consistent with commissioners and guardians in other states and territories.

The commission will be able to initiate its own inquiries.

These may be individual inquiries in relation to the safety and wellbeing of vulnerable children, including child protection clients, youth justice clients, those leaving state care and children, young people, or their primary carer, who are receiving or have received services from a registered community service, such as out-of-home care or community-based child and family services.

Alternatively, they may be systemic inquiries into the provision of services provided, or omitted to be provided, by a health service, human service or school where the commission identifies persistent or recurring issues regarding current service delivery to children or their primary carers which impacts the safety and wellbeing of children and young people.

This includes services provided by and funded by government, including community service organisations. The commission may table systemic inquiries in Parliament.

All inquiries will have the intention of improving the provision of services, promoting a culture of reflection and continuous improvement and innovation amongst service providers. Specific clinical decision making by health professionals is not in scope as there are a wide

range of panels and boards that already undertake this role.

Further, the child death reviews currently performed by the Office of the Child Safety Commissioner will be retained and expanded to include the ability to conduct inquiries where children die of abuse or neglect but were not known to child protection. Currently these inquiries are limited as they can only be conducted for children known to child protection at the time of, or in the 12 months preceding, their death.

The new commission will also have the capacity to have additional commissioners if a particular focus is warranted.

The government intends the first additional commissioner to be a commissioner for Aboriginal children and young people. Victoria will be the first state or territory to have a commissioner dedicated to Aboriginal children and young people, recognising their particular vulnerabilities and significant overrepresentation in the child protection system.

This commissioner will oversee the five-year plan for Aboriginal children in out-of-home care and other policies and practices that affect Aboriginal children.

In *Victoria's Vulnerable Children — Our Shared Responsibility*, the government committed to develop a whole-of-government vulnerable children and families strategy.

This will relate to the health, safety and wellbeing of vulnerable children and young people and the commission will report to ministers on its implementation and effectiveness.

The Baillieu government is committed to the creation of a transparent child protection system that is accountable and subject to appropriate review and scrutiny.

It has taken the election of this coalition government to take action to ensure that Victoria's child protection and related child, youth and family services are finally subject to the same level of independent oversight as they are in the other Australian states and territories.

Victoria has been the only jurisdiction that has had a children's commissioner who is not regarded as independent of government. The former Labor government was never prepared to let itself or its services be subject to the sort of scrutiny our children deserve.

The Commission for Children and Young People will inform the development of more effective approaches, enhance services, protect vulnerable children and improve their life outcomes.

This is a great step forward in the protection of Victorian children, and I commend the bill to the house.

**Debate adjourned on motion of Ms GREEN (Yan Yean).**

**Debate adjourned until Tuesday, 27 November.**

## **POLICE REGULATION AMENDMENT BILL 2012**

*Second reading*

**Debate resumed from earlier this day; motion of Mr RYAN (Minister for Police and Emergency Services).**

**Mr GIDLEY** (Mount Waverley) — I rise to make a contribution this evening to debate on the Police Regulation Amendment Bill 2012. I do so in the context of the coalition government's important priority of improving public safety for residents, not only in my electorate but throughout the state. If you look at the reform package presented by the coalition to the people of Victoria up to the last state election, you see that it was not only quite wide and quite deep but also very effective in terms of the manner in which it aimed to improve public safety. Just under two years into this government's term in office it is timely in relation to this bill and the importance of public safety to reflect on the achievements that have been made.

Firstly, we are well on the way to the introduction of 1700 additional police officers, which is part of our commitment to making sure that more officers are on the beat to ensure that people's behaviour is altered. That is really because the coalition takes the view that, as part of a package of measures, a proactive police presence on the streets has an effect on people's behaviour. We know that unfortunately a proactive police presence will not solve every crime; we know that it will not prevent every crime. I wish that it would for the sake of victims, but we know that is not the case. What we do know though is that a proactive and visible police presence will have an effect on and produce an improvement in people's behaviour and that that in itself will significantly improve public safety. As I said, recognising that, the government has budgeted for the introduction of 1700 new front-line police officers, to be allocated by Victoria Police.

In the electorate I have the privilege of representing not only are we meeting the commitment to roll out those extra officers, but we also have a \$27.8 million program to undertake the largest revamp and improvement to the Victoria Police Academy in the state's history. I must say that in the context of that \$27.8 million upgrade, which is being undertaken in three parts — firstly, there is a master plan and secondly and thirdly there will be development of and improvement to facilities — it cannot be left unsaid that compared to the previous government's plans for the police academy this government is investing more than \$10 million beyond what may have been suggested at the last election by the previous government. This idea that the government has reduced funding for Victoria Police is just not true and does not stand the test of scrutiny. However, as with so many things, I guess members of the opposition take the view that the more they make that statement over time the more people will believe it, whether or not it is true. I am a great believer in the proposition that that is not the case and that the facts should be placed on the record. In my electorate, as I said, the \$27.8 million upgrade of the police academy is one such example.

I should also mention in relation to public safety, which this bill focuses on, that this government has removed the hit list. Over its last 18 months in office the previous government's hit list for policing services in my electorate included, firstly, effectively mothballing the Mount Waverley police station. Secondly, it had plans to sell the Clayton and Glen Waverley police stations and consolidate them. We do not know where, but it had plans to close at least two police stations. As I said, the previous government was well on the way to doing that, so when I sit here and listen to members of the opposition talk about public safety and police I am aware that that was not the case in my electorate at all. In my electorate it was closing police stations, reducing police numbers and not improving the police academy. In contrast, this government has made a commitment to a 24-hour police station at Mount Waverley to complement the Glen Waverley police station, and as I said, we are already well on the way to achieving recruitment of 1700 extra police officers as part of that commitment. There are also the 940 protective services officers and the \$27.8 million upgrade to the police academy at Glen Waverley.

It is important though when we are talking about the record investment the Liberal-Nationals coalition government is putting into police services that we also talk about value for money for taxpayers, because we on this side of the house understand that people work hard for their money. We understand that when taxpayers need to pay their taxes and charges that has

an effect on their lifestyle and therefore we are in effect the custodians of their funds. We do not have a right to those funds; we are the custodians. Therefore whenever the government provides a service we need to ensure that on the one hand the best possible service is provided for the people of Victoria and for my community but also that on the other hand that service provides value for money for taxpayers.

This bill takes a significant step towards improving the efficiency of Victoria Police and its flexibility not only to deliver more services, such as the 24-hour police station at Mount Waverley that I mentioned earlier, but also to do it in a much more cost-effective manner. Part of delivering on that commitment is empowering officers of Victoria Police by providing additional flexibility in their working arrangements. I note that the bill amends section 8 of the act to provide for part-time and fixed-term appointments for specific roles or project work. That in effect will provide Victoria Police with greater flexibility at those times when it might need extra officers. They might not be needed for the whole year, but it may be that there is a significant number of major events happening or it may be that there is an unusually high period of leave forecast, which could well be legitimate leave.

Police command needs that flexibility to be able to provide the opportunities for members who want to work in a part-time or fixed-term capacity. That has also been the case in the past, but it has not had that tool. The police have not been able to provide the best policing services and the government has not ensured value for money as the custodian of people's hard-earned taxes. Importantly, as I said, individuals have had restrictions. This particular amendment of the act will ensure that people who wish to undertake those roles in the future — that is, people who want to work in a part-time or fixed-term capacity — will have a greater ability to do so. That is very positive.

I note also that the bill creates the police profession register. It will contain the details of persons who have been registered by the board as being of good character and repute, having the necessary qualifications and experience and having the aptitude and efficiency as police members at a specific rank. The police profession register will be an important part of ensuring that those who may have done the job and served our community as sworn officers for so long and who may have left the force for some time and are now seeking to come back and serve in a part-time or fixed-term capacity will be able to do so. As I said, the register will very much improve the flexibility of Victoria Police and will provide greater value for money for taxpayers.

As custodians of those funds, we have a responsibility to do that.

The bill also provides that the Chief Commissioner of Police may transfer a police member to any part of the state if it is reasonably necessary for the provision of policing services. The importance of that amendment is that at the moment if the needs of a community are such that police members need to be allocated to a particular area of the state, that capacity is not there. This amendment improves the chief commissioner's capacity to transfer a police member to any part of the state. In that sense the bill strikes the right balance between the important proactive role of front-line visible policing and the rights of individual police officers. I note that the bill also makes some changes to appeals by police members on promotions or transfers, and I welcome that.

In the short time remaining I will return to the central aspect of the bill and the government's central commitment reflected in this bill — that is, public safety. The record is second to none. As I said, in my electorate there has been the reversal of the closure and mothballing of police stations at Mount Waverley, Glen Waverley, Clayton and others to be sold and flogged off; and in this term under this government a 24-hour operation will come into effect at Mount Waverley. The full package of 1700 extra officers, 940 protective services officers, the end of suspended sentences for serious crime that will send a message about the importance of public safety and the changes to the Sentencing Advisory Council, with its additional victim impact representatives, demonstrates that this government is about action — not just words like the opposition — on public safety, victims' rights and improving people's fundamental right to go about their business in this state in a safe, secure manner. It is a great testament to the work of this government. I commend the bill to the house.

**Mr TREZISE** (Geelong) — As usual, I am very pleased to be speaking on a bill that addresses police numbers in this state. As a proud member of the Bracks and Brumby governments, I know that those previous governments put a lot of focus on recruiting police in this state. Despite what Liberal Party members had to say in opposition, promising everything to everybody, it was the Bracks and Brumby governments that recruited more than 1000 police over the 10 years that Labor was in power.

I will refer to what happened in my electorate of Geelong. The member for Lara touched on this before. In the early 2000s there were major issues in the Geelong central activities area in relation to, for

example, nightclubs, as there were in the Melbourne CBD. Together with ministers such as the then Minister for Police and Emergency Services, Bob Cameron, we sat down with representatives of the City of Greater Geelong, nightclub owners and, importantly, local police and addressed the issues that were at hand at that time.

I do recognise that, like nurses, you can never have enough police officers. That was a fact in Geelong, as it was in other regional areas such as Bendigo, Ballarat, Warrnambool — and the list goes on. But, as I said, under the Bracks and Brumby governments we did recruit more than 1000 extra police officers. As a local member I know that at the time local government representatives sat down with the then minister and the local police and went through a lot of those issues. We introduced into the central activities area of Geelong initiatives at night — for example, nightclub owners introduced scanners, extra lighting was put in by the Greater Geelong council and numerous other things were done to ensure that the Geelong central activities area was a far safer place.

I note that the opposition is not opposing the bill, and I also acknowledge that the Police Association supports the bill. As I said, the Liberal government has tried to be everything to everybody — for example, prior to the 2010 election the now Minister for Police and Emergency Services came to Geelong and promised something like 70 or 75 police for Geelong. We have hardly seen a skerrick of a new policeman since that time. The hypocrisy of this government when it comes to community safety is absolutely breathtaking.

**Mr Katos** interjected.

**Mr TREZISE** — The member for South Barwon, who has just walked into the chamber, continues to interject, but his silence locally has been absolutely deafening when it comes to police numbers and community safety in Geelong. Prior to 2010 it was people like the member for South Barwon who had a lot to say about police numbers. As I said, they promised everything to everybody. Now he and other local members in the other place say absolutely nothing when it comes to important issues such as police and the future of the Gordon TAFE. I will not get onto the Gordon TAFE, given that it is not related to this bill.

*Honourable members interjecting.*

**The ACTING SPEAKER (Ms Beattie)** — Order! That is appreciated. On the bill.

**Mr TREZISE** — The point I am making is that the hypocrisy of members of this government is absolutely

brehtaking. They have promised everything, including the world, to Victoria Police. Now that they are in power they have slashed something like \$65 million from the Victoria Police budget and they have called it a windfall gain for Victoria Police. Slashing \$65 million from the Victoria Police budget has exposed the hypocrisy of this government.

Like the member for Lara, who spoke earlier, I note that the Labor opposition is not opposing the bill, given that most of the ideas reflected in it came from the bill introduced by the Brumby government in 2008. When in opposition, government coalition members opposed the vast majority of the initiatives that were contained in that legislation. Again, that highlights the hypocrisy of members of the government who now bring our ideas into this house and ask us to pass the legislation. As I said, the opposition is not opposing the bill. I therefore wish the bill a speedy passage through the house.

**Ms RYALL** (Mitcham) — I am delighted to rise to speak on the Police Regulation Amendment Bill 2012. This bill amends the Police Regulation Act 1958 and gives effect to the memorandum of understanding between the government, the Chief Commissioner of Police and the Police Association, and it complements the 2011 Victoria Police enterprise bargaining agreement (EBA). The bill goes to the heart of the good EBA outcome and this government's commitment to a modern police force with a modern police administration framework in this state. True to a good EBA outcome it is also the opportunity to have a modern, responsive and accountable police force in this state.

In terms of its detail, the bill establishes the Police Registration and Services Board, which will replace the current Police Appeals Board and will have three divisions: the review division, the registration division and the professional standards division. The review division will determine review and appeal applications lodged by police members and PSOs (protective services officer); the registration division will maintain the police profession register, determine applications for registration and provide advice to the Chief Commissioner of Police about the character, reputation, skills and expertise of people who seek lateral entry into the force; and the professional standards division will provide advice to the Chief Commissioner of Police about the training and qualifications that are necessary for members to be part of a modern and professional police force. The act provides for a new framework for appeals or reviews by that new board.

In terms of the EBA, it really shows that innovation and working together can result in an EBA that provides for productivity improvements and good outcomes for all, not just for police but for taxpayers and indeed for our state's law and order and for our civil society. I most certainly commend the police for the work they do, and I also commend our PSOs for the great work they do in protecting this Parliament, the people within it, our Shrine of Remembrance, our courts and, more recently, our train stations.

I want to briefly address what I would call an appalling contribution by the member for Bendigo East, who is the Labor spokesperson for police and emergency services no less. Aside from her personal attack on the member for Bayswater, much of her contribution was derision. She spoke on a number of occasions about the recent rise we saw in crime statistics in this state, but she failed to make clear that a significant proportion of that rise was due to the increase in reporting of family violence incidents. This has been significantly articulated as a large factor in the rise of those crime statistics.

I personally welcome an increase in reporting in relation to family violence, and I make it clear that it is something I would never discourage women, children or indeed sometimes men from reporting. If increases in family violence reporting pushes up our crime stats, then I say, 'Bring it on', not because I would ever want an increase in family violence but because I welcome an increase in the reporting of family violence. It is something I actively promote in my community in the electorate of Mitcham. We need to build awareness of it in our community and to assist women to feel more comfortable in reporting incidents of family violence. Women and children should be given that protection and the support services they need, which at times can save the lives of women and children.

I am hosting a morning tea for White Ribbon Day in my community in the electorate of Mitcham to increase awareness of violence against women and to encourage men to take that stand to never remain silent or tolerate such destructive impacts on the lives of women and children that occur through family violence. I welcome the fact that women are feeling more able to report family violence, so to draw the very long bow of trying to criticise this government for an increase in crime statistics when much of that increase relates to increases in family violence reporting is nothing short of shameful. Family violence is a scourge on our civil society.

The member for Bendigo East also had a crack at our PSOs, and we have heard much from those opposite

about the PSOs, including comments from the member for Monbulk, who referred to them at one point as 'plastic police'. These are capable people who protect us in this Parliament. They protect our courts, they protect our shrine and they now protect our stations. It is about time that those opposite showed some respect for those people who protect us, help keep our society civil and safe and help maintain law and order in this community.

Coming back to the EBA, what we have seen is that when we have associations and groups that work together to look at innovative ways to improve productivity, we can have success.

**Mr Andrews** interjected.

**Ms RYALL** — I notice the derision coming from the Leader of the Opposition, who may struggle with the fact that occasionally you can get a good outcome for productivity. It is interesting. I am sure the Leader of the Opposition has great insight into productive outcomes but nothing like what we have seen in this EBA outcome — nothing like the great opportunity to bring police back from unpaid leave or other work outside of the force and have them back in the force. These sorts of productive outcomes that we have seen through this EBA are a credit to those involved in its negotiation, and it is certainly in line with this government's commitment to add to the 1700 extra police in this term of government — a commitment that the opposition had to be dragged, kicking and screaming, to commit to as well in the last election campaign. This government has shown good leadership in getting good productive outcomes through working with others to make sure that EBAs can benefit all. I commend the minister and I commend the bill to the house.

**Business interrupted pursuant to sessional orders.**

## ADJOURNMENT

**The DEPUTY SPEAKER** — Order! The question is:

That the house now adjourns.

### **Werribee employment precinct: development**

**Mr PALLAS** (Tarneit) — The matter I wish to raise is for the Minister for Planning. It concerns the Werribee employment precinct. Over the last two years under the government this matter has been languishing in terms of planning and future direction. The action I seek is that the minister provide a public statement confirming that any plans associated with the Werribee employment precinct, including Point Cook West, will

ensure that revenue from sales of state-owned land will be used for the purposes of funding all necessary and associated infrastructure.

The history of this matter is that the residents of Point Cook West have been waiting for quite some time for the government to give a clear exposition of its intentions. The Minister for Planning has made it clear that he intends to progress what was in effect Labor's policy at the time of the last election. We have not heard anything from this government in regard to the policy, but nonetheless I am pleased to see that some action has been taken in a planning sense.

Unfortunately what we are also seeing is that this government is intent on making a windfall profit through the sale of land, but it is not directing or committing to the infrastructure that would be necessary to build communities around that land.

The Growth Areas Authority is due to release its draft plans by December. That will make it two years, as I have said, into the government's term. Still the community is unaware of governance proposals, job targets, overall project aims, composition and community input opportunities. The only plan so far has been to apply to the federal government to help provide half of the funding for a diamond interchange at Sneydes Road. Real estate experts have estimated that the windfall gain from the land sales at Point Cook West alone could be \$100 million — and that area is less than 15 per cent of the total Werribee employment precinct. The Growth Areas Authority draft precinct structure plan for Point Cook West released in December 2011 gives an indicative cost for the Sneydes Road and Princes Freeway interchange of \$60 million, and a further \$20 million is required for other arterial road improvements. It is evident that this interchange is necessary.

With 5800 more residents coming into Point Cook West, it is evident that the government needs to make an announcement and provide an assurance to the community that the revenues arising as a consequence of the sale of state-owned land will, as a priority, be directed towards providing for the infrastructure necessary to build communities rather than being directed into consolidated revenue.

### **Traralgon sports facilities: ministerial visit**

**Mr NORTHE** (Morwell) — I rise to seek action from the Minister for Sport and Recreation. The action I seek is that the minister visit the Morwell electorate to speak with some of our local sporting organisations, view our local sporting facilities and view some events happening within our region. In particular I wish to

refer to some of the activity that is occurring around the Traralgon Recreation Reserve. A number of stakeholders operate their sporting clubs out of that precinct.

Unfortunately in June of this year Traralgon Recreation Reserve was flooded, and a number of clubs were impacted upon. They include the Ex-students Cricket Club and the Traralgon Football Netball Club. I know both those clubs are very grateful to the minister for supporting emergency sport and recreation equipment grants, and I know they would like the opportunity to thank the minister for providing those grants. In particular Steve Domotor from the Ex-students Cricket Club was very strong in his endorsement of that project. In the Traralgon Recreation Reserve precinct, through a minor facilities grant, the state government provided \$100 000 for the Ex-students Cricket Club and TEDAS Junior Football Club to develop new clubrooms. TEDAS Junior Football Club does not have a home as such, so this was a very important project for that club.

In addition, the state government has provided \$400 000 to upgrade and resurface 24 courts at the Traralgon tennis complex. I know the minister has visited the tennis court complex previously, but he has not seen the finished product. The Traralgon Tennis Association is very keen to get the minister back down there to view the new facilities and also potentially to have a look at some of the sporting events that are occurring there. We have just had the international tennis pro circuit event, which benefited from \$5000 in funding through the Significant Sporting Events program. I know that Graham Charlton and the team down there are very keen to see the minister come back. Hopefully we can get the minister down there later this month.

The state government has provided \$15 000, and Basketball Victoria has been provided with some funding in support of the 2012 Pacific Youth Basketball Championships to be conducted in Churchill in late November. This is a very important event. If the minister has time, he can come past and see the Glengarry netball and tennis courts, for which the government provided \$50 000 in funding. There is also the Traralgon Tyers United Football Netball Club, which has been the beneficiary of \$50 000 for new change rooms. Also the Tyers soccer club has benefited from \$20 000.

### **Schools: restraint and seclusion practices**

**Mr BROOKS** (Bundoora) — I wish to raise a matter for the attention of the Minister for Community Services. The specific action I seek from her is that she

provide to any member of Parliament who wishes to attend a briefing on the recommendations of the Victorian Equal Opportunity and Human Rights Commission relating to restraint and seclusion practices in the education system. Members will be aware that in September and August this year there have been two reports, one by the Victorian Auditor-General's Office and another by the Victorian Equal Opportunity and Human Rights Commission, that have highlighted serious issues facing students with disabilities and special learning needs in our education system. The government has yet to adequately respond to these issues in the public arena.

The September 2012 report of the Victorian Equal Opportunity and Human Rights Commission entitled *Held Back — The Experience of Students with Disabilities in Victorian Schools* devotes an entire chapter to its concerns relating to the use of restraint and seclusion practices on students with disabilities in Victorian schools. The report sets out some fairly concerning reports from parents, unsubstantiated as they are, in relation to the use of practices such as the taping of students to chairs, the use of ropes to get children out of trees, children being locked in rooms and children being sat on chairs for hours on end. These are very serious issues, and the report of the Victorian Equal Opportunity and Human Rights Commission suggests that the Office of the Senior Practitioner, which is within the minister's department, should be responsible for the regulation of restraint and seclusion practices in schools to protect children's rights, just as it already performs that role in relation to adults with disabilities. That seems to be a fairly sensible recommendation that the commissioner has made.

While I have made inquiries of the minister's office about the possibility of a briefing, her chief of staff has indicated that no briefing is forthcoming. It would be helpful for all members of this house to have the opportunity to discuss this recommendation with the senior practitioner in order to understand some of the issues that would be involved in extending the functions of his office to protect students in our school system. I hope the minister understands that this issue is too important to play party politics with. Members of this house on both sides would have a high level of interest in ensuring that students in our schools have the proper protection of the Office of the Senior Practitioner. I hope the minister is able to make sure that all members are able to attend a briefing on this important area of school policy.

### Ashwood College: redevelopment

**Mr WATT** (Burwood) — My adjournment matter is for the Minister for Education. The action I seek is that the minister visit Ashwood College following the completion of its redevelopment to open the new school. I thank the principal, Kerrie Croft, the teachers, members of the school council led by the president, Mariette Tuohey, parents and students for their continued efforts to make sure that Ashwood College is a school the whole community can be proud of and for their long struggle to upgrade their facilities.

In June 2010, I wrote to the then Minister for Education, the previous member for Melbourne, seeking essential funding for Ashwood College to be rebuilt. My request was ignored, and the previous government committed no funds for construction. In November 2010, before the last election, I was pleased to be able to commit \$10.5 million to redevelop the school with the now Minister for Education. On behalf of the Burwood electorate, I thank him for his ongoing support.

In 2012 the second budget of the Baillieu government recognised the needs of Ashwood College, and funding was provided for the \$10.5 million college redevelopment. After extensive planning, consultation and preparation with the school and the Department of Education and Early Childhood Development, the Baillieu government was able to deliver on its 2010 election commitment, one of its major policy initiatives for the redevelopment. Last month the tender was awarded for the Ashwood College buildings modernisation project. The first phase of works begins this week, which is a fantastic result for the community. The Baillieu government's \$10.5 million investment into the redevelopment will provide state-of-the-art facilities for local students and put Ashwood College at the forefront of secondary schooling in the region.

The project will deliver welcome additions to the school, and it follows on from the new science centre which was completed last year. Residents from the Burwood area will benefit from the construction of a new administration area, learning areas and a gymnasium. This is a significant investment in the infrastructure of Ashwood College, and I am pleased that the development has commenced so rapidly. I am very enthusiastic about the future of the school and its students. After years of hard work the redevelopment is a great outcome for our local community and brings to an end the long wait that the Ashwood College community has had to endure over a number of years.

I met with school council president Mariette Tuohey at the school last week and discussed the project's progress, amongst other things. I look forward to visiting the school at the earliest opportunity to meet with principal Kerrie Croft and students to discuss the progress of the works. I understand the minister's ongoing commitment to education, and I ask him again to visit Ashwood College following the completion of capital works to open the new school.

### Western suburbs: school entrant health questionnaire

**Mr NOONAN** (Williamstown) — I wish to raise a matter for the Minister for Education. The action I seek from the minister is for him to guarantee adequate funds to ensure that all prep students across the western metropolitan region are issued with the school entrant health questionnaire and that all students who are identified by this questionnaire as having a health issue are able to attend a health check with a nurse through the primary school nursing program before the end of 2012.

The school entrant health questionnaire is an essential tool in the health care of Victorian children. Since its inception in 1997 it has gathered the important health information of hundreds of thousands of prep students. The purpose of the questionnaire is to provide early identification of students who may have health issues, including epilepsy, autism or behavioural or speech problems. These are conditions that are best treated by early preventive intervention.

Melbourne's west is home to a higher than average number of children with high-level health and behavioural needs. It is also home to a high number of new arrivals, with approximately one-third of refugees who settle in Melbourne settling in Melbourne's north or west. I recently spoke with a nurse who is responsible for examining these questionnaires and identifying students who require assistance with their health. Astonishingly I was told that 2012 would be the first year the primary school nursing program would be unable to visit all schools in the western metropolitan region. It is estimated that 18 primary schools in Melbourne's west may miss out on this essential service, resulting in approximately 1200 prep-aged students missing out on a face-to-face nurse's examination.

It is difficult to understand why the government would not provide adequate funds or resources for one of our state's most successful preventive health programs. Even more incomprehensible is why the government would choose not to adequately resource this program

in Melbourne's growing west, a region that has a higher than average number of families that have a language background other than English or that live in an area of socioeconomic disadvantage — two factors that the questionnaire has identified as increasing a child's risk of having a significant health issue. It is also disappointing that parents do not know which 18 schools are going to miss out on this service. The fact that 18 schools would miss out was only exposed through a recent article in the *Herald Sun* newspaper.

The health of our children should not be the subject of a lucky dip. This is simply unacceptable. If the Baillieu government can find money for the Jamie Oliver Ministry of Food program, it should be able to find the funds to perform basic health checks on prep-aged children. We are now within weeks of the end of the school year and time is running out for the students in Melbourne's west. If these schools cannot be reached prior to the end of the school year, the students who miss out must be prioritised in 2013.

### **Carnivale Wodonga: funding**

**Mr TILLEY** (Benambra) — I wish to raise a matter for the attention of the Minister for Tourism and Major Events. The action I seek from the minister is that she support funding applications for the 2013 Carnivale Wodonga. The inaugural Carnivale Wodonga was held in 2006 as part of the Commonwealth Games celebrations. Since then the event has been held annually over the March long weekend, with a different theme each year.

The 2013 theme will celebrate diverse cultures and flavours of the world. The city's vision is that the event be recognised as one of the top 10 cultural festivals in regional Victoria. In 2012 an estimated 18 000 people attended the festival. Of the total audience, 13 per cent were from destinations further than 100 kilometres from Wodonga. The City of Wodonga estimates that the festival generated approximately \$600 000 in economic impact.

Next year's festival will include a variety of activities that celebrate the various national cultures associated with the local population. The festival will aim to break down any barriers to new migrants being part of the local community. It also aims to foster the creative capacity of the community, which you can see when you look at the plans for arts activities which are taking place at The Cube Wodonga — which was recently opened by the Premier of Victoria — in the lead-up to the event in March.

On Saturday, 9 March, between 9.00 a.m. and 1.00 p.m. the Carnivale Market Day will be held, and going into the evening will be the Carnivale Wodonga Street Festival, which will feature food vendors, interactive art stalls and the presentation of the City of Wodonga's wearable art awards. There is a first prize of \$1000 for a complete wearable art outfit. There is also a prize for extravagant headwear. An interesting one is the brazen bra award, which comes with a \$250 prize. I think it is a case of come one, come all.

**Ms Duncan** — What's a brazen bra?

**Mr TILLEY** — The member for Macedon can come and bring her brazen bra and be in the running for a \$250 prize. A fourth category is the flash trash cloak, which is to be developed out of recycled items of clothing. That award carries another \$250 prize.

Having been a participant in the festivities during Carnivale in past years, and given the diversity of the city of Wodonga, I can say this is certainly an event worth supporting. In addition, I extend a strong invitation to the minister to come and join us that weekend and participate in what will be a great time out for one and all.

### **Hockey: Geelong facilities**

**Mr TREZISE** (Geelong) — I raise an issue for the Minister for Sport and Recreation, who I note is in the house tonight. The action I seek from the minister is for him to fully fund a proposed second synthetic hockey pitch at the Geelong regional hockey centre, which of course is in the city of Geelong. For the information of the house and the minister, the Geelong hockey centre, located at Stead Park, currently has one pitch that was completely upgraded in 2008 — and I had the pleasure of attending the opening of it, given that the previous state government contributed funds to that upgrade. In seeking this funding commitment from the minister, I also point out that Geelong has a long and proud history in hockey that stretches back to 1910 when, I think, a women's competition was organised. If my maths is right, it is 102 years since participation in hockey first commenced in Geelong.

Today in Geelong there are around 500 senior players and at least 300 junior players who use the Geelong hockey centre in any one week. The pitch is therefore well and truly utilised during the weeks. On weekends games commence early on Saturday morning and finish late Sunday night at around 8 o'clock or 9 o'clock. There are also weekday games, training and, importantly, a schools program. The current facility caters for the Greater Geelong region, including the

Bellarine Peninsula and Surf Coast. The development of the centre to include a second pitch will greatly assist the development of hockey across the Geelong region. It will increase the opportunity for current players to participate more and provide an ability to recruit new players, especially younger players. The proposed project will cost around \$1.8 million, as I understand it, and will involve the installation of a second synthetic pitch. It will also include a modification to the existing drainage and floodlighting and further fencing.

Without mentioning names, I would like to take this opportunity to congratulate the members of the committee of management of Hockey Geelong on the work they do, which includes the development of this proposed project. I also commend the sport and recreation department of the City of Greater Geelong for the support it is giving to this project. I look forward to the minister's action on this important matter.

### **Forest Hill electorate: Treasurer's visit**

**Mr ANGUS** (Forest Hill) — I raise a matter of importance for the attention of the Treasurer. The action I seek is for the Treasurer to come to the electorate of Forest Hill to meet with some of the residents to provide an update on the state of Victoria's finances and the work being undertaken by the government to ensure that the Victorian economy remains strong.

The electorate of Forest Hill is home to many very hardworking individuals and families who continue to be deeply concerned about the ongoing cost of living pressures they are experiencing, particularly financial pressures caused as a result of not only the federal government's carbon tax but also the recent significant federal government cuts made to the Victorian state budget. I note that these most recent cuts are in addition to the previously announced multibillion-dollar cuts to the GST distribution that affects Victoria.

Forest Hill residents who are retirees and pensioners are also experiencing adverse financial consequences resulting from the federal Labor government's inability to responsibly manage the economy and its direct impact on Victoria. Residents continue to contact my office on a regular basis regarding their concerns about the cost of living pressures they are experiencing and their ongoing concern regarding the adverse impacts that the federal government's carbon tax and economic mismanagement are having on household budgets. Forest Hill residents would be pleased to hear from the Treasurer about action that has been taken by the state government to protect the Victorian economy and to help ease these financial pressures.

During the last two years many residents have also been alarmed as they have seen report after report from either the Ombudsman or the Auditor-General tabled in the Victorian Parliament which show the financial incompetence of the previous Labor government and the consequent adverse financial impact this has had on all Victorians. Examples include the blow-out of numerous IT projects undertaken by the previous state government which resulted in hundreds of millions of dollars of Victorian taxpayers money being wasted on flawed projects. The residents of Forest Hill would welcome the opportunity to be further informed of the litany of waste and incompetence detailed in these reports and to hear from the Treasurer in relation to the direct impact these events have had on the Victorian economy.

I welcome the opportunity to meet with the Treasurer. I look forward to the Treasurer's visit and to him taking the opportunity to meet with some of the residents of the electorate, to hear from them about matters of concern and to provide an update of the work being undertaken by the state government to keep the Victorian economy growing and strong.

### **Students: education conveyance allowance**

**Ms DUNCAN** (Macedon) — The matter I raise is for the attention of the Minister for Education. The action I seek is for the minister to ensure that students in my electorate who are receiving or who would be eligible to receive an education conveyance allowance (EMA) or have access to a school bus continue to have these things.

Recent changes to eligibility criteria will mean that many parents will not be eligible to receive the conveyance allowance either because they are not in receipt of the EMA or because it is deemed that there are alternative means of getting to schools. One means of getting to Salesian College Rupertswood in Sunbury, for example, from Woodend, Macedon or Gisborne is by taking a V/Line train to Sunbury. The problem is that the train service will no longer stop at Sunbury, so a whole lot of students will either get to school an hour early or after school has started.

Students attending Braemar College who pool their conveyance allowances to enable the provision of school buses will no longer have their allowances to pool because most of those students do not receive the EMA. Many students will be up for more than \$2000 per year in order for a bus to be provided. There is no public transport. Currently those same buses stay on the school grounds throughout the day. Braemar College is situated on top of Mount Macedon, which is

in one of the most fire-prone areas in the state. In the event of fire those buses enable students to be evacuated as required. If there are no buses, no evacuation is possible.

Students who attend Candlebark School, which is run by the renowned author John Marsden, have no access to public transport either. Similarly, the students at Candlebark School rely on their parents pooling their conveyance allowances for the provision of buses. Of the 113 students who attend Candlebark School only one student does not catch a bus. Parents will be up for thousands of dollars to provide transport for their children.

There are no alternative means of getting to schools unless parents are available to drive students to and from school. That is a luxury for many families. There is a public transport website for parents to check whether their children's journey to school can be made using public transport. This ever-helpful site provides the following information: a student from Braemar College travelling from Gisborne to Mount Macedon Road in Woodend can access a bus that would take them to Macedon Avenue in Balwyn North or Templestowe Lower. That is not particularly helpful.

Changes to the way schools are classified is another problem. Ecumenical schools are classified in the same way as parent-controlled Christian schools. Bacchus Marsh Grammar is an example of this problem. Students attending government schools who are not in receipt of the EMA will similarly be impacted upon. The government's family statement says Victorians deserve to have access to services and opportunities wherever they live, but apparently this does not apply if they live in regional Victoria.

Many parents make great sacrifices to send their children to schools they believe best meet their needs. In many cases these changes are equivalent to a 20 per cent increase in school fees. Parents make long-term commitments, and these rules changes may mean that students will need to change schools. Some schools may become unviable. The minister must take action to ensure that this will not become the case. The conveyance allowance is not a luxury; it is a necessity in regional Victoria.

### **Housing: Sandringham electorate**

**Mr THOMPSON** (Sandringham) — I raise a matter for the attention of the Minister for Housing. The action I seek is that the minister visit the Sandringham electorate and meet with a number of residents of some of the public housing estates within the electorate.

Sandringham has a diverse range of housing. A long time ago the land known as Moyseys Run included large acreages in the district. This followed the development of the railway line to both Mentone and Sandringham and the construction of railway stations and led to the subdivision in the district. One dominant characteristic of the Sandringham electorate is that the level of detached residential housing development contrasts with that of inner Melbourne. In recent years, as a result of urban consolidation and the opening up of brownfield sites, a change of housing mix has been proposed within the electorate. Tracts of land in Cheltenham, Highett and Mentone, and off Bay Road in Sandringham and in Hampton, have plans for redevelopment under way, particularly unit development.

In the post-war period a large stock of war homes were developed, and a number of those are now occupied by public housing tenants. The Dunkley Fox housing estate in Highett is one where there has been a good development close to public transport. I commend the vision of state planners who placed developments such as these — either the CSIRO site in Highett and even the public housing estate in Highett — proximate to sporting ovals, public transport, shopping facilities and major or principal activity centres that have provided access to good services within the district. Over the years there have been some good programs on the Highett estate, including homework clubs, vegetable growing clubs and art activities. Also, different levels of work have been undertaken by the tenants association to engage with the local community.

What I seek is an opportunity for the minister to visit the range of housing options within the Sandringham electorate that the government manages and controls, and not only to review what opportunities there may be in the future for development and redevelopment but also to consolidate the range of activities that take place within the estates at the present time to improve amenity and quality-of-life outcomes and to improve public housing estates within the Sandringham electorate.

### **Responses**

**Ms ASHER** (Minister for Tourism and Major Events) — The member for Benambra has spoken to the house about funding for the Carnivale Wodonga festival. He requested funding for the festival, which is to be held between 8 and 10 March 2013. The member is a longstanding advocate for tourism in his electorate. Indeed he is well aware of the economic impact tourism generates in regional areas, and in particular in his own patch. On many occasions over the past two years he

has invited me to his electorate to make sure that I also understand what is available there and how there could be some opportunities for betterment.

I am delighted to advise the member for Benambra that the government will provide \$10 000 to the City of Wodonga to help market the 2013 event. As the member has indicated, figures provided by the City of Wodonga reveal that 18 000 people attended the 2012 event, and 13 per cent of those attendees were from outside the region. As all members of the house would know, the latter are the ones who generate the greater economic impact, and obviously they are the ones that this advertising money will be targeting.

It might interest other members to know that the Viva Bonegilla event will close the weekend. This event will celebrate the history of the Bonegilla Migrant Centre in Wodonga. The member for Benambra has been a very strong supporter of the migrant experience centre. Indeed I recall an event in Queen's Hall not so long ago which promoted the Bonegilla Migrant Experience Heritage Park, at which the member was extremely prominent. The funding will come from Tourism Victoria's events program, and this will help to build on the attendant success and promote the event to a wider audience, including regional New South Wales. The funding will be used for print marketing in local and Melbourne media, television advertising in regional Victoria and New South Wales and radio advertising in New South Wales. I thank the member for the way in which he raises tourism issues with me and his advocacy for his electorate.

**Mr WELLS** (Treasurer) — I am very pleased to address the request of the member for Forest Hill to visit his electorate and meet with some of the residents in his area. I want to comment on the hard work of the member for Forest Hill. As a forensic accountant he has a great interest in finance and a strong knowledge of accounting and its standards. It would be a pleasure to outline to the people of Forest Hill the financial and economic issues that the Baillieu government had to deal with on coming to government. It would be a pleasure to explain to the people of Forest Hill the massive blow-out in costs with regard to major projects; I think the people of Forest Hill would be fascinated to hear about that. I also look forward to explaining to them in greater detail the fact that the previous government had expenditure growth of 7.3 per cent but revenue growth of only 6.9 per cent. I look forward to further explaining what we had to do as a government to bring the budget back into balance. Expenditure is now growing at roughly 2.9 per cent over the forward estimates.

I will explain to the residents of Forest Hill why we had to make some tough but ultimately correct decisions. I will also explain to the people of Forest Hill our response to the significant increase in the back office of the Victorian public service. The reason we are doing this is to increase funding for front-line services such as protective services officers, police and nurses. I will also go to great lengths to explain the fact that 25 500 jobs have been created since the government came to office. In addition, I look forward to explaining to them that the AAA credit rating has been confirmed and has a stable outlook. I will consider all those issues. I will be very happy to explain all this at great length to the people of Forest Hill and look forward to the visit.

**Mr DELAHUNTY** (Minister for Sport and Recreation) — Firstly, I will respond to the matter raised with me by the member for Geelong in relation to the City of Greater Geelong's request for funding under the Victorian government's community facility funding program, and I thank the member for raising this very important matter.

As the member said, Geelong has a very long and proud history in sport, and I know he has been strongly involved in that. I remind the member that the Australian Masters Games are to be held in Geelong next year, and I am sure he will participate in them. It will be a big event. The member for Geelong highlighted the fact that the City of Greater Geelong is looking for some support for a second synthetic pitch at the soccer club — —

**Mr Noonan** — Hockey.

**Mr DELAHUNTY** — Hockey, that is right. The Geelong regional hockey centre at Stead Park, Corio, is a very important facility, and the member knows I am very supportive of it. One of my key priorities is to have more people more active more often. To achieve this priority we are focused on delivering active and healthy communities. The member would know, like a lot of people in this place, that it is very important to push people to be more active, to get them away from the TV and computer games and involved in sport and recreation.

To have active and healthy communities we need facilities, and I am pleased to see that the City of Greater Geelong has put in an application for funding that is in the process of being assessed. It is important to note, as I outlined last year, that the coalition government has been talking to communities and councils regarding the mounting financial pressure on the government in delivering sporting infrastructure facilities.

We on this side of the house not only talked to communities and councils but we also listened to them and, most importantly, we acted. The coalition government has increased the grant threshold under the community facility funding program. For minor facilities we increased the maximum grant value from \$60 000 to \$100 000. For major facilities we increased the maximum grant value from \$500 000 to \$650 000. According to the member, that is what the council has applied for. The government is also focused on key platforms, including increasing participation, women in sport, our youth and delivering accessible facilities, and that is what the member spoke about here tonight.

I thank him for raising this matter with me. The hardworking member for South Barwon has been very active in talking to me about this matter, and he has also written me a letter about it. However, I do not recall receiving a letter of support from the shadow Minister for Sport and Recreation, who is the member for Lara, in relation to this project. I congratulate the member for Geelong, the member for South Barwon and others who have written to me about this very important project. As the member for Geelong would be aware, the major facilities component of the community facility funding program is now closed, and I am looking forward to announcing successful projects in the near future.

I thank the member for raising this matter, because, as he said, it is very important not only for the Geelong community but also for the shire of Surf Coast and the Bellarine Peninsula area. I think he said it covers 500 senior players and 300 juniors. As we know, right across Victoria there is enormous pressure on facilities. One way we can relieve that is by providing synthetic hockey pitches and putting up lighting, and the member spoke about that. We can increase the windows of use and facilitate greater usage. With those numbers and its being a regional hockey centre, this will be very important not only for the Geelong community but also for the region down there.

The member for Morwell spoke to me about visiting his electorate. I have to congratulate the member for Morwell; I know he is a very hardworking and active member of his community. He is leading by example in relation to sporting activities — not only him but also his wife, who is a good runner and golfer, and his children, who I know are also very active in sport. He leads from the front in relation to this. He has asked me to come down there and have a look at the developments that have been undertaken since we began the funding over the last couple of years, including through the minor facilities grant that went to the TEDAS Junior Football Club and the Ex-Students

Cricket Club. Steven Domotor, who is a very active member there, has spoken about the funding that came out of the minor facilities grant.

I was very pleased to be able to announce \$400 000 last year to upgrade the courts at the Traralgon tennis court complex. That was an election commitment provided under the major facilities grant. I went there before the work started, but I have not had an opportunity to go back there. The Traralgon Tennis Association is a real leader in that country community, not only providing opportunities for local people but importantly also attracting some of the best players in the world. I think Roger Federer played tennis there in his early days. It gives young people the opportunity to play against some of the best in the world. As I always say, it is about providing opportunities and getting community benefits from the money we spend.

The member for Morwell also spoke about the Significant Sporting Events program. This is a small grants program that we have to attract top-line players to compete against locals in regional sporting events. Not only does it have a sporting impact, because local players get the opportunity to play against the best, but it also has a significant economic benefit for communities. I would love to go and have a look at the Glengowrie basketball facilities. As a former basketball player I have a soft spot for them, and I always try for the best of three there.

I say to the member for Morwell that I accept his invitation, and I know he will work with my office to arrange a suitable day for both of us to get down there. I want to see the very good work he has been doing as a local member and more importantly to see the upgraded facilities and go through the flood program and the emergency grant. Whether they be small or large grants, they all have a big bearing on facilities for country communities. Congratulations to the member for Morwell for his active participation and advocacy for his community, and I look forward to visiting his electorate.

**Ms WOOLDRIDGE** (Minister for Community Services) — I thank the member for Bundoora for his question and comments this evening. The issues in relation to restraint and seclusion in the education system as part of the Health Act 1958 report are important issues that have been raised by the Victorian Equal Opportunity and Human Rights Commission. They certainly warrant some serious consideration in relation to how people with disabilities are treated and the opportunities they have within the education system.

The member for Bundoora approached my office on 1 November in relation to receiving a briefing. My chief of staff responded to him within a day — which I think is a very good response rate from the office — in relation to providing him with information. It was very clear in our response that the Office of the Senior Practitioner has no role in the monitoring of restraint and seclusion in the education system and that it is not appropriate to seek that office's advice on policies administered by another department. You cannot be clearer than that. The message was that the issues canvassed in the report are the responsibility of the Department of Education and Early Childhood Development, and obviously the Minister for Education is responsible for those policies.

We had, then, the member for Bundoora, as the parliamentary secretary to the shadow Minister for Education, getting a very clear message that if a briefing is to be sought, it should be sought from the Minister for Education, but here we are, 11 days later, and that request has not been made to the Minister for Education's office. Instead the member has chosen to raise it in the house. The member says in his email:

As the briefing request relates to quite serious matters, I would appreciate your assistance in organising this as soon as possible.

If the member were genuinely serious about organising the briefing as soon as possible, you would have thought that request would have been made 11 days ago, when he received the very clear message that the matter was the responsibility of the Minister for Education. As the member himself said, it is a recommendation of the commission's report that the Office of the Senior Practitioner should be responsible; however, that is a very different point from saying that the Office of Senior Practitioner is responsible.

The fact is that in relation to government — and I know it has been two years since those opposite have been in government, but these things do not change — information needs to be sought from the responsible department and minister. The recommendation made at the time was that if the member was genuinely interested in this briefing, he should request that briefing from the appropriate minister, the Minister for Education.

**Mr DIXON** (Minister for Education) — The member for Burwood asked me to visit Ashwood Secondary College on the completion of works at the school, and I am more than happy to do that. It is important to note that the member for Burwood has been a great advocate. The work that really needed to be done at the college had been neglected by the

previous government. We offered \$10.5 million to do those necessary works to complement the great work that is going on in that school, and the member for Burwood did not let up until that \$10.5 million was in the budget. I was pleased to find out that those building works are literally about to start today. That is great news for that school community, which has been battling long and hard for that. I congratulate the member for Burwood on that outcome, and I look forward to visiting the school. I have been there a couple of times, and I look forward to going there, either to open the works — if I am asked to open them — or to be there at the opening and to have a look at progress along the way. I thank the member for that, and I look forward to visiting.

The member for Williamstown raised with me the important school entrance health questionnaire. It is very important that we know the issues pertaining to young students, even before they come to school, and that is why we need to have a smooth transition and exchange of information between preschool childhood services and schools as those students move into schools. The earlier we look at finding health problems, the better it is for the child in terms of early intervention, which prevents a lot of social, academic and health problems later on. The questionnaire is voluntary, and obviously when things are voluntary you cannot guarantee results; it is up to schools whether they want to participate in the questionnaire or not. There has been no change in funding for the questionnaire or for the people who provide the follow-up services after the questionnaires have been returned. If there is a specific case of a school that is receiving a service this year but is not to receive it next year, for example, I will be more than happy to follow up on those specific examples.

The member for Macedon raised a couple of issues with me regarding the education conveyance allowance and its effect on students from Salesian College, Braemar College and Candlebark School. One is the denomination issue. That is a separate issue to decisions that have been made about the conveyance allowance. The denomination issue is something that is being followed up now by the department. We are in consultation with affected schools on an individual basis but also with their peak body. In fact we met with the peak body as recently as Monday afternoon on this issue. That issue is being followed up separately, and no decision has been made on it.

The conveyance allowance program has been in place in Victoria for many years, but it has not been reviewed since 1983. Obviously a lot has changed since 1983, and we have now reviewed the conveyance allowance.

It is very important that the conveyance allowance remain sustainable and that it has a sound financial footing. That is why we have gone through the process that we have gone through over the last more than 18 months, because this was announced in last year's budget.

This government certainly values choice in education, and it has put its money where its mouth is. We allocated \$239 million of extra funding for non-government schools, so they have enjoyed a great increase in funding from this government. I also encourage not only the member for Macedon but also many members of the opposition to talk to their colleagues in Canberra because the federal government is the largest funder of non-government schools. Under the Gonski arrangements as they stand, many of our non-government schools will suffer quite badly. I am standing up for all schools against the federal government, and I look forward to members opposite standing with me against the likely outcomes of Gonski, given the little advice that we have actually received so far from the federal government.

It is important to note also on the conveyance allowance that there are grandfathering arrangements, so children who currently receive the conveyance allowance will continue to receive it until they change schools, move home or move from primary to secondary school. That was something that we were asked for during our consultations. We were told that it was very important, and we have certainly delivered on that.

**Mr McINTOSH** (Minister for Corrections) — The member for Sandringham raised a matter for the Minister for Housing, with a request for her to visit residents of housing estates in the Sandringham electorate. I will ensure the minister responds to the member.

The member for Tarneit raised a matter for the Minister for Planning in relation to the Werribee employment precinct. I will ensure that the minister is given details of the action that is sought by the member for Tarneit.

Both the Minister for Housing and the Minister for Planning are in another place, but all matters that were raised by members for ministers in this house have been responded to. This is in stark contrast to what happened under the former government, when ministers rarely responded except by letter and those responses usually were late.

**The DEPUTY SPEAKER** — Order! The house stands adjourned until tomorrow.

**House adjourned 10.49 p.m.**

