PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-SEVENTH PARLIAMENT

FIRST SESSION

Thursday, 24 March 2011

(Extract from book 4)

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Legislative Council standing committees

Economy and Infrastructure Legislation Committee — Mr Barber, Ms Broad, Mrs Coote, Mr Drum, Mr Finn, Ms Pulford, Mr Ramsay and Mr Somyurek.

Economy and Infrastructure References Committee — Mr Barber, Ms Broad, Mrs Coote, Mr Drum, Mr Finn, Ms Pulford, Mr Ramsay and Mr Somyurek.

Environment and Planning Legislation Committee — Mr Elsbury, Mrs Kronberg, Mr Ondarchie, Ms Pennicuik, Mrs Peulich, Mr Scheffer, Mr Tee and Ms Tierney.

Environment and Planning References Committee — Mr Elsbury, Mrs Kronberg, Mr Ondarchie, Ms Pennicuik, Mrs Peulich, Mr Scheffer, Mr Tee and Ms Tierney.

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

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

Joint committees

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

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

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

Family and Community Development Committee — (*Council*): Mrs Coote and Ms Crozier.

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

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

Scrutiny of Acts and Regulations Committee — (*Council*): Mr O'Brien and Mr O'Donohue. (*Assembly*): Ms Campbell, Mr Eren, Mr Gidley, Mr Nardella and Mr Watt.

Heads of parliamentary departments

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FIFTY-SEVENTH PARLIAMENT — FIRST SESSION

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Koch, Mr David Frank	Western Victoria	LP	Tierney, Ms Gayle Anne	Western Victoria	ALP
Kronberg, Mrs Janice Susan	Eastern Metropolitan	LP	Viney, Mr Matthew Shaw	Eastern Victoria	ALP

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THURSDAY, 24 MARCH 2011

Thursday, 24 March 2011

The PRESIDENT (Hon. B. N. Atkinson) took the chair at 9.34 a.m. and read the prayer.

PAPERS

Australian Crime Commission — Report under section 31 of the Crimes (Assumed Identities) Act 2004, 2009–10.

Judicial Remuneration Tribunal Act 1995 — Report No. 1 on Judicial Allowances and Conditions of Service, November 2010.

Planning and Environment Act 1987 — Wyndham Planning Scheme Amendment C93.

Safe Drinking Water Act 2003 — Report on Drinking Water Quality in Victoria, 2009–10.

Sustainability and Environment Department — Report under section 30L of the Surveillance Devices Act 1999, 2009–10.

MEMBERS STATEMENTS

Industrial relations: minimum wage

Mr SCHEFFER (Eastern Victoria) — The Baillieu government has disappointed many families right across Gippsland with its decision not to support minimum wage increases in its submission to Fair Work Australia. This is another broken promise that the working families of Gippsland, many of whom struggle to live on low wages, will not forgive.

Around a quarter of Gippslanders live on their own and around 10 per cent are single-parent households — usually women who scrimp and save to raise a family and somehow make ends meet. Unemployment in Gippsland, especially around Morwell and Moe, is higher than the state average and consequently people live on very little. Along with other Victorians who live in regional areas, Gippslanders have poorer health outcomes than those who live in cities, and this is largely because they are poorer. Also, participation in tertiary education and skills training is lower than for many other parts of Victoria.

The Baillieu government trumpeted its concerns for families in last month's Victorian families statement and has repeatedly bleated its concern over the rise in the cost of living and the impact on families. The fact is that the Baillieu government has refused to step up for Gippsland families, and Liberal and Nationals MPs are chillingly silent. The government has failed to argue for an increase in wages for Victoria's lowest paid workers, has taken away family time and fair pay for retail workers on Easter Sunday, and has made unacceptable pay offers to teachers, nurses and police, many of whom live in Gippsland. The Baillieu government has been totally inactive in the face of 114 Telstra call centre workers losing their jobs. It is a disgrace.

William Ruthven Secondary College: achievements

Mr ONDARCHIE (Northern Metropolitan) — I would like to report to the house my visit on Tuesday, 8 March, to William Ruthven Secondary College on Merrilands Road in Reservoir. The college opened as a result of a merger between Lakeside Secondary College and Merrilands College in 2010 and it is currently in the process of building business and vocational relationships with other educational institutions.

On my tour of the school I met principal Karen Money, who is doing a fantastic job, middle school leader Paul Johnson, assistant principal Felicia Kokinos, senior school leader Samantha Prow and business manager Angela Campbell. In addition to the staff I met some fantastic young students, particularly Adam, Gupreet, Holly, Koula and Makarius.

In 2010 the college appointed a strong new leadership team, including a new principal, and designed a new logo, commenced a new curriculum and adopted a new uniform. The former colleges were left stranded by the former government, and on the advice of the former government they started a planning process for new buildings — buildings that did not have any funding allocated by the previous government. But the staff and the great students are doing a great job, and I wish to record my congratulations to Karen Money, her leadership team and the students for the time they took and their enthusiasm during my visit, which opened my eyes to the fact that they were neglected by the former government.

Princes Freeway, Morwell: closure

Mr VINEY (Eastern Victoria) — I rise to express my absolute outrage at the failure of the Baillieu government to take any reasonable action on the road closure on the Princes Freeway, which is diverting all of the traffic from the Princes Highway through the main street of Morwell. The reason for expressing my concern and outrage is that no minister has bothered to come down and have a look, the community has not been informed about what the government intends to do and local media have attempted to get responses from ministers, including the Minister for Public Transport, Mr Mulder, and have had absolutely no response. The community has been left in the dark. It is not being told how long this road closure is likely to be in place.

Initially officials said three months. We have no further information. There are no plans in place. There is no traffic management plan in place, but there are articles speculating about all sorts of alternatives and there has been no official government response or advice to the community. It is time the Baillieu government accepted the result of the election and acted like a government.

Mental health: online petition

Mr FINN (Western Metropolitan) — We all know how important mental health is as an issue, and I think we are aware of how desperate many affected by mental illness can be and often are, so it is particularly despicable that a petition that has come to my attention — a petition on the internet — takes advantage of this very vulnerable section of our community. This petition reads:

> I call on the Legislative Assembly of Victoria to increase the budget for mental health to 14 per cent of the health budget to match the mental health burden.

Putting aside that that does not make a great deal of sense, that petition cannot be presented to anybody. Neither house of Parliament would accept the wording of that petition. This is clearly an attempt by an organisation known as GetUp to misleadingly gain email addresses. Is it little wonder it has 80 000 on its list if this is the way it behaves? As I said, this is a petition to nowhere, and it is absolutely despicable that GetUp would use the mentally ill and their families to add to its email list. Apart from being a disgraceful use of people who are mentally ill to boost an organisation's agenda, this could well be in contempt of Parliament. I will be investigating that. In the meantime I call on GetUp to withdraw this petition and apologise.

Climate change: awareness

Mr BARBER (Northern Metropolitan) — I have read reports that a mob of witch-burners descended on Canberra yesterday, but they were so badly advised and ill-led it is amazing they did not mistake Pauline Hanson for Prime Minister Julia Gillard and string her up. One thing that will be going on my bonfire, though, are the remaining Rose Tattoo albums in my collection.

But there is another kind of climate change denial out there, and that is from those who understand their science and accept the biophysical reality that is coming upon us yet fail to act in proportion to their understanding of the threat. There are proposals out there to continually sprawl our cities, the most expensive way there is to house humans. We continue to log, woodchip and burn our richest carbon banks — that is, our native forests; there are people who believe Melbourne should continue to be a city based on cars forever, despite so many other cities that have gone a different way; and massive subsidies to coal seem to be the plan of all political parties outside the Greens. That form of denialism must be very hard to bear for those who understand the threat but do not act accordingly.

Dandenong High School: facilities

Mr SOMYUREK (South Eastern Metropolitan) — I rise to congratulate Dandenong High School on the recent official opening of its brand-new revolutionary school, funded by the former Labor government. This state-of-the-art $45 million project has facilitated the creation of a brand-new school that has a brand-new culture, with a sense of pride felt by all students and teachers. At last Dandenong High School students have the facilities and future prospects they deserve. The new school is a result of a very successful and welcome merger.

Mrs Peulich interjected.

Mr SOMYUREK — It has been a very successful merger, Mrs Peulich. Members of the school community are proud of their school and of themselves. The students say they feel like they are attending a private school. Classrooms are architecturally designed as green buildings that use wind vents to circulate fresh air, and they have water tanks, solar panels and wireless internet.

Mr Finn interjected.

Mr SOMYUREK — They even teach philosophy, Mr Finn. Principal Martin Culkin and assistant principal Jill Laughlin are to be congratulated for using this building project to also create a new and incredibly positive culture stemming from their collaborative learning model. The school now has a zero tolerance approach to truancy, teaches philosophy and is providing a supportive and inspiring learning environment. This project is the beginning of many successful projects within the $290 million Dandenong regeneration project. I desperately hope the Liberal government will continue this progress for Dandenong, and I urge it to start with funding — —

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

Tonimbuk Horse Trials

Mr O'DONOHUE (Eastern Victoria) — Australia has a proud tradition of equestrian excellence. This success is a result of our strong equestrian development programs at local and national levels. Tonimbuk Horse

Trials, run at the Tonimbuk Equestrian Centre in the shire of Cardinia, has become one of the premier events in the Victorian equestrian competition calendar. Now in its 12th year, Tonimbuk Horse Trials has received international accreditation and has a proven ability to attract a wide range of competitors from all parts of Australia. The sport of eventing, or horse trials, is exciting and is a true test of horsemanship. The three separate and very different phases of dressage, showjumping and cross-country test the relationship between horse and rider.

Tonimbuk Horse Trials caters for the full range of event grades from introductory through to the international standard 3-star level. The trials provide an important chance for riders of all levels to experience this exciting sport and to compete at entry level while aspiring to Olympic standard. It sees juniors and the less experienced rubbing shoulders with the best riders in the sport. Tonimbuk Horse Trials is strongly supported by the community, including the shire of Cardinia, with over 200 volunteers contributing large amounts of their time prior to, during and after the event to ensure that the weekend is a great success. This event is a great example of sport and community working together to benefit the west Gippsland community and regional Victoria in general.

Employment: Victoriaworks grants

Ms DARVENIZA (Northern Victoria) — I wish to take this opportunity to encourage parents considering returning to employment after caring for children to take advantage of the Victoriaworks grants program. These grants were established by the former Labor government and provide participants with $1000 to assist with expenses, books, retraining fees and child care. Whilst thousands of parents across the state, including in my electorate of Northern Victoria Region, have accessed the program, I think it is particularly important to get the message out that these grants are still available.

Northeast Health Wangaratta: awards

Ms DARVENIZA — On another matter, I wish to congratulate all the recipients of the Professional Excellence Award for Northeast Health Wangaratta. The awards publicly thank and acknowledge those staff who contribute so much to the high standard and quality of care that this health-care service offers. I wish to acknowledge Dr Ian Wilson, Mr Greg Mayland, Ms June Lacey, Ms Yvonne Richards, Ms Eleanor Milton, Ms Hannah Vincent, Ms Jenny Aumann, Ms Sarah Redman, Ms Sharon Scalzo and Ms Jenny Ball.

Carrum Indigenous Nursery

Mr TARLAMIS (South Eastern Metropolitan) — The Carrum Indigenous Nursery in Patterson Lakes was established in 1996 to grow indigenous plants for local residents, revegetation projects and public landscaping.

Being a volunteer nursery, it is able to offer hands-on opportunities for people and students wishing to hone their skills in plant identification and propagation. It also provides a friendly outlet for people wanting to contribute to the community or just get out of the house each week and get their hands dirty. About 20 volunteers, ranging in age from 16 to 86, help out at the nursery each week.

Over the years many volunteers have grown tens of thousands of plants for various local projects on the foreshore, in wetlands and along creeks. The nursery is currently hosting a team from Naranga Special School. The Naranga teenagers use the nursery as an out-of-school classroom, where they are taught that maths, English and science are not just school subjects but are needed in the workforce.

The secondary focus of the nursery is to educate people about our environment and about how important it is to plant indigenous plants — not only to increase wildlife habitat but to conserve water. The knowledgeable volunteers are always willing to share information or offer assistance to local gardeners about what should grow locally and how to look after their plants.

The nursery is also capable of supplying thousands of plants for revegetation projects. The nursery has a large display garden, which provides an example of how people can use indigenous plants and how big the plants can grow, as well as educating school groups that are learning about plants.

The nursery is a great community asset as it brings together like-minded people who share ideas and help spread the word about our environment and how we can better preserve it.

POLICE REGULATION AMENDMENT (PROTECTIVE SERVICES OFFICERS) BILL 2010

Second reading

Debate resumed from 3 March; motion of Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations).

Hon. M. P. PAKULA (Western Metropolitan) — I am pleased to have the opportunity to speak on this bill and to indicate, as my colleague Mr Merlino did in the other place, that the Labor Party will not the bill.

Mrs Peulich interjected.

Hon. M. P. PAKULA — We have been going 20 seconds, Mrs Peulich. As the former Minister for Public Transport, let me say — —

Mrs Peulich — Say sorry.

The PRESIDENT — Order! Mrs Peulich is testing me. As Mr Pakula said, he has only just begun his contribution to this debate. There were also a lot of interjections during members statements. I get a bit concerned about interjections during members statements, particularly when they are not relevant to the statements. When members are not being provocative but are trying to inform the house of matters I am concerned when there are interjections. From my point of view there were far too many interjections during members statements today. Mr Pakula has not been able to get off to a good start in terms of some of the remarks flying across the chamber. Mr Pakula is to continue, without assistance.

Hon. M. P. PAKULA — As a former Minister for Public Transport I can say that this policy is one that was vigorously prosecuted by the conservative parties when they were in opposition — so much so that about a week before the election there was a debate about it on Sky News between Mr Mulder, now the Minister for Public Transport, and me. I concede that it was good politics, but I took the view that it was questionable policy. The Labor Party's decision not to oppose the bill should not cause the government or the Victorian community to conclude that our concerns about this bill have been allayed; they have not.

It is important that I put on record briefly the differences between the government's approach and the opposition's approach to safety, security and service on the rail system. The government's solution has its expression, at least thus far, in the bill before the house. The opposition, both when in government and in the policy that we took to the election, took a multifaceted approach that included more premium stations. The premium stations that were budgeted for in the 2010 budget appear to be on the fast road to the scrap heap under this government. Our position was that every metropolitan station would be staffed and that there would be more transit police, as well as long-line public address systems, closed-circuit television systems linked to a central control room with live access to every platform and two-way communication. That was the approach the Labor Party took to the last election.

However, to the victor go the spoils, and the government will now implement its policy in regard to protective services officers (PSOs) on every platform. In the spirit of holding the government to account — and I regret that Mr Philip Davis is not in the chamber to tell me that I have to vote for this — —

Mr O'Donohue interjected.

Hon. M. P. PAKULA — I am sure that you can be a useful proxy, Mr O'Donohue.

In the spirit of holding the government to account, it is incumbent on the Labor Party to place on the record that we believe this approach to be deeply flawed in a number of respects.

Mr Drum — Deeply flawed? Vote against it! Stand for something!

Hon. M. P. PAKULA — Mr Drum, if you wait, you will hear why we believe this approach to be as flawed as we do.

The PRESIDENT — Order! It would be helpful if Mr Drum was in his place.

Hon. M. P. PAKULA — First of all let me say that we believe primarily that this policy of the government is dramatically undercosted. That is not about whether the opposition votes for it; it is about the way the government seeks to implement it. We think it is a dramatically undercosted policy. In terms of wages we think it is undercosted by literally tens of millions of dollars, and we believe that will emerge over time.

Also in regard to capital, this policy did not provide a dollar for the upgrade of any railway station. The government's proposition about a whole range of metropolitan railway stations is that protective services officers will be standing on train platforms from 6 o'clock at night till as late as 1 o'clock in the morning without any shelter and without a toilet. Frankly, I do not believe — —

Mr Finn interjected.

Hon. M. P. PAKULA — It just goes to show what Mr Finn knows. A lot of train stations do not have toilets.

Mr Finn — Most do.

Hon. M. P. PAKULA — Mr Finn should go down to Crib Point or along the Stony Point line.

Ms Pennicuik interjected.

Hon. M. P. PAKULA — Just to take up the interjection, as I think Ms Pennicuik knows, the Labor Party policy that we took to the election, which proposed a return of staff on every station, also included a significant capital component to upgrade amenities at 50 to 60 railway stations. This current proposal does not have a dollar in it for shelter, toilets or any capital upgrades. What the government is expecting the public of Victoria to believe is that PSOs are going to stand on platforms from 6 o'clock at night until 1 o'clock in the morning without a toilet and without shelter. I do not think that is going to happen. I do not think the Police Association believes that is going to happen. If members think otherwise, they should ask the Police Association.

It goes to the issue of the integrity of the costings. We took a serious approach to our costings. In our proposal for staff to be returned to metropolitan railway stations we provided a significant amount of money for the upgrade of stations as well as for the wages component of returning Metro Trains Melbourne staff to dozens of railway stations.

I now want to move to the question of training. It is the government's proposition that these PSOs will have eight weeks training and then will be put out onto the network with 17-shot semiautomatic weapons. That training is one-third of the training that a sworn Victoria Police officer has. The Minister for Public Transport used a number of well-worn lines during the election campaign last year. He kept referring to them as Victoria Police PSOs. We all know what he was trying to do; he was trying to create the impression in the public mind that they are police officers.

Mr Finn — No, he was trying to explain what they are.

Hon. M. P. PAKULA — He could have just referred to them as protective services officers, but he kept using the term 'Victoria Police protective services officers', trying to create the impression in the public's mind that they are police officers.

Mr Finn — People do not know what they are.

Hon. M. P. PAKULA — Mr Finn knows and I know that they are not police officers; they do not have the same training, they do not have the same expertise and they certainly do not have the same experience in trying to handle the kinds of potentially volatile situations that they will inevitably confront on the public transport network.

The other line that was used extensively by the Minister for Public Transport and the Minister for Police and Emergency Services during the election campaign was that they guard us — the politicians and the parliamentarians — and if it is good enough for us, it should be good enough for the public. It is a cute line, and I have no doubt it worked — —

Mr Finn — Really!

Hon. M. P. PAKULA — But that it is not a line that stands up to scrutiny, Mr Finn. You have to go back to the period before the election when the conservative parties were in effect trying to create the impression that our public transport network was a war zone. If you accept that proposition that the conservative parties propagated throughout 2010, you need to then ask yourself whether these people will be appropriately experienced and trained to deal with those 'war zones', as he put it. Let us compare it to the protection that we require as members of Parliament in this building. This place has metal detectors at the front and back doors. PSOs here do not generally need to deal with violent, marauding drunks — —

Mr Finn — Except in the caucus room!

Hon. M. P. PAKULA — Mr Finn is encouraging me to suggest things about some members that I would prefer not to suggest within this chamber. I am sure the President would intervene if I were to suggest that violent, marauding drunks ever found their way inside this precinct.

The fact is that PSOs guard government buildings, and they do it very well. I am sure the government will seek to argue that the opposition is somehow trying to demean the work of PSOs and undermine them. We are not trying to do that at all. They do the job they are employed to do, which is to guard government buildings, and they do that extremely well. But that is not the same as guarding public places where there can sometimes be hundreds of people. I know that a number of members of this chamber — I suspect Mr Finn might be one of them — listen with some devotion and interest to the words of John Silvester, Sly of the Underworld, on the Ross and John show on 3AW — —

Mr Finn — Which day?

Hon. M. P. PAKULA — I don't know which day it was. He made the point — —

Mr Finn — When?

Hon. M. P. PAKULA — He made the point a couple of weeks ago.

Mr Finn interjected.

Hon. M. P. PAKULA — I can tell Mr Finn exactly what he said, and I am sure it will not be difficult to verify. What he said was that Victoria Police has got the slows on this policy. He described PSOs as 'shrine guards' and said that this is in effect a policy of taking public officials who have guarded buildings such as the Shrine of Remembrance, the Parliament and courthouses, giving them eight weeks of training and putting them on railway stations with 17-shot semiautomatic weapons. He suggested that for that reason Victoria Police had a case of the slows on implementing this policy. That is perfectly understandable, I have to say.

In my contribution I also want to refer to the allocation of scarce taxpayer resources. Imagine if the government were to put forward the proposition that violence at pubs was a problem and for that reason it would put two police officers out the front of every pub in Melbourne, just in case something happened. If the government then went on to say that those police would have to stand outside the pubs all night, or from 6.00 p.m. until 1.00 a.m., regardless of whether anything was going on there or not, or whether there was any trouble — —

Mr Finn — You're telling fairytales.

Hon. M. P. PAKULA — Mr Finn, I am asking the house to consider what its view would be if this were the policy position of the government. If the government said it was going to station two police officers outside every pub in Melbourne and that those police officers had to stand there all night whether there was any action at that pub or not, I think most people would suggest that that would not be the most effective allocation of taxpayer resources.

Mr Finn — Has anybody suggested that is going to happen?

Hon. M. P. PAKULA — No, Mr Finn, but it is exactly what the government is proposing in regard to PSOs at train stations. What the government is proposing — —

The PRESIDENT — Order! A speech in the Parliament is actually a monologue; it is not a duet. Mr Pakula should speak without assistance and without a conversation with Mr Finn.

Hon. M. P. PAKULA — I will indeed converse with the President and only with him, and I will disregard the provocations of my fellow member for Western Metropolitan Region.

I put it to the house that the policy of the government in regard to PSOs is a variation on the theme I have talked about with respect to putting two police officers outside every pub. The government is saying that we are going to have two PSOs at every station, every night, regardless of whether or not anything is going on at those stations or whether or not they are well-patronised stations. Quite frankly at some stations at 10.00 p.m. or 11.00 p.m. the two PSOs will be guarding each other, because there will be nobody else there, while at other stations there will be a huge number of passengers. There will be stations with a history of incidents and stations with no history of incidents, but what the government is proposing is a one-size-fits-all approach, whether stations are busy or not and whether they have a history of violence or not. Despite this, we are going to have two PSOs at every station.

On 19 February it appeared that there might have been some common sense applied to this approach when the then opposition leader, now Premier, was interviewed by the *Age*. The question from the *Age* was:

> Can I just ask on the PSOs: two on every train station. Why not give these extra officers to the chief commissioner to allocate as he sees fit? You're going to have two on some lonely train stations at night, and you're going to have two on some of the busiest hubs of all.

This was eight days prior to the election. Mr Baillieu's response was:

> You're quite correct. Why not indeed? And what we actually said as part of the policy … these PSOs, they will, as a part of wherever they serve now, be under the control of the chief commissioner. What we are doing is providing more than a sufficient number of PSOs on each train station after dark.

At that stage, it appeared for a day or two that the now Premier was saying that he would give the chief commissioner the authority to ultimately decide whether some stations warranted having two PSOs. I said that at the time. However, within 24 hours Mr Mulder and Mr Baillieu made it very clear that it was not going to be a matter for the chief commissioner to decide whether every station warranted having PSOs stationed there permanently and that it would be a matter for the chief commissioner only to have a view about how quickly the implementation of the policy would be rolled out and in what priority to one station or another. That has been reiterated over and over again.

We are stuck with the issue that we are going to have two PSOs on every station whether or not it is busy and whether or not it has a history of violence. This taxpayer resource will be standing on the platform all night.

The PRESIDENT — Order! I am advised by Hansard that the sound system is not working and it will take 5 minutes to reboot. I will vacate the chair. The bells will be rung for the resumption of debate.

Sitting suspended 10.11 a.m. until 10.29 a.m.

The ACTING PRESIDENT (Mr Elasmar) — Order! I inform members that we will be operating the manual audio system now, and they should press the white button in front of them before they speak.

Hon. M. P. PAKULA (Western Metropolitan) — I sincerely hope that by pressing the white button I can block out the contributions of any other member of the house.

Before the break I think I was saying that after the media interview on 19 November in which it appeared Mr Baillieu was giving the chief commissioner the power to determine whether every station would be manned by PSOs or not, it became apparent pretty quickly that the commitment of the government was still to have two PSOs on every metropolitan station, whether it was busy or not and whether there was a history of incidents at that station or no history of incidents at all.

That commitment does not extend to regional stations. It extends to every metropolitan station, including, according to the member for Hastings in the Assembly, Mr Burgess, those on the Stony Point line. As members would know, that line contains some unbelievably quiet stations, particularly at night. Nevertheless, there will be two PSOs stationed all the way down the Stony Point line. Crib Point will therefore have two PSOs and Baxter will have two PSOs, but there will not be PSOs at stations such as Rockbank or Bunyip, because they are not considered metropolitan stations. At some point the minister will have to explain the inequity of every metropolitan station being covered by PSOs, regardless of patronage and yet some V/Line stations which are busier than the metropolitan stations being left out.

Our concern about resources does not start and finish there. Our position has consistently been that if there are going to be hundreds of additional people employed on the public transport network, they ought to be able to do more than simply stand on platforms as guards. That is why, as I indicated at the outset, we supported a multifaceted and far more efficient approach to public transport safety, security and service. The approach we took was not only to have more transit police, live vision and audio at every station and a central control room but also to have hundreds of extra staff who could provide a presence. Those people could also sell tickets, provide commuters with advice and information and, importantly, help the trains run on time.

Throughout 2010 we found that as there were more Metro staff on stations — staff who, for example, were better able to ensure that commuters did not try to board the train after the doors had closed and were able to advise the driver with manual and automatic paddles when it was time for the train to depart the station — the network ran more efficiently. That is far closer to the approach that was advocated by the Public Transport Users Association, and it is also far closer to the approach that was supported by the operator.

There was some publicity around comments made by Andrew Lezala, the CEO of Metro Trains Melbourne. His comments focused on the risk of a commuter being shot, as happened when an innocent commuter was shot in London in 2005. His comments created a bit of media interest and excitement, but his substantive concerns were much more about the types of people working on the network and the fact that those people ought to be employed by the operator and able to provide service to commuters rather than just standing around as guards. For his trouble Mr Lezala was threatened with the sack by Mr Mulder, the then shadow Minister for Public Transport. I am reluctant to quote Mr Lezala too approvingly, because I do not think he is out of the woods just yet. At that time I thought, and I say so now, that it was extraordinarily inappropriate for the shadow minister, as he then was, to in effect threaten the employment of the CEO of Metro because he dared to express a view about what he thought the network needed.

Opposition members believe having PSOs at every single railway station is an inefficient use of resources. We think it is even more inefficient than it appears at first blush, because we think the numbers have been substantially underestimated in regard to both operational expenditure and capital expenditure compared to what we estimate will be required. It is even more inefficient when you consider the drain on resources that this initiative will require from sworn Victoria Police officers.

What is a PSO to do when he or she apprehends an offender? The PSO cannot put the offender in a divvy van, and no allocation has been made for any vehicles under this policy. A PSO cannot leave an offender in handcuffs on a station platform all night, so what is the

PSO to do? The PSO will have to call the police, and the police will have to be diverted from whatever they were doing and come and collect the offender from that railway station. This policy will not lead to a more efficient use of resources; it will lead to a duplication of resources, because the PSOs will be able to do certain things but a range of other things will only be able to be done by Victoria Police officers. Those police officers will be diverted from whatever they are doing to come and in effect mop up the work done by the PSOs.

Before I conclude I turn to the issue raised by Mr Drum at the outset of this debate, when he said that those who think the legislation is flawed should oppose it. As opposition members we are entitled to draw a distinction between policies such as the Easter Sunday trading policy, which was put out as a media release a week before the election and which was not the subject of substantial debate, and a policy such as having armed PSOs on railway stations.

We concede that the PSO policy was laid down by the then opposition 12 months before the election. It was the subject of substantial debate, and I know that better than almost anyone on this side of the house. The policy was vigorously contested, and it was the subject of a great deal of media publicity in relation to the competing policy positions of the Labor Party and the conservative parties. Like many of the government's policies for which it claims it has a mandate, this was not a policy it released quietly, late in the campaign and without any great public debate. We concede this is not a policy of that nature.

Having said that, opposition members maintain the view that it is a policy with some serious hairs on it. For all the reasons I have outlined, we think that it remains a very flawed approach and we think there are significant problems with it that the government is either yet to confront or simply yet to admit to. This is a policy that will prove to have been a far more attractive proposition for Mr Ryan, Mr Mulder and Mr Baillieu when they were in opposition than it will be now that they are in government.

The opposition will not oppose the bill, but our concerns remain significant, our questions are many and we will deal with some of those in the committee stage.

Mr O'DONOHUE (Eastern Victoria) — I am pleased to rise in response to Mr Pakula's contribution to the debate on the Police Regulation Amendment (Protective Services Officers) Bill 2010.

The purpose of the bill is to amend the Police Regulation Act 1958 to make provision for the appointment of additional protective services officers (PSOs) to perform further functions. This is to be achieved principally by two amendments: firstly, the bill amends section 118B(1) of the Police Regulation Act 1958 to broaden the purposes for which PSOs can be appointed; and, secondly, the bill repeals section 118B(1A) of the same act so as to remove the existing cap on the number of PSOs that can be appointed.

The debate around this bill is much more expansive than would be indicated by the bill's short length. Law and order was one of the key areas debated during the last election campaign. I am pleased that in his contribution Mr Pakula at least acknowledged that the coalition's PSOs policy is one of a suite of policies to deal with law and order issues in Victoria and that it was well and truly debated and endorsed by the community. The policy was released a long time before the election, and it caused significant debate. As Mr Pakula said, he and Mr Mulder, now the Minister for Public Transport and formerly the shadow minister, had a number of debates about the issue, and the policy was endorsed by the community.

The PSOs policy is only one of a suite of policies designed to tackle the law and order challenges that we face in Victoria. The other policies include the abolition of suspended sentencing and home detention, the recruitment of additional police and the recruitment of an additional 100 transit safety officers. The PSOs will play a very important part in making public transport attractive to people.

I turn to a couple of comments made by Mr Pakula. He made an analogy between this policy that the coalition is presenting to the house and that of putting two police officers at every pub. What Mr Pakula fails to understand — and I am amazed that the opposition still has not learnt this lesson from its time in government — is that making railway stations safe for the community will drive a number of other public policy outcomes. Mr Pakula may not be aware that those people who commute from the outer suburbs into Melbourne to work in the depths of winter do not get to their railway station until after dark, often well after dark, and a railway station at night-time can be an intimidating environment. It is regrettable that a significant amount of crime takes place in and around railway stations.

Making railway stations safe — giving women in particular the comfort of being able of catching a train from Flinders Street station at 7.00 p.m. if they have

had to work back and getting to an outer suburban station an hour later knowing that they will be safe when they get to that railway station and can get to their cars and drive home or catch a bus without fear and without concern — is a significant public policy benefit. It will drive additional use of the public transport system and, importantly, it will drive additional use of the public transport system at off-peak times, after hours, which is a great way to take cars off our roads. It will take the pressure off commuters who still drive, and it will deliver environmental benefits by getting people out of their cars and onto the public transport system.

The fact that Mr Pakula would make an analogy between the policy in the bill before the house and putting two police officers at every pub demonstrates just how little the Labor Party opposition understands this issue of the concern people have for their personal safety and wellbeing and that as a result of that concern they make a conscious choice to drive their cars. I am amazed by that analogy made by Mr Pakula.

I want to go also to the position of Metro Trains, another issue that Mr Pakula put on the record. The position of Mr Lezala and the comments he made about PSOs were a matter of significant debate in the lead-up to the election. As Mr Pakula would know, the first time this question was put to Mr Lezala was when he gave evidence to the upper house Select Committee on Train Services. I put the question to Mr Lezala about the PSOs providing additional security on railway stations. At that time Mr Lezala gave a positive response to the proposition that I put to him. Mr Pakula likes to have a go at the Minister for Public Transport and some of the commentary around this debate, but Mr Pakula failed to tell the house what discussions he had with Mr Lezala after Mr Lezala in effect endorsed the policy of the coalition when it was in opposition. He has told only half the story.

Mr Pakula also spoke about the need for a multifaceted approach, including putting more staff at railway stations. This is something I wish to address in some detail, because the notion that an additional Metro staff member at a railway station will deliver additional security is not backed up by the facts. The sad reality is that members of gangs and other people who think they can operate without consequences are not intimidated by ticket sellers sitting behind booths at railway stations. That is the simple reality; those are the facts of the situation. To try to blur the very distinct and separate functions of servicing and maintaining the railway station — providing a place to sell tickets and the other functions that Metro performs in the operation of the rail network — with those of providing a sense of security and delivering security for commuters is to try to blur two distinct purposes and objectives.

I would like to take the house, and Mr Pakula in particular, to an article published in the *Sunday Age* of 22 August last year. It is headed 'Station staff no deterrent to thugs' and states:

> More than three-quarters of all reported attacks at Melbourne train stations occur at staffed facilities, with a quarter of violent assaults carried out by gangs or groups of thugs.
>
> The latest figures from the government body responsible for public transport safety also show that of … assaults reported across the network … more than a quarter were attacks on rail staff and ticket inspectors.

It continues further on:

> Only 36 per cent of the network's stations are staffed, but they were the scene of 77 per cent of the reported attacks.

As is reported, 36 per cent of the network's stations were staffed, but they were the scene of 77 per cent of reported attacks. Perhaps it is unbelievable for us here in this chamber that many of those attacks were actually against rail station staff and ticket inspectors. The notion that is being put forward by the opposition that additional ticket sellers or station staff will somehow improve security is just not the reality of how things are, unfortunately, operating out on the station platforms.

It is incredibly regrettable that we have a situation where a number of hardworking, dedicated staff employed by the operator are the subject of assaults themselves. No-one should have to go to work feeling apprehensive about violence or with a fear of retribution from people they come into contact with in the course of their work. This PSO policy that the then opposition and now government took to the election will not only address the legitimate fears and concerns that commuters may have but also provide additional security for station staff. I am amazed at the number of reports of attacks that come from stations that have existing staff.

Mr Pakula did not repeat some of the propositions put forward by the opposition in the other place, but he attempted, in effect, to undermine the role, the function and the purpose of the PSOs. He said that the PSOs only protect the Parliament and some government buildings. The Parliament is the subject of various security issues; it is the subject of a range of protests on a consistent basis from a range of groups with varying motives. Unfortunately the PSOs have to protect the Premier — in this case Premier Baillieu — a position which requires a high level of skill and training. To say that PSOs do not have the appropriate skills demeans

that very important function they already perform. That is why this is a good policy. It builds on an existing network, an existing skill base and a proven record of performance. For Mr Merlino, the shadow minister for police, to refer to PSOs as plastic police is offensive and demeaning. We can see the way Mr Pakula and other members of the opposition refer to the PSOs, using language such as armed guards. They try to undermine their legitimacy, their role and their extensive track record in the very important function they already perform. We absolutely refute and rebut those sorts of allegations and snide remarks.

Mr Pakula attacked the references to Victoria Police PSOs, but it is opposition members with their references to armed guards and use of terminology such as plastic police who are undermining the high regard in which the PSOs are held by those who know and deal with them.

This is a very important policy and a very important issue for the people of Victoria. The policy will increase public transport usage, in particular rail patronage, whilst at the same time improving public safety and giving commuters and staff at stations the confidence to go about their business with a sense of safety. Despite the 25-minute contribution to the debate made by Mr Pakula, we did not get a clear position on this bill from members of the opposition. They do not oppose the bill, but they have problems with the bill. Do they support the concept of improved rail safety and improved customer satisfaction for people who use the rail network? I commend the bill to the house.

Ms PENNICUIK (Southern Metropolitan) — The Police Regulation Amendment (Protective Services Officers) Bill 2010 is a very short bill, with only four clauses, but it will have very wide ramifications, many of which I do not think have been fully thought through. This bill amends the Police Regulation Act 1958 to expand the circumstances under which protective services officers (PSOs) may be employed or deployed to include protection for the general public in certain places. It also removes the limit on the number of PSOs allowed to be employed at any time. The current limit is 150, and this limit has been in place since 1987.

The purported purpose of this bill is to introduce armed guards, or PSOs, at railway stations at night, but it actually goes much further than this. I want to state clearly up-front that I am not saying there ought not to be more safety measures at railway stations. There should of course be more attention to a range of safety measures, along with a much-needed improvement in amenities at railway stations so that people feel not only safe but comfortable there.

It is difficult to ascertain the incidence of violence on public transport, but the Auditor-General's June 2010 report, *Personal Safety and Security on the Metropolitan Train System*, found that there were 7000 criminal offences reported on Melbourne's train stations. This equated to 33 offences per 1 million passenger boardings, which is not a high incidence. The report also goes on to talk about — and I will refer to it later in my contribution — the difference between the actual level of criminal offences or violence on public transport and the perception of it by the public, much of which has been in the past whipped up by current government members, and that is unfortunate. Mr O'Donohue was just talking about people feeling afraid on the public transport system, and in many cases they feel afraid when they do not need to.

I would also like to say that I have a very high regard for the protective services officers who look after security in this building for the professional and cheerful manner in which they go about their duties. In my four and a bit years as an MP I have had nothing but admiration for the PSOs. They do a fantastic job for us. However, the bill before us today will transform the role of PSOs in the community and as such raises a whole series of issues that I do not believe the government has fully considered, let alone answered.

Clause 3 is the only substantive clause in the bill. It altogether alters and expands the role of PSOs. Clause 3(1) expands the role of PSOs beyond protecting 'persons holding certain official or public offices' and 'certain places of public importance' to 'the general public in certain places'. Section 118B(1A) of the Police Regulation Act 1958 currently limits PSO deployment to Government House, the courts and other such places in order to protect public officials, including MPs. Amended section 118B of the act will provide that PSOs will now be able to be employed wherever the general public may be. It makes no specific mention of railway stations.

Under the Police Regulation (Protective Services) Bill 1987 PSOs were limited to 150 in number and to a specific security role of protecting public officials and places of public importance. The 1987 bill was also a very short bill, only four pages in length. It set an appointment limit of 150 PSOs. It also stated that PSOs would not be members of the police force but would be appointed by the Chief Commissioner of Police, that they would swear an oath, and under section 11D of the Police Regulation Act 1958 they would have the powers, duties and responsibilities of a constable under

common law. They would also be under the direction and control of the Chief Commissioner of Police. This is the current status under the Police Regulation Act 1958 as amended in 1987.

Mr Pakula, in his contribution, went to the issue of who controls and directs PSOs. Clause 3 of the bill before us, which is the only substantive cause in this bill, does nothing to change the fact that PSOs are under the direction and control of the Chief Commissioner of Police. They will continue to be under the chief commissioner's control if and when this bill passes. That is a good thing because the government might say, 'Okay, PSOs are going to be deployed to every station', but in fact it is up to the chief commissioner where they are deployed. If the chief commissioner decides that that is not the best deployment, there is nothing really that the government can do to alter that. That is a good thing. The last thing we want is politicians deciding where PSOs and police should be deployed. This is an interesting aspect of this debate that probably has not had much of an airing. I will be asking the minister in committee, if we get to that stage, to expand a bit more on his understanding of how that will work.

In the 1987 debate the then Minister for Police and Emergency Services, Race Mathews, said in his second-reading speech that the bill to establish the PSOs followed a full-scale investigation into the security arrangements which apply to senior public office holders, including the Governor, ministers and the judiciary. So the PSO position was created with a particular role in mind, which was the protection of public officials at certain places, including Parliament House. I was interested to note as I read through the debate that the father of one of our new members, Ms Georgie Crozier, made a significant contribution to the debate on that bill. However, she is not in the chamber at the moment.

The coalition's policy and the bill before us today seeks to transform the role of PSOs beyond their original security service role to, as the government has said, a crime prevention role. That raises significant issues for policing in this state and the role of PSOs in particular. It appears that for the last 24 years since the 1987 bill was passed there was a reason why the number of PSOs had been limited to 150. This reason has not been frequently mentioned during the debate on the bill but we can infer from the original role of the PSOs that it was about limiting their duties to the protection of public officials in certain places. Police officers are police officers. Where police officers are needed, police officers should be deployed. The PSO position was created for a specific purpose and there is little or no evidence that has been put forward for altering this. We should be very careful about going down this path and be clear about why it is being done. I do not think this has been the case thus far.

In introducing this bill in the Assembly the Minister for Police and Emergency Services, Peter Ryan, said:

> This important legislation will pave the way for the government's commitment to install 940 protective services officers across the transport system, particularly with regard to stations in metropolitan Melbourne and major regional centres throughout Victoria. These amendments are necessary to enable the first stage of that process to occur.

It is worth saying that the government did not make an election promise to employ armed guards to wherever the general public might be, which this bill in effect does. The government said that PSOs will be deployed exclusively on railway stations and will not be diverted elsewhere. However, this bill makes provision for them to be diverted elsewhere.

Mr Barber — Exceeding the mandate.

Ms PENNICUIK — As Mr Barber said, exceeding the mandate. If the idea was that PSOs were just to be stationed at railway stations, it would have been within the purview of the government to produce a bill that said 'certain places including railway stations' and not just wherever the general public might be, which is what will happen under clause 3 of this bill. It raises very serious issues about what PSOs will be doing in the future that is far and above what they were originally envisaged to do.

There are many issues that are raised by this bill and the expansion of the role and number of PSOs in Victoria. The first of those is the use of force. We know about police problems with the use of force and we can envisage that those problems will surface in relation to PSOs deployed on railway stations. This is a major issue for both PSOs and the chief commissioner, as well as for the general public, and it could be a disaster waiting to happen. In their role at railway stations, and ostensibly wherever the general public is gathered, under this bill PSOs will come across a variety of situations involving, for example, young people who may be up to mischief, people under the influence of alcohol or other drugs and people with mental health problems, all mixed in with other members of the general public — and at railway stations where trains will be moving in and out.

Despite what Mr O'Donohue said, that is a very different situation from their current role protecting public officials in certain places, including here at Parliament House. Even though Mr O'Donohue spoke on the role of PSOs in providing protection at protests

that might occur outside Parliament House, many of those larger protests also have a police presence in addition to PSOs. It is not accurate to say that only PSOs are involved. If it is a very small demonstration, there may not be police called, but if it is a large demonstration, the police will be in attendance. It is disingenuous to make some sort of assertion that it will be a very easy transition from the current role that PSOs have — and for which they are trained — to deployment to anywhere the general public may be. That is a huge transformation of their role, and I do not believe the government has considered the ramifications of this at all.

I think that during the election campaign the government went to some trouble whipping up fear amongst the community that members of the public were unsafe on the public transport system, which I think was a very unfortunate thing for it to be doing. Mr O'Donohue said, 'Well, some people feel afraid to travel on the public transport system, so they instead choose to drive their car'. There may be some people who do that, but there are an awful lot of people who do not have a car and who have no choice but to travel on the public transport system. It is not helpful for members of Parliament to be exaggerating and exacerbating a fear of travelling on the public transport system. I travel on it during the day and during the night, and I do not often see incidents. In fact I do not see incidents at all. That does not mean they do not happen, but it is not acceptable to be exaggerating the risk, and I will refer to this later in my contribution when I refer again to the Auditor-General's report in that regard.

One of the other issues raised by this bill is the issue of training. We are told that the training for PSOs is currently eight weeks and will stay at eight weeks. Maybe the minister, in committee, can elaborate on that, but eight weeks will not be enough for the new role. The questions are: how will PSOs be trained for this new role and where will the resources and money come from to do that? I note that PSOs will also need to be people of good character, and they will essentially be enforcing criminal law. They will be armed and they will carry capsicum spray, we presume. Their training will need to be of the same level as that given to police officers, particularly in relation to the use of firearms, capsicum spray and any other armaments provided to PSOs.

We learnt only yesterday, after the release of the report by the police into shootings over the last three years, spurred by the death of Tyler Cassidy in Northcote in 2008, that the police did yet another review into the circumstances surrounding police shootings between 2005 and 2008. That report, released under freedom of information after a long tussle with the Federation of Community Legal Centres, which sought to get hold of the report, found that attempts by police to quickly resolve stand-off situations by engaging agitated people 'appear to have inflamed the situation'. This follows on from a 2009 report from the Office of Police Integrity that I spoke on in this Parliament when it was released, which found that review after review had found that police were not well trained to deal with these situations.

Mr Barber — Regular police.

Ms PENNICUIK — That is exactly right; these are regular police who have three times the amount of training — 24 weeks training at the police academy and ongoing training, as the chief commissioner tells us — and yet, after 15 years, an internal report by police tells us they still have not come to terms with how to deal with these situations. These are situations that PSOs are obviously going to face on railway stations and on the public transport system. They could face another Tyler Cassidy tomorrow. They do not have the training to deal with that.

Mr Elsbury — You sure?

Ms PENNICUIK — Do they have the training to deal with that? The training of the PSOs to deal with this expanded role is a very serious issue which I do not think the government has considered in enough depth. It is not an abstract concern; it is a real concern, because it is about real people who will be deployed in real situations on an everyday basis.

It is interesting that an *Age* editorial today makes the comment that I was already going to make. Under the headline 'Police training is failing Victoria' the final paragraph states:

> It is sobering to think that the need for better training will only become more pressing as the Baillieu government implements its policy of deploying 940 armed Victoria Police protective services officers at railway stations at night.

Other issues raised by this bill include the supervision of protective services officers and whether or not they have a base from which to operate. Who will supervise them? Will they be supervised by other PSOs or by the police? If they were supervised by police officers, would that not detract from the police performing their existing functions? Will they be attached to police stations? They will need somewhere to base themselves. If they are attached to police stations, how can we know there will be room for them in those stations? How far away should they live from the

railway station they are deployed at? When they finish their shift at 1.00 a.m. or 2.00 a.m. what will they do with their firearms or capsicum spray? Will they leave them at the railway station or will they take them home with them? Will they have to return to the police station and sign them in? Mr Elsbury might stare at me, but these are serious issues, and there are no answers to them, and they are of concern to the police and the Police Association.

There is also the issue of infrastructure. It was raised by Mr Pakula in his contribution that these PSOs will be deployed from 6.00 p.m. until the last train, maybe at 1.00 a.m. or 2.00 a.m. Many stations do not have many toilets or other amenities, which is already an issue of great annoyance for members of the public and an unacceptable situation in a modern city of 4 million people. What are the PSOs going to do in that regard with the lack of amenities at the railway stations?

There is also the issue of shift work. These PSOs will be on a permanent late shift, which is an occupational health and safety issue in itself. There is the issue of how they will get to their work and how they will get home. Given that they will be there until the last train, will they catch the last train out? Will they drive to and from the railway station? There is no guarantee that there will be parking, so driving could be an issue.

Another issue is the encroachment on police work. This legislation has been drafted broadly. What is intended to be the role of PSOs vis-a-vis their powers under the Police Regulation Act and their work crossing over into the work of ordinary officers, particularly transit police? How will members of the public know the difference between PSOs and police? That issue was raised earlier, in the contribution by Mr Pakula. It is fair enough to say that the public will not understand the difference between a police officer and a protective services officer. Is the government going to run a community education campaign to explain the different roles of the different officers that they will encounter on the railway stations? There will also be the encroachment on the roles of the authorised transit officers, or ticket inspectors as they are commonly known. They also have powers, including powers to use reasonable force. That is an issue for the public. Certainly there have been reports they have used unreasonable force in many cases. What level of force will PSOs be able to use if an incident occurs? What powers do they have to intervene? Their powers are not clear. We have a situation now where on any particular railway station we could see in attendance Metlink staff, authorised officers, PSOs and transit police. They could all be there at the same time. What will be the situation with that? How will it work itself out in practical terms?

Another issue is the remuneration of PSOs. Their work will be different to the current role of PSOs, as outlined in the existing act. Will they have a different pay structure? There are also no reporting requirements under this bill. Will there be regulations regarding reporting requirements? Will the expanded role of PSOs under this bill involve reporting their activities such as any arrests they make, to whom will their activities be reported and how is the Parliament going to be able to keep an eye on them and whether everything is working?

The justification for the deployment of PSOs in this way is community expectations. Community expectations is not a justification. For a start it has no basis in evidence to provide a way forward with a wide-ranging policy such as this one. In any case community views are not homogenous on this issue. Many are based on misconceptions and a lack of understanding of the broader issues and wider implications and consequences. Has the government done any cost-benefit analysis? Before the second-reading debate was adjourned on 3 March Mr Barber asked for a Treasury costing of this measure. There should be a cost-benefit analysis because the deployment of 950 extra PSOs across the public transport system will involve a significant cost. There should be a cost-benefit analysis as to whether the cost is worth the benefit and whether other ways, such as more staff at stations, better lighting and better design of stations and extra transit police, would achieve the aim, which is to improve safety on the public transport system where that is needed.

Earlier I mentioned the Auditor-General's report on personal safety and security on the metropolitan train system that was tabled in June last year. It found that there were 33 offences per 1 million passenger boardings, which is quite low. The Auditor-General also concluded that Victoria Police and the Department of Transport had been successful in reducing crime on Melbourne's train system since 2007–08. In fact crime on the public transport system has reduced, not increased. That is partly because there are more people using the public transport system. He also said:

> In contrast, the approach to improved passengers' perceptions of safety has not been effective and requires focused attention.
>
> …
>
> VicPol and the department, through its supervision of the train franchisee, developed effective frameworks in 2006 and 2008 respectively for managing crime on the metropolitan transport system that:

> analysed the risks to passengers and their property;
>
> set priorities and deployed resources based on this information;
>
> evaluated activities to monitor and improve performance.
>
> After crime increased in 2006–07 and 2007–08, the strategies employed since have been effective in reducing crime and provide the basis to extend these gains in the future.
>
> One area for improvement is the evaluation of the projects the department directly funds to improve personal safety. There was insufficient evidence to demonstrate whether these projects have achieved their desired outcomes.
>
> …
>
> Approaches for managing perceptions of safety were less effective, relying mostly on reducing crime to improve how safe passengers feel.
>
> This has not improved passengers' perceptions of safety. A more rigorous and evidence-based approach needs to be developed and applied.

The Auditor-General recommended that Victoria Police and the Department of Transport should:

> Apply the evidence-based approach used to manage crime for managing perceptions of safety.
>
> Reinstate … high-level meetings to better assure information sharing and the coordination of personal safety initiatives.

He said the Department of Transport should, among other things:

> Work with the train franchisee to act on the research recommendations to increase the effectiveness of authorised officers in improving passengers' perceptions of safety.
>
> Victoria Police should set targets for reducing crime based on the evidence about crime trends and the likely effectiveness of its strategies to address these trends.

The August 2010 report of the Drugs and Crime Prevention Committee entitled *Inquiry into Strategies to Reduce Assaults in Public Places in Victoria* compiled biannual statistics on the location of public assaults from 1998–99 to 2008–09. The committee found that across that period of time, on average, 50 per cent of public assaults occurred on streets or on footpaths; around 10 per cent occurred on public or other transport; and around 10 per cent occurred at licensed premises. In the contributions made by Mr O'Donohue and Mr Pakula there was discussion of the suggestion that if we were going to deploy PSOs at all railway stations, we should also deploy them at every licensed venue in Victoria. If you accept the argument that we should have two PSOs stationed for 6 hours every night at every railway station, given the evidence in the report of the Drugs and Crime Prevention Committee, we should also station PSOs at every licensed venue, because assaults at licensed venues are at the same levels as they are on public or other transport.

Mr Drum — How many hotels are there in Victoria?

Ms PENNICUIK — I am talking about evidence detailing where the public assaults have occurred. What I am saying is that they occur at licensed premises as much as they do on public transport. Interestingly, 10 per cent of assaults in public places occur at retail premises.

An analysis of the Public Transport Users Association's 2009 crime statistics showed that 45 per cent of assaults at rail stations occurred at just 10 locations. Half of the assaults at railway stations occurred in the daytime — that is, before 6.00 p.m. While people are most concerned about safety on the railway system at night, the reality is that about half of the assaults in 2009 happened in broad daylight. The analysis also showed that 10 stations accounted for 45 per cent of the reported incidents. Those stations are Flinders Street, Dandenong, Broadmeadows, Footscray, St Albans, Ringwood, Bayswater, Frankston, Southern Cross and Thomastown. Altogether, 85 stations had reported incidences of assaults, 116 stations had reported none. The analysis also showed that 52 per cent of incidents occurred between 6.00 p.m. and 3.30 a.m., meaning that 48 per cent occurred outside these hours.

The Public Transport Users Association has partly or broadly said the government's policy on PSOs is probably not a bad one. However, it goes on to say:

> … with half of assaults happening before the PSOs would go on duty, it's clear a full-time staff presence is needed. And with most stations having no reported assaults at all in 2009, the danger would be that many officers would be standing around doing nothing, night after night, while they are needed at the busier stations.

I concur with that. Perhaps what is needed is a focus on the evidence, as I mentioned before. The evidence is that there are 10 stations where most of the problems occur and many stations where there are few, if any, problems; 116 stations had no reported assaults. One has to question the value of a policy that deploys PSOs at every station for 6 hours every single day. The government is not applying an evidence-based approach to this issue.

There are many issues with the government's policy on PSOs, including: lack of training and how training is going to occur; the costs involved; crossover with the roles of other officers on the public transport system;

amenities for PSOs — that is, how they will have access to basic amenities during their shift; occupational health and safety issues; travel to and from stations; and how the PSOs will be organised. Will they be based at police stations? What will they do with their firearms? These are all issues that have not been well considered by the government. For all those reasons, at the end of the second-reading debate I will be moving that this bill be referred to the Standing Committee on Legal and Social Issues.

The Standing Committee on Legal and Social Issues has been set up by this house based on the model of the committees of the Senate for the very purpose of looking at bills that have wide public interest or that or have large costs associated with them or where there is a lack of evidence such as a cost-benefit analysis. If there is a cost-benefit analysis for this bill, I challenge the government to table it in the public interest.

This bill constitutes an important measure. It is changing the role of PSOs as it has stood for a quarter of a century. There has not been any evidence put forward to back up the bill. That is what this committee has been set up to do. It has been set up to look at bills, investigate the issues raised by them and report back to the Parliament about them. That is how similar committees have worked very well in the federal Senate, and their findings have on many occasions led to improvements to legislation. There is absolutely no urgency to rush ahead with this legislation, and I think it would be to the benefit of the public of Victoria if this bill were considered by the Standing Committee on Legal and Social Issues. That probably will not be supported by the government, but I urge the government to support it — —

Mr Ondarchie interjected.

Ms PENNICUIK — The public may vote for certain members of Parliament, but I always take issue with the assertions that because members of the public have voted for a particular party to form government they then automatically support every single measure that the government proposes and that they do not have any concerns or worries and do not need to know more about the government's proposed policies. Even if that were so, it is good practice to refer bills like this to the committees set up by this house for exactly that purpose. If the government is so confident that this is a good measure, then it should have no fear about sending the bill to that committee because the committee, chaired by the government after all, will return exactly that finding. It would give the public much more confidence in this measure.

I have raised a number of issues of concern about this bill and what could be ongoing issues arising from this policy proposed by the government. Given that the government is probably unlikely to take up my suggestion to refer the bill to the Standing Committee on Legal and Social Issues, I look forward to questioning the minister on many of the issues I have raised today during the committee stage of the Police Regulation Amendment (Protective Services Offices) Bill 2010.

Ms MIKAKOS (Northern Metropolitan) — I indicate to the house that I am opposed to this bill. My understanding is that the opposition will not be supporting Ms Pennicuik's motion for the reason that we acknowledge that this was the centrepiece of the coalition's law and order policy that it took to the election last year. However, we have a great many concerns about how this bill will operate in practice. Mr Pakula has already outlined a range of those concerns in his very significant contribution to this debate earlier today. We will also be seeking a range of assurances and clarifications about how the bill will operate during the committee stage later today.

At the outset I state that, like Ms Pennicuik and Mr Pakula, I have concerns about the premise on which this legislation has been based. As someone who frequently travelled on the train system when working as a lawyer in the Melbourne CBD for a number of years, including often travelling very late at night, I am concerned about any media strategy that seeks to create unnecessary fear in the community.

Like Ms Pennicuik, I wish to draw attention to an excellent report that was produced by the Drugs and Crime Prevention Committee, of which I was a member at the time. The report, tabled in this house in August 2010, is entitled *Inquiry into Strategies to Reduce Assault in Public Places in Victoria — Final Report*. It focused on the media's sensationalist reporting of assaults in the preceding few years, particularly assaults in nightclub venues but also those that occurred on the public transport system. The inquiry found that a comparison of data from 1998–99 and 2008–09 showed a decline from 14 per cent to 9 per cent in the total number of incidents on the public transport system involving assault.

I do not wish to suggest that 9 per cent is an acceptable figure, because of course it is not. The Labor government at the time had a range of strategies to address the broader issue of assaults in the community, including record funding for police and the election commitment of putting additional transit police on the public transport system. I urge the new coalition

government not to create a crisis of confidence in the community about the use of public transport. It is important that issues are addressed in a rational manner that relates to evidence-based research. I do not believe that has been the case on the part of the coalition. We have seen that quite clearly through this policy, which is really a bandaid solution to the issues.

The bill seeks to remove the existing legislative cap of 150 protective services offices (PSOs), whose specific role is to protect public officials in places of public importance such as government departments, the Shrine of Remembrance, the Victoria Police centre and here at Parliament. I take this opportunity to put on record my appreciation for the outstanding work they do in this precinct. A couple of years ago when we had a very heated debate on abortion a member of the public was very hot under the collar, and I was very appreciative of the efforts by the PSOs present at that time, who ensured my personal safety. I am sure all members of Parliament appreciate the work they do in this place.

The bill seeks to expand the purposes for which PSOs can be appointed so that they are able to protect the general public in certain places. The government wants to appoint 940 PSOs to be deployed at every station in metropolitan Melbourne and key regional centres from 6.00 p.m. until the last train, or so it has stated. However, as ABC News reported on 17 March, we have recently discovered that, like many other Baillieu government promises, this commitment has now been qualified and only 50 of the promised 940 protective services officers will be trained at the police academy this year. They will be rolled out slowly with almost half to be trained in an election year — funny, that!

The PSOs will receive 8 weeks training compared to 23 weeks for sworn police officers, and I have concerns about that limited training to be given to the PSOs. In the past PSOs have been trained for security purposes, and 8 weeks training was sufficient for that purpose. Now their role will be crime prevention, but they will still only receive 8 weeks training. In effect the government is introducing a second-tier police force that will have less training and very limited powers.

A reference was made earlier to the shadow minister for police referring to the expression ‘plastic police’. It has not been used by him but by the media and commentators in the United Kingdom, because in the United Kingdom a second tier of officials similar to PSOs have been appointed and they have been referred to as plastic police.

Training is not just an issue relating to the potential effectiveness of PSOs; it is an occupational health and safety issue for the PSOs themselves. I see it as an attempt to give members of the public the impression that they are protected by armed guards at train stations, but the PSOs will not have the same statutory powers as police officers — for example, they will need to call police to arrest and take away an offender. I am concerned about the public’s perception and the confusion that could be caused around the role of the PSOs, who may be seen as police. It may mean that the public do not comprehend the more limited powers a PSO has when dealing with a situation. It may well present both the PSOs and the public with very difficult and dangerous situations. The public will need to be made aware of the difference in the authority and responsibility of a sworn police officer and that of a PSO so as not to expect a PSO to carry out the duties of a sworn police officer, because their roles are very different.

PSOs should be entitled to not only high-quality training but also decent facilities. They will be restricted to patrolling station platforms for the length of their shifts. I wonder if the government has turned its mind to the occupational health and safety issue of providing adequate amenities for PSOs during their shifts. For example, the government will need to undertake works to upgrade facilities at some stations, because basic amenities like toilets are not available or might be locked after hours. It is important that all these issues are addressed before the PSOs begin to be rolled out.

Another concern that has not been addressed by this government is whether travelling on trains will be safer. Station platforms will be patrolled, but the influence of PSOs will be limited as they will not be able to board a train should they witness an incident while a train is stopped at a station. We need to get clarification from the government about what will happen in those circumstances. My expectation is that a PSO will need to call for police backup, which seems to defeat the purpose of what the government has set out to achieve here.

When Labor was in government it addressed community safety issues on the public transport system by increasing the number of transit police officers and railway staff at stations. We also increased the number of premium stations, while the current government has seen fit to scrap 20 of them. In my electorate of Northern Metropolitan Region alone, Newmarket station, Lalor station, East Richmond station and Northcote station will miss out on planned upgrades that would have made them premium stations. Premium stations were rolled out by the previous government because they provide improved safety for commuters as

well as more timely information about delays and cancellations and better customer service. The government's proposal to put PSOs on stations will only be effective in the evenings, and the PSOs will not provide basic assistance like timetabling information or tickets.

I would like to conclude by saying that the government's election commitment was to have PSOs on every metropolitan station. The Labor opposition will hold the government to account to ensure that this promise is fully implemented and delivered to the Victorian public.

Mr DRUM (Northern Victoria) — We are seeing a trend in the way the opposition is approaching its term in opposition — and that is, its members are speaking against as many bills as they can. However, they do not want to be seen to be voting against a bill that has been generated with the safety of the Victorian people at heart, because they will be left sitting in no-man's-land neither supporting nor opposing the bill but in effect just whingeing.

This bill delivers on a policy that was announced more than six months before the election. It delivers on a policy that was thought up while the coalition government of today was in opposition. We spoke with Victoria Police about it, and we made sure that when the policy was announced we had police support for what we were trying to do as policy leaders in the area of public safety.

It was a very difficult policy to generate, it is a very difficult policy to work through, and you have to commend the Minister for Police and Emergency Services, the Parliamentary Secretary for Police and Emergency Services and the Minister for Crime Prevention — the people who in opposition went out on their own ahead of the government and tried to do something meaningful and practical, something that would turn around the trends of escalating violence on our train system. They developed and costed a strategy for a group of 940 protective services officers (PSOs) to be trained and deployed around the state to ensure the safety of our train system.

The opposition is saying this is an overreaction, and that the government is going to put PSOs on train stations where there might not be an assault. I hope that is the case. Ms Pennicuik drew a comparison, saying that the same percentage of assaults takes place outside hotels as takes place at train stations.

Ms Pennicuik interjected.

Mr DRUM — Ms Pennicuik said it was the same percentage — 10 per cent outside hotels and 10 per cent at train stations. It would be great if we could identify which venues were going to host tonight's assaults, but we simply cannot, so we have to take a measured and balanced approach to what we are doing.

In opposition we screamed for years for the Labor government to do some of this work. It was the same with violence in the CBD. We kept hearing the same old, worn-out stories from the Premier of the day, Mr Brumby, who said, 'It's a beat up; it's all okay; it's not that bad'. It was okay for that government to take that view. We took a different view, and we decided that we were going to employ 940 PSOs and put them on every major railway station in Victoria, including the major railway stations in regional Victoria, from dark until the last train in the evening — and that is the decision we have made. It will be expensive, which means that we will have to find the money, but we are committed to doing it, and we will do it.

The protective services officers will be trained for the work they have to do. They will be armed, so they will have eight weeks training prior to being put on railway platforms. They will be trained adequately for the work they have to do and the roles and responsibilities they are given. Not only will they undergo initial training but every six months they will be retrained. That is what will happen.

The coalition has made this a cornerstone of what it stands for. This became our policy in opposition. We followed it up with the policy of hiring 1600 additional police. We led the state of Victoria from opposition with policies, promises and direction, trying to stem the violence that was escalating out of control. We stood for it then, and we still stand for it. We will work our way through it, and we will deliver.

Members of the opposition have said, 'It is a beat-up, it is unnecessary — we do not have all this violence'. They suggested that when we were in opposition we were creating a beat-up to make people feel unsafe.

Many of us here in this chamber use the public transport system into the evenings, as do many of our children. We would like to be able to put our kids on the train and send them off to Melbourne in the knowledge that there will be armed guards looking after the security needs of the people on stations both in the regions and in Melbourne. When they have to travel in or around Melbourne, there will be that level of security.

This is as much about the deterrent factor and about creating a cultural shift as anything else. The very presence of PSOs will act as a deterrent to the gangs and thugs who think it is okay to belt people, to assault and to mug them. PSOs will have not only guns but also capsicum spray and a range of other defensive weapons so that they can effectively defuse potentially dangerous situations at stations.

We need to support what the bill is attempting to do. Sure, there are challenges in relation to amenities on stations, and we have to work our way through them. We have to work through the roles and responsibilities of PSOs. We will broaden their roles and responsibilities. We will increase or remove the cap of 150 PSOs imposed by current legislation.

As Ms Pennicuik was saying, the bill is quite a small one, but its impact will be significant. I agree with Mr O'Donohue: this is about the bigger picture. If we can create a better environment not only for young people but for professionals and other travellers on the public transport system so that they can use public transport more often, that will lead to other benefits, such as productivity gains and social improvements. This is a bigger picture issue. We need to continue to increase the confidence of the Victorian people in our public transport system. This policy, direction and program will effectively do that.

The bill will make our public transport system and train stations safer. Will it solve all our problems? No, it will not, but it is better than the type of leadership we had in this house and this state under the 11 years of the previous government when it effectively turned its back on violent crimes and said, 'We cannot do anything about it. It is just bad luck' and 'It is not a problem at all; it is a beat-up. You are overcooking the statistics, and we do not think we have to do anything about it'.

We have made the choice to do something about it. It was courageous for us to do so ahead of everyone else. We will deliver on 940 PSOs, we will look after train stations to the best of our ability and we will be proud when this program commences and we start seeing PSOs appearing on train stations from dark to the last train in the evening at each and every railway station around Melbourne and at the major train stations in regional Victoria.

Ms TIERNEY (Western Victoria) — I am pleased to make a contribution in relation to the Police Regulation Amendment (Protective Services Officers) Bill 2010. It is not all that common to be able to stand here and say we are as one in relation to an issue, but all of us in this chamber support the view that safety is — —

Debate interrupted.

DISTINGUISHED VISITOR

The ACTING PRESIDENT (**Mr Finn**) — Order! I apologise to Ms Tierney for the interruption, but I would like to welcome to the house a former President of this chamber — indeed, the immediate past President — the Honourable Robert Smith. I am sure he is joining us on his way to another function he will be attending not far from here this evening. We welcome him to the chamber.

POLICE REGULATION AMENDMENT (PROTECTIVE SERVICES OFFICERS) BILL 2010

Second reading

Debate resumed.

Ms TIERNEY (Western Victoria) — As I was saying, everyone in this chamber supports the view that safety on public transport is extremely important. However, I will depart from my support of this bill in some of the comments I will make, because I do not think the bill assists us in advancing that objective. It raises a number of issues and concerns, and I do not believe it will provide us with the solutions we seek.

Those concerns have been raised by others, but they are worth reiterating. Firstly, I do not believe the eight-week training course is long enough for the officers. I do not believe an eight-week training course truly reflects the difficulty of the situations the PSOs will be placed in. There is concern for the PSOs about the very difficult situations they will be placed in, and some of this concern could have been allayed were the legal powers of PSOs more commensurate with those challenging circumstances they will be placed in.

There are also issues to do with the equipment the PSOs will be using, including firearms and other weapons. There are issues around communication devices that have not been dealt with; nor are the amenity issues that are important to PSOs mentioned in this bill.

The ACTING PRESIDENT (**Mr Finn**) — Order! I apologise for interrupting Ms Tierney. I ask the people in the gallery who are taking photos to desist, as that is against the rules of the house.

Ms TIERNEY — The bill also does not shed any light on how the PSO system will operate. In press releases there is mention of them working in pairs, but there is no outline of whether there will be a team structure, what the reporting mechanism will be and what hierarchy will be employed to ensure the effective operation of the system, not to mention the backup systems that will be required in terms of emergency situations. Also lacking is a description of exactly where the PSOs will be located and what PSOs will be required to do if incidents occur in a car park or in a surrounding railway precinct. Will they be able to deal with those situations, or will they be forced to remain on the railway platforms?

There is then the issue of overseas experience. In the past there have been attempts to introduce these systems overseas. As we know, recently in the United Kingdom this system was shown not to work, and their PSO equivalents were recalled. A further issue is the budgetary matters associated with the introduction of this program. I have not been provided with information about where the money will be coming from — what line item will be used — to implement the PSO program. As recently as late last week the Premier on radio announced that only 50 PSOs would be in place before the end of the year. That is 50 out of the 940 PSOs promised at election time.

What we know about this project now is how slow the rollout will be. The community is starting to see the true colours of this government. There had been a rush of blood but no work done on this issue when it was announced by the then opposition, and no work has been demonstrated by the new government, as evident in the bill before us today. I would have to ask: why was work not done on this during January and February? It must have been a lot more important to continue the post-election parties than to put some serious work into this issue. It must have been more important than providing the underpinnings for this election commitment.

Honourable members interjecting.

Ms TIERNEY — We can hear the reaction now. Government members are not giving us any true or clear ideas; they are just proving again that they were obviously partying in January and February. This is a classic case of rushing in and capturing the imagination of the community.

Business interrupted pursuant to standing orders.

QUESTIONS WITHOUT NOTICE

Employment: Latrobe Valley

Mr SCHEFFER (Eastern Victoria) — My question is for the Minister for Employment and Industrial Relations, Richard Dalla-Riva. I draw the minister's attention to the *Latrobe Valley Express* of 7 March and a front page article headed 'Moe job plan axed'. The member for Narracan in the Assembly, Gary Blackwood, is quoted in the article as saying that relocating government jobs to Moe was never part of coalition policy. I also draw the minister's attention to Telstra's intention to remove 114 jobs from Moe in April and the announcement of a further 60 job losses in the coming months from the closure of McCormack Demby Timber in Morwell. I ask the minister: how many jobs does the government expect to be created in Moe over the next four years?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — It would be great if the member himself would move into that area. I understand that on 16 February it was announced in Moe that there would be 114 job losses and that the centre would close in mid-April. The loss of jobs is always distressing for a business, employees and the families involved.

Honourable members interjecting.

Hon. R. A. DALLA-RIVA — If you listen, you will hear that the government has been in contact with Telstra, offering to provide assistance to affected employees with training, financial planning and counselling support through the back-to-work program. My department has liaised with Telstra management and will be organising four information sessions for affected workers on 25 March and 28 March.

The PRESIDENT — Order! I remind all members to press their buttons before they speak, because we are still on the manual audio process at the moment.

Mr Leane — The minister has pressed my button! On a point of order, President, yesterday the Leader of the Government — or it might have been the day before — raised a point of order on a new member reading his speech. My point of order is that the minister is reading his answer word for word.

The PRESIDENT — Order! The member knows that members have the opportunity to read from notes, and ministers have historically read from notes in terms of trying to provide an accurate answer to the house. In that context I certainly accept that Mr Dalla-Riva is attempting to provide an adequate response to

Mr Scheffer. I do not have problems with him referring to those notes. I am sure it is not Mr Dalla-Riva's usual practice to read word for word — in fact he does acknowledge and direct things through the Chair, and from my point of view usually does add to whatever remarks might be included in his notes, and I hope that will be the case going forward.

Hon. R. A. DALLA-RIVA — My department has been liaising with Telstra management and has organised four information sessions, on 25 March — being tomorrow, for those who do not know — and 28 March. The federal agencies, MoneyHelp and the Central Gippsland Institute of TAFE will be on hand.

Ms Pulford — On a point of order, President, the minister may be referring to notes, but he might have his notes open at the wrong page, because he is answering a different question. The question related to how many jobs were going to be created. It was not a question about support for people who had lost their jobs; it was a question about creating new jobs in Moe.

The PRESIDENT — Order! Ms Pulford would be well aware that the minister is entitled to answer the question in any way he sees fit. Indeed if Ms Pulford does not elicit the information she requires from the minister's initial answer, there is a supplementary opportunity. I hope this is not a tactic to try to continually raise points of order about particular speakers as part of an exercise.

Supplementary question

Mr SCHEFFER (Eastern Victoria) — I wager that no government member or minister has travelled more extensively across Eastern Victoria Region than I have over the past period.

Honourable members interjecting.

Mr SCHEFFER — You included! Specifically my question to the minister is: what programs will his department be implementing that will create jobs in — —

Honourable members interjecting.

The PRESIDENT — Order! I ask Mr Scheffer to repeat the last part of his question, because I did not hear it.

Mr SCHEFFER — Specifically what programs will the minister's department be implementing that will create jobs in Moe?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I am here as the minister to generate jobs and investment across Victoria. The member may well talk specifically about certain places, but I am here to generate jobs and investment right across Victoria. Maybe the member could start by helping local businesses. He could help local businesses in the area that he mentions by actually moving into that place and then supporting those businesses by providing money and support to them. That might be a start.

Honourable members interjecting.

The PRESIDENT — Order! I remind members that proceedings are televised.

Questions interrupted.

DISTINGUISHED VISITOR

The PRESIDENT — Order! I take this opportunity to acknowledge a former member of this house, indeed a former Presiding Officer of this house, the Honourable Bob Smith.

Honourable members interjecting.

The PRESIDENT — Order! I am advised that has already been done and that Mr Smith has been here for quite a while. I am sure Mr Smith would not mind being acknowledged twice!

QUESTIONS WITHOUT NOTICE

Questions resumed.

Manufacturing: government initiatives

Mr O'DONOHUE (Eastern Victoria) — My question is to the Minister for Manufacturing, Exports and Trade, Mr Dalla-Riva, and I ask: can the minister update the house on what the Baillieu government is doing to support small and medium enterprises in Victoria?

Hon. R. A. DALLA-RIVA (Minister for Manufacturing, Exports and Trade) — I thank the member for his question and his ongoing interest. Interestingly his question covers the area that was the subject of the previous question. The only difference is that we know Moe to be spelt M-o-e and those opposite know it as M-o-e-t, because they often have a lot of Moet. That was the reason they lost government —

they were more focused on having their champagne than they were about supporting local businesses.

I am pleased that Mr O'Donohue has asked about the opportunities we are providing to support small and medium enterprises in Victoria. The one thing that we have been doing, with revitalising the manufacturing sector in mind, has been having a number of meetings with small-to-medium enterprises. These round tables have been designed for government, and in particular me, to meet face to face with enterprises to discuss meeting these challenges, strengthening and expanding businesses and creating jobs and investment for this state, including Moe — spelt M-o-e, for those opposite.

I have already conducted three of these round tables. The first was in Bundoora covering the northern suburbs.

Mr Ondarchie interjected.

Hon. R. A. DALLA-RIVA — Yes, Mr Ondarchie was there. In Dandenong we covered the south-eastern suburbs — a very important hub of the manufacturing base and small-to-medium enterprises. Just last week I was in Footscray meeting representatives from small-to-medium enterprises in the western suburbs.

But there is more! We are actually going out into regional areas, where we will be undertaking a series of round tables for small-to-medium enterprises. I ask some of the members opposite to consider going into those regions instead of staying in metropolitan Melbourne.

We are looking to establish a strong and successful small-to-medium enterprise network, and we see it as vital to Victoria's economic wellbeing. In contrast to the former Labor government, which saw a decline in manufacturing over its decade of mismanagement, as a government we will be restoring confidence, restoring the vibrant manufacturing base and returning this state to the leading role that it once had as the nation's industrial powerhouse, because we see a strong and successful manufacturing sector as being vital to economic growth, jobs, productivity, exports and investments. We know it contributes significantly to the manufacturing base. Some 311 000 employees are within this sector, which contributes something in excess of $30 billion. There are challenges facing the manufacturing sector.

Honourable members interjecting.

Hon. R. A. DALLA-RIVA — What am I doing? I am actually going out there and listening to small-to-medium enterprises. What we are doing is looking at a whole series of areas.

Mr Tee — Areas?

Hon. R. A. DALLA-RIVA — Areas. As I said, a whole series of areas — if Mr Tee listened — in metropolitan Melbourne and country Victoria. All right? We are going around — —

Honourable members interjecting.

Hon. R. A. DALLA-RIVA — Mr Tee should understand what I am saying. Our aim is to take action that will improve competitiveness, productivity, investments, jobs and export growth in the manufacturing sector; this in turn will contribute to a stronger, more competitive Victorian economy. That is what we are doing as a government. Unlike those opposite, who are more interested in the manufacture of gloom and doom, we are committed to doing all in our power to forge a renaissance in manufacturing, and we are confident that our small-to-medium enterprises with the right incentives will be ready to meet those challenges.

Mrs Petrovich — On a point of order, President, during the minister's response Mr Pakula made an unparliamentary and offensive comment about bombs going off in the electorate, which I thought was most unseemly.

The PRESIDENT — Order! I am at a bit of a loss because I did not hear that remark, perhaps because it was drowned out by interjections from other members to my left. I would also take a dim view of that sort of remark. Irrespective of any relationship that any member might suggest that sort of idea might have with a member of this chamber, it has some very significant links to other experiences around the world, and I think that is totally inappropriate. I certainly hope that sort of remark does not occur again. It is probably fortunate that I did not hear it.

Rail: regional link

Mr BARBER (Northern Metropolitan) — My question is for the Minister for Planning. The minister's predecessor received a referral under the Environment Effects Act 1978 to review the regional rail link. The assessment by the Environment Protection Authority of the regional rail link has now been released through the Freedom of Information Act 1982, and in a document which appears to be dated 20 September 2010 the EPA makes a number of statements about the proposed regional rail link. It says:

> The methodology for noise assessments is not appropriate as it estimates only some noise levels, and does not assess impacts on communities.

It also says:

> In Footscray, for the most exposed residents, a vast majority of the population will experience chronic noise-induced sleep disturbance, with very significant proportions 'highly disturbed'.

It further states:

> In addition, EPA predicts a significant risk of increases in sleep disturbance …

I ask: has the minister examined this material as part of his work so far?

Hon. M. J. GUY (Minister for Planning) — I thank Mr Barber for his question about a very important issue facing the residents around the proposed regional rail link in the western suburbs — —

Mr Jennings — But not for anybody else who's worried about hearing. You went berserk about hearing the other day. No-one's got the right to hold up the — —

Hon. M. J. GUY — Are you all right, Princess, or can I continue this answer? Are you okay?

The PRESIDENT — Order! A derogative term like 'Princess' is just not on. However, I have to say that Mr Jennings seems to misunderstand that the chamber is about questions and answers and debate; it is not about conversation, which might well be better conducted in the cafeteria. If he feels in a conversational mood and he does not have a question, then perhaps he might consider the cafeteria as a better venue for his activity today.

Hon. M. J. GUY — I thank Mr Barber for his important question, which is quite timely. I offer my response to all of the chamber so that Mr Jennings does not feel left out, and I offer to buy him a coffee afterwards to elaborate further on this answer.

Mr Jennings — A great square-off! Thanks so much.

Hon. M. J. GUY — We can have a one-on-one and a good discussion around it.

As I said, Mr Barber's question is important. I am working with the Minister for Public Transport on the issues raised by the study to which Mr Barber refers. There is a response coming from government; it will come in time. Mr Barber has raised some important issues in relation to the impact of noise coming from current and future rail projects to which we will respond in due course.

Supplementary question

Mr BARBER (Northern Metropolitan) — I have another quotation for the minister:

> An EES would enable an integrated assessment of the environmental effects of the project to inform decision making for required approvals …

Mr Leane interjected.

Mr BARBER — I continue:

> including opportunities to avoid or minimise significant adverse effects through alternative layouts and other mitigation measures.

Mr Leane interjected.

The PRESIDENT — Order! I say to Mr Leane that sometimes something said once can be acceptable and sometimes even be funny, but when it continues on — —

Mr Leane — It gets tedious.

The PRESIDENT — Order! It is more than tedious; it really is straining my patience. Mr Leane is warned. He might go down as the very first person to take an early lunch.

Mr BARBER — That quotation was from the minister's decision to refer the Penshurst wind farm for an environment effects statement under a 40-decibel noise limit. Here we are talking about 60 decibels, which is more than double the sort of noise currently experienced. Can the minister tell the house if an EES will be ordered on this project?

Hon. M. J. GUY (Minister for Planning) — I cannot give Mr Barber that answer immediately, but I am working with the transport minister to find a resolution to the matters in the question Mr Barber has put to me, so that will come in time. Again, I thank him for the important question, one which Mr Leane and the Labor Party may not regard with much seriousness but which he and this side of the house clearly do.

Rooming houses: government initiatives

Mrs COOTE (Southern Metropolitan) — My question is to the Minister for Housing, Ms Lovell, and I ask could she inform the house of any recent rooming house initiatives in the metropolitan area to support those at risk of homelessness?

Hon. W. A. LOVELL (Minister for Housing) — I thank the member for her question and for her long-term interest in and commitment to the disadvantaged members of her electorate. The coalition is committed to improving the rooming house sector, and last Thursday a new facility specifically targeting those at risk of homelessness was opened in Grey Street, St Kilda. Unfortunately I was not able to be there due to the loss of my mother, but I thank my colleague David Southwick, the member for Caulfield in the Assembly, for representing me at the opening. He was struck by the uniqueness of this development.

The site incorporates 34 self-contained units for singles, where once a 20-room shared facility existed. In just over 100 days in government the coalition has worked hard to address the issue of disadvantage in our community by delivering reform of the rooming house sector — unlike the previous government, which talked for 11 years but did nothing.

Employment: Latrobe Valley

Mr VINEY (Eastern Victoria) — My question is also for the Minister for Manufacturing, Exports and Trade, who is also the Minister for Employment and Industrial Relations, Mr Dalla-Riva. The minister may think it is funny to mispronounce the name of Moe and confuse it with the champagne, but I can guarantee him that 200 people losing their jobs right now in the Latrobe Valley, in particular in Moe, do not think it is funny, and they are certainly not drinking champagne.

I refer to the minister's previous answer about what he claims the government was doing about the loss of Telstra jobs. I note that all those initiatives are actually those of Telstra, as is required as part of the severance package, so I ask: what specifically is the minister going to do about the creation of jobs in Moe and the Latrobe Valley?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — Again, the issue raised relates to a specific town. As I indicated in relation to that particular matter, we have a workforce in place which will be meeting. I indicated that my department has liaised with Telstra. We have organised four information sessions; we are taking this seriously. They are meeting tomorrow and on the 28th, and we are working through that process.

Mr Viney asked a specific question about what we are doing. My parliamentary colleague Mr Hall was in Moe just last Friday speaking with people in the education sector about new facility needs. We are out there, we are doing the right thing and our focus is about generating jobs and investment for Victoria.

Supplementary question

Mr VINEY (Eastern Victoria) — No member of the government attended the public rally, and I can say so because I was there and I addressed the Telstra workers who are losing their jobs right now in the Latrobe Valley. I would like to know in relation to the minister's response to my initial question, given that he clearly has absolutely no plans that he is prepared to provide to this house for the creation of jobs in the Latrobe Valley, is he prepared to go and meet with the Telstra workers who are losing their jobs or the other 60 workers who are losing their timber industry jobs right now and give them some sort of assurance about what their employment futures are in the Latrobe Valley?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I am absolutely distressed by the nature of Mr Viney's using the loss of people's jobs as a political football in Parliament. This is a distressing situation for the families and the individuals. This government would never use that opportunity to play the political football game that opposition members are playing and continue to play.

As I said, we have been in contact with Telstra, we have organised four information sessions and we have a back-to-work program. I am very disappointed — —

Hon. M. P. Pakula — On a point of order, the question asked by Mr Viney was a very narrow question. It was, 'Are you, minister, prepared to meet these workers?'. I ask you to draw him back to the question that was asked.

The PRESIDENT — Order! Again, Mr Pakula knows, particularly as a former minister, that it is the prerogative of ministers to answer questions in the way they see appropriate. I have no magic powers to direct a minister to actually answer a question to the satisfaction of an opposition. The minister has not yet completed his answer. He may well address the specific matter that Mr Pakula has raised by way of a point of order.

An honourable member — Hypocrisy again.

Hon. M. P. Pakula — It would be nice if he could.

The PRESIDENT — Order! I trust the hypocrisy was not on my part.

Hon. R. A. DALLA-RIVA — As I will explain in detail, I find it reprehensible that those opposite are

using the loss of jobs as a political football in this chamber as a political football on a loss of jobs. I have already said that the department is out there offering assistance through its back-to-work program. We are looking at providing training, financial planning and counselling and we will be there to support them all the way along.

Honourable members interjecting.

Ms Broad — So that was a no.

Hon. M. P. Pakula — That was a no.

The PRESIDENT — Order! It is pretty hard to say whether it was a 'no' or not because you drowned the minister out and I am not sure anyone heard what he said.

Victorian Bushfire Appeal Fund: scholarships

Mr DRUM (Northern Victoria) — My question is to the Minister for Higher Education and Skills, Mr Hall. I ask: can the minister inform the house of any financial assistance being provided to tertiary and TAFE students directly affected by the 2009 Victorian bushfires and the recent Victorian floods?

Hon. P. R. HALL (Minister for Higher Education and Skills) — I thank Mr Drum for his question and interest in this subject, a subject which I am sure all members of this chamber are very interested in because the trauma of bushfires and flood has been significant to many parts of Victoria in recent years. We reminded ourselves just recently on the two-year anniversary of the bushfires how important it was that there be continued support for bushfire-affected victims because the impact of those bushfires will be long and we need to make sure that we do not forget their needs. The same can be said of flood victims, and we need to support them in their time of need.

One of the many supporting programs put in place following the 2009 bushfires was a scholarship program available to students completing year 12. They were able to use a scholarship to assist them in pursuing tertiary education, whether that be higher education or a vocational level program. Initially, that fund provided support for 57 scholarships for students who completed year 12 in 2009. The scholarship was worth $15 000 for each year of the course they undertook. There has been a further round for students who completed year 12 in 2010. Applications for those scholarships have closed and are being assessed currently, and announcements are imminent.

I am pleased to say that in conjunction with the Victorian Bushfire Appeal Fund, from which these scholarship funds were sourced, there is going to be an extension to this program and there will be a further round available to those who complete year 12 in 2011. In addition there will be a one-off opportunity for students who are currently undertaking vocational or higher education studies to seek assistance if they have not already been able to secure such assistance in the past. It is important that I put that on the record so that as many Victorians as possible know there will be ongoing support and assistance for some years yet to enable those young people who have been impacted by bushfires to pursue post-secondary education.

With respect to the recent flood events in Victoria, my department, through Skills Victoria, has made available some training support packages to the tune of $500. They are available generally across communities that have been affected by floods and will enable members of those communities to undertake vocational or higher education training. It is a small amount, but every dollar assists in this regard. If it supports those people to undertake some sort of training which may assist them with flood recovery or set them on a course for future employment options, then it is money well spent and money we are certainly prepared to make available.

I am pleased to announce that there will be ongoing support available from the coalition government for young people in Victoria who have been impacted by floods and bushfires to pursue education opportunities.

Princes Freeway, Morwell: closure

Mr SCHEFFER (Eastern Victoria) — My question is to the Minister for Housing, who is the representative in this chamber of the Minister for Regional Cities. I draw the minister's attention to WIN TV and *Latrobe Valley Express* reports concerning the 11 February closure of the Princes Freeway at Morwell. The freeway closure has meant an increase in vehicle collisions, increased danger for pedestrians, an increase in traffic volumes through the centre of Morwell, a negative impact on businesses and the disruption of daily life in the town. I ask the minister: has any government minister cared enough to recognise this crisis by visiting Morwell to talk to local people and traders about the effect of the closure on their lives and businesses?

The PRESIDENT — Order! I am a little concerned at Mr Scheffer's question in so much as I do not see that it relates to this particular minister's responsibilities. As I understand it, Mr Scheffer's question is about a road closure. That is the principal

issue. I understand that disruption stems from this road closure, but the key issue is the road closure, I would have thought. The Minister for Roads is not sitting to my right. If there had been a minister in this place to which that question might have been better directed in terms of a whole-of-government response, it would be the Leader of the Government. I seek the member's comment with respect to the placement of his question.

Mr SCHEFFER — My comment, President, is that the origin of this issue is indeed a road closure, but this is a major freeway that services Gippsland and beyond, and the closure of the freeway has had a much wider impact. In fact it impacts not only on a regional town but on a regional economy and the amenity of the citizens in that area. That is why I think it is appropriate to direct this question to the minister in this chamber representing the Minister for Regional Cities.

The PRESIDENT — Order! I will allow the question.

Hon. W. A. LOVELL (Minister for Housing) — Naturally, the Baillieu government is concerned about any impact of any road closure on any community because it cares about regional Victoria. In fact many of our ministers and members live in regional Victoria in their own electorates, unlike Mr Scheffer. But in the spirit in which the question was asked, I will refer it to my colleague, the Minister for Regional Cities, for his prompt response.

Supplementary question

Mr SCHEFFER (Eastern Victoria) — Does the minister agree that after four months in government the people of Morwell have the right to expect either the Minister for Roads or the Minister for Regional Cities to visit the town?

Hon. P. R. Hall — On a point of order, President, the question was framed by Mr Scheffer using the words, 'Do you agree'. That is clearly seeking an opinion, and as such I suggest that question is out of order. Therefore, it is up to the Chair to deal with the question.

The PRESIDENT — Order! I will give Mr Scheffer an opportunity to reword the supplementary question.

Mr Viney — On a point of order, President, I do not see how asking a minister if they agree is actually seeking an opinion from that minister. In order to establish whether an opinion was being sought it would need to be considered in the context of the rest of the question, and the rest of the question was quite specifically framed. I would think that it would be in order to ask, 'Do you agree', with a proposition that is properly framed.

The PRESIDENT — Order! My concern with this is that whilst the minister responds in this chamber on regional cities matters, the minister does not have direct responsibility for this area. Therefore, her ability to assist with an answer to the question that would be responsive to the extent that Mr Scheffer would like is limited. In that context asking the minister to agree to a proposition is a difficult matter, because it is seeking an opinion from a minister who is not directly responsible for regional cities in this house. She certainly answers for a minister in another place, but it is not appropriate to put a question to her in a way that asks her to provide an opinion to the house about an area which is not a direct responsibility of this minister. I invited Mr Scheffer to reword the supplementary question, and I persist with that line.

Mr SCHEFFER — Will the minister, in support of the people of Morwell, request that the Minister for Roads and the Minister for Regional Cities visit their town?

Hon. W. A. LOVELL (Minister for Housing) — In the spirit in which the supplementary question has been asked, I will refer this matter to the minister as well.

Planning: peri-urban councils

Mrs PETROVICH (Northern Victoria) — My question is for the Minister for Planning. I ask the minister — —

Mr Lenders — Has he seen a leading cow?

Mrs PETROVICH — On a point of order, President, I find the comment just made across the chamber quite offensive, and I ask Mr Lenders not to refer to me as the lead cow. I ask for that to be withdrawn.

Honourable members interjecting.

The PRESIDENT — Order! The next person who talks will be sent out, because I am on my feet.

Mrs Petrovich has found the remark that was made offensive. In that sense, whilst it might have been made in jest and might not have been made maliciously, the fact is that it is a term which might well be taken as being offensive by most people. Therefore, I ask Mr Lenders to withdraw that interjection. In doing so I advise other members of the house that the interjection

was probably not picked up by Hansard; now it has been.

Mr Lenders — I withdraw the phrase 'Has he seen a leading cow?'.

Mrs PETROVICH — On the point of order, President, I am hoping that an audio tape can be provided. I would like to scrutinise that comment.

The PRESIDENT — Order! The member is quite able to listen to the recording, but that is what Mr Lenders said. The point is that in terms of the withdrawal I do not want Mr Lenders to put it in a way that downgrades the withdrawal and plays games with it. I ask for a straight withdrawal of what was said.

Mr Lenders — I withdraw.

Mrs PETROVICH — My question is to the Minister for Planning, Mr Guy. I ask: can the minister inform the house how the Baillieu government is acting to involve Victoria's peri-urban councils in a new and improved relationship with the state government?

Hon. M. J. GUY (Minister for Planning) — I thank Mrs Petrovich for the tireless work she has done in her representation of Northern Victoria Region, which includes a number of key peri-urban areas of Victoria. Members in this chamber would know that the shires of Surf Coast, Moorabool, Macedon Ranges, Murrindindi, Baw Baw, Bass Coast, Golden Plains and South Gippsland are areas which come into the peri-urban areas of Victoria. This government regards the land use issues, population issues and township growth issues that will be faced by those areas in the future as vitally important — so important that we need to establish, as the Baillieu government has done, a one-stop shop for Victoria's peri-urban councils into the state government so that they have the ability to manage these issues with peri-urban councils one on one.

Honourable members interjecting.

The PRESIDENT — Order! I have put up with a lot of comments today. Given the velocity and the nature of some of the interjections, it has not been a good day. It has not been the best question time for this new Parliament. I remind members, as I did before, that they are now on candid camera. Interjections do not reflect well on the house, and I suggest that members think before they yell. The minister to continue, without assistance.

Hon. M. J. GUY — The peri-urban group of councils was established by those councils as part of the support of the Municipal Association of Victoria (MAV). In answering this question let me put on record that I find quite astounding the mocking of the peri-urban group of councils by members of the Australian Labor Party and the absolute contempt with which it has treated those councils and this question, which I will be communicating to the peri-urban group of councils.

Honourable members interjecting.

The PRESIDENT — Order! Mr Viney on a point of order. It had better be a good one.

Mr Viney — On a point of order, President, I am not sure who it was that said, 'It had better be a good one', but let me just say that the President has not just asked members to his left to change the manner in which they were dealing with question time. It was taken by members on your left, who were listening to the answer in silence, and the minister took that as an opportunity to make a free-ranging attack on the Australian Labor Party in opposition. It makes it very difficult for members on this side to adhere to the ruling on that basis.

The PRESIDENT — Order! It was me who said 'It had better be a good one', and frankly it was not. The fact is that the minister did not berate the ALP in the sense that Mr Viney said. He was simply saying that it was extraordinary that members of the ALP would ridicule — that is my word, not his word — a group of councils that came together in a body. His volume you might not have liked — I am not able to regulate people's volume in this place — but his content was not provocative in the sense that you describe, and there is no point of order.

Hon. M. J. GUY — Thank you for your comments, President. I say again that the Liberal Party and The Nationals regard the issues of the peri-urban group of councils, which have come together through MAV for guidance on issues to deal with the problems of attaining population and to seek guidance on land use, with absolute seriousness. I have met with the body of councils. I have been to the peri-urban shires a number of times since coming to this position on 2 December 2010. Our members, such as Mrs Petrovich, have taken their issues with exceptional seriousness. That is why we have established a first point of call within the Department of Planning and Community Development for those councils to come together to seek that guidance and assistance from the state government to ensure that their issues are being treated seriously.

Why would our opponents not treat their issues seriously? Mr Scheffer has spoken on peri-urban issues

in places like Baw Baw and further beyond in regional Latrobe. He does not even live in this area, yet he is raising peri-urban issues.

Ms Tierney interjected.

Hon. M. J. GUY — Ms Tierney has peri-urban councils in her electorate. Does she actually live in an area with a peri-urban council?

The PRESIDENT — Order! Answers are to be directed through the Chair. There is a good reason for that: because it antagonises other members if a minister starts making pointed remarks at a particular member. That is not appropriate in Parliament. I ask the minister to direct his remarks through the Chair.

Hon. M. J. GUY — I raise the point that members on this side of the chamber live and work in peri-urban areas and are proud to do so. Members on this side of the house are proud of the peri-urban group of councils and the issues they are confronting, and they are fully supportive of MAV and the councils of the peri-urban shires that have come together on the important land use issues they face. We do not ridicule their issues; we want to do everything we can to support them. We want to do everything we can to support the Surf Coast, Moorabool, Macedon Ranges, Murrindindi, Baw Baw, Bass Coast, Golden Plains and South Gippsland shires. That is why after 11 dark years it has taken the Baillieu government to establish a first point of call for all of those councils to get their issues dealt with in a clear, concise way, not going to 5, 10 or 15 different people and saying 'We take you seriously; we will give that one-stop shop'. Labor did not act on it; the Baillieu government has.

Princes Freeway, Morwell: closure

Mr VINEY (Eastern Victoria) — Members on this side do not mock and create mirth about the town of Moe, either. I ask my question to the minister representing the Premier, the Leader of the Government in this Council, David Davis. I draw the minister's attention to articles in the Latrobe Valley and Gippsland newspapers about the closure of the road and the diversion of traffic through Morwell.

The *Bairnsdale Advertiser* of 7 March advises that it contacted the Minister for Roads, Mr Mulder, over a week ago for further information but had yet not received a comment. The only official comment has been that the road is expected to be closed for at least three months. It is now over six weeks since it was closed, so I ask: will the road open in six weeks?

Hon. D. M. DAVIS (Minister for Health) — I thank the member for his question. I will take on notice the details of that question and take it to the Premier and the Minister for Public Transport, to whom I think the member referred in his question. In that sense I will ensure that there is a full answer to his question.

Supplementary question

Mr VINEY (Eastern Victoria) — In the context that I am still not able to get any advice from the government in relation to when the road is likely to be open — nor have any members of the local media or local community — and that there has been no media release, no statements to the media and no clarification for the community about how long they should have to put up with this and the potential economic impact and loss of jobs that is already occurring in the Latrobe Valley through other means, I am asking — —

The PRESIDENT — Order! Mr Viney is actually debating this question. He is not phrasing a question; he is participating in a debate. The remarks he is making are opening it up for what could be a very wide-ranging answer from the Leader of the Government which again gets us absolutely nowhere and really just irritates the whole thing. I ask the member not to debate the question, but ask the question.

Mr VINEY — I suppose my passion is because of the serious concern in the community about the impact of the road closure. I ask: given that there has been no information from the government about it, when will the government accept the result of the November 2010 election, act like a government and make a decision about the freeway and the road closure?

The PRESIDENT — Order! I will allow the minister to answer if he wishes to do so, but I find that question very argumentative and in the terms that it has been asked it does not necessarily go to the minister's direct responsibilities, either. I have some concern about the way this question has been put. I daresay that the Leader of the Government is quite capable of dispatching this one.

Hon. D. M. DAVIS (Minister for Health) — Mr Viney's question was argumentative. Nonetheless, he has raised a genuine issue, and I will in good faith take that to the relevant ministers and ensure that there is a response. I am determined to make sure that there is an accurate and detailed response, as I am not familiar with the details of specific roads and those issues surrounding the action that is required.

Health: breastmilk bank

Mrs KRONBERG (Eastern Metropolitan) — I am very tempted to make some comments on the debate, because I have spent considerable time in the area of Morwell. I would like to say that the collapse of the highway is to do with the mining operations.

Honourable members interjecting.

The PRESIDENT — Order! Unless that actually goes to Mrs Kronberg's question, I do not want to hear. Mrs Kronberg, on her question.

Mrs KRONBERG — Thank you, President, for your forbearance. My question is directed to the Minister for Health, David Davis. I ask the minister can he inform the house of the benefits of establishing a breastmilk bank in Victoria?

Hon. D. M. DAVIS (Minister for Health) — I thank the member for her question concerning the recent establishment of a breastmilk bank in Victoria, the first human breastmilk bank that has been established in Victoria. This is an important step because the quality of human breastmilk is very important in assisting the growth of premature babies, babies born after less than 32 weeks of gestation or weighing less than 1500 grams. Those babies are amongst the most sick and vulnerable in Victoria. I compliment the Mercy hospital — —

Mr Lenders — You are reading the compliment.

Hon. D. M. DAVIS — The Leader of the Opposition may wish to make light of what is a significant matter.

Mr Lenders — I am not; I am saying you are a hypocrite. You are reading every word.

Hon. D. M. DAVIS — I am reading some figures. They are quite important figures, and I am determined to get them accurately on the public record because, as I said, they relate to babies born after less than 32 weeks gestation or weighing less than 1500 grams. They are babies who are amongst the most sick and vulnerable, and I compliment the Mercy hospital and the private benefactors who have enabled the establishment of this breastmilk bank at the Mercy hospital. This will serve the Victorian community very well. It provides a safe and secure source of breastmilk and enables those babies who are born with necrotising enterocolitis to have a source of breastmilk that will assist in preventing those vulnerable infants from developing infections. This is an important step. The way it has come about, through the benefactors who have provided resources to the Mercy hospital to establish this breastmilk bank is a first for Victoria and is something to be complimented. The funding for the bank is on a very secure footing into the future. The capacity is there to expand the breastmilk bank as it is proved up over time. The donations of milk that are made by women to other women and their babies is something that I think all in this chamber will support.

I thank the member for her question. I compliment the Mercy hospital and the benefactors who have been so closely involved in this process. I indicate the government's strong support for that process.

QUESTIONS ON NOTICE

Answers

Hon. D. M. DAVIS (Minister for Health) — I have answers to the following questions on notice: 98–101, 117, 157, 164.

POLICE REGULATION AMENDMENT (PROTECTIVE SERVICES OFFICERS) BILL 2010

Second reading

Debate resumed.

Ms TIERNEY (Western Victoria) — Earlier I was expressing my disappointment with the bill and its lack of detail. I was saying that I believe that when they were in opposition members opposite had a rush of blood to the head in terms of developing the concepts behind this bill and that very little work has been done in relation to the bill since they were elected to government. I was also questioning why those opposite had not put in some work in January and February. I think I was being a little bit provocative by saying that maybe they were just enjoying many post-election parties throughout January and February instead of getting down to the hard work that is required to provide the tenets and underpinnings of this bill.

The bill is quite disappointing because in the rush to capture the imagination of the community with a concept such as this you need the detail and the follow-through. The lack of it leads to a situation where people start having a greater level of cynicism about politicians and political parties and probably the political system as well. I suggest that government members must be saying to the community, 'It's all

about believing what we say prior to the election, not what we do after it'. I also argue that we probably need to chalk this one up as another example of the government hoodwinking the public, along with what has happened with the pay rates of teachers, the police and low-paid community workers.

The way that this bill is structured and its lack of detail points to it being a very disingenuous proposal. It is not too much to ask for a detailed bill, fully detailed guidelines and a full, exhaustive explanation by the minister in the second-reading speech, and it is not too much for the community to expect.

Mrs PEULICH (South Eastern Metropolitan) — I have great pleasure in speaking on the Police Regulation Amendment (Protective Services Officers) Bill 2010, as it is a key element of coalition policy on a law and order issue, an issue especially dear to the hearts of those in the South Eastern Metropolitan Region. It is of particular interest to those who travel long journeys to and from work, often as a result of lots of cancellations and delays and late at night having to return from work to, say, the interface council areas such as Casey and Frankston, and perhaps even a little closer in, such as Dandenong. The issue of safety and law and order in the community generally was of critical importance but of specific importance on our railways and of specific relevance to my region.

The policy was warmly welcomed during the state election campaign as a very important community safety measure, not only to tackle the rise of crime at our local railway stations, which did dramatically increase under the previous Labor government despite the comments of Ms Pennicuik and her citation of various documents.

Ms Pennicuik interjected.

Mrs PEULICH — Irrespective of that, we know full well that under the Labor regime people gave up on reporting many of the crimes and that concerns were regularly raised about the integrity of statistics. In particular, as I said, people generally gave up reporting crime because often it meant undue delays in attendance and often many of those complaints did not go anywhere. There has been a change in the culture in this state, not only a change of government. There is a commitment to fixing the problems, addressing these issues without the spin and the rhetoric, getting down to business and making sure that we honour those commitments.

Not only will the introduction of protective services officers (PSOs) mean better safety and security on railway stations from 6.00 p.m. until the last train, it will also take the pressure off the general policing responsibilities of police officers elsewhere in the community and therefore generate better law and order outcomes in the rest of the community. The track record of the previous Labor government in this area was poor. It provided fewer operational police per capita than any other state in Australia. It was a government that allowed the number of police per capita in Victoria to decrease every year since 2006–07, and it failed to protect Victorians.

This bill amends the Police Regulation Act 1958 to make provision for the appointment of additional protective services officers to perform further functions. It includes the general public in certain places as one of the types of protection that PSOs will be able to provide. Melbourne commuters expected tough action, especially in relation to making public transport safe again. PSOs will be deployed to every station in metropolitan Melbourne and the major regional centres from 6.00 p.m. to the last train on seven days of every week.

Irrespective of the concerns expressed by Mr Pakula that this measure will somehow be an inefficient use of resources, it is critical to regaining the confidence of our travelling public, both those who travel and those who wish to travel, and more generally to increasing patronage. PSOs will be in a position to arrest, remove or impede any offender or threatening individual, unlike the current situation whereby customer service staff are told not to get involved in any incident. There is certainly capacity to improve the feeling of safety among those who use public transport, in particular young people, the elderly and women, although it applies equally to the whole population.

Of particular interest to me are the benefits this bill offers to the residents of Frankston and Dandenong, which have 2 out of the 10 stations with the worst statistics on crime in relation to assaults that have taken place on the public transport network. In 2009, 45 per cent of assaults were reported to have taken place at only 10 stations: Flinders Street, Dandenong — the epicentre of my electorate — Broadmeadows, Footscray, St Albans, Ringwood, Bayswater, Frankston, Southern Cross and Thomastown. The people of Frankston and Dandenong will be very pleased about this bill indeed. A lot of assaults occur at night. The summary of assaults on stations during 2009 clearly shows that each and every day there are assaults, and every single assault is one too many.

Of further concern to me were some of the comments made in the Legislative Assembly by some members

whose own electorates would actually be the beneficiaries of these measures. The member for Dandenong, Mr Pandazopoulos, at least had the good grace to welcome this initiative but queried whether it would improve safety for his community. Clearly it will. Of particular note was the concern expressed by the member for Cranbourne, Mr Perera, who said:

> The allocation of PSOs at only metropolitan stations and major regional centres is a snub to the commuters who board trains across the rest of country Victoria.
>
> …
>
> In excluding large parts of regional Victoria under this policy the Baillieu-Ryan government will yet again disadvantage country Victorians and regional communities …

That came from the member for Cranbourne, who ought to be welcoming this initiative. He clearly does not care about his electorate. He is failing to do his job, which is to advocate for his community, many of whom have very strong concerns about law and safety and about the maladministration in his community over the past 11 years. It is deplorable, and it is clearly time for the member to retire. The electorate deserves the opportunity to elect someone who has the best interests of their own community at heart.

With those few words I support the bill.

Sitting suspended 1.04 p.m. until 2.07 p.m.

Mr TARLAMIS (South Eastern Metropolitan) — I rise to make a contribution to the Police Regulation Amendment (Protective Services Officers) Bill 2010. The opposition does not oppose the bill. I recognise that commuters will welcome measures to increase safety on our train network, as does the Labor Party. The government's transport policy was one of the centrepieces of its promise to fix the transport problems and build the future. The community expects the government to deliver its policy effectively. Both sides of politics put significant yet different policies to the people of Victoria. The main point of difference was which party provided the best solutions to tackle the problem.

Over the last decade the crime rate in Victoria has decreased by 30 per cent, which makes it the lowest since electronic recording commenced. Tougher powers around banning troublemakers, random search provisions and on-the-spot fines for antisocial behaviour are making a difference to violence. The last quarterly crime statistics, released last year, showed a 27.5 per cent reduction in street assaults in the CBD and 12.4 per cent statewide compared to the previous 12-month period. The Victoria Police transit safety division and the operational response unit have driven down crime on public transport by 48.4 per cent over the last decade. The 2009–10 Victoria Police crime statistics show that the total number of crimes on public transport fell by 7 per cent in the last financial year and that in 2009–10 there were fewer than 17 crimes recorded for every 1 million trips, and 60 per cent of those were property crimes.

Having said that, I am by no means denying there are problems. On the Labor side of the house we are very proud of our track record of protecting communities. In government we improved the safety and security of people and property on the public transport network through a range of initiatives such as station upgrades, increasing the number of transit safety police officers, providing additional platform staff and providing amenities to the community. We also oversaw targeted operations to crack down on assaults, the use of weapons and alcohol-related street crime, with over 500 authorised officers patrolling the train, tram and bus networks.

The government intends to address antisocial behaviour through different measures. It intends to create a safer environment on our transport networks through the engagement of protective services officers (PSOs), and seeks to expand their numbers for deployment on Melbourne's metropolitan train stations and major regional centres from 6.00 p.m. until the last train, seven days a week. The government also seeks to broaden the purposes for which PSOs can be used thereby expanding their current powers. Additionally it aims to remove the cap on their appointments from 150 to 940 to meet its election promise to make train stations safer.

Currently in Victoria PSOs are limited to a specific security role of protecting public officials and places of public importance. As we all know, they are deployed right here in the Victorian Parliament. They also protect places such as Government House, the courts, the Shrine of Remembrance and the Victoria Police centre. The bill aims to change that role from a security role to an enforcement role. I am not in any way demeaning the role of protective services officers; I am simply pointing out that they are provided with eight weeks training to perform a security service role, so it follows naturally that if you expand their role and responsibilities you need to expand their training, not just from the perspective of the public but for occupational health and safety reasons as well.

Given this has been the coalition's policy since 2009, you would think it would have had ample time to develop detailed legislation. Therefore I am understandably perplexed that both the bill and the

second-reading speech contain such little detail and do not outline how the government's policy will work or how it will be implemented. The bill leaves many questions unanswered, and does little to enlighten the community about just how protective services officers will be empowered to protect train commuters. I have many questions, but I would like to highlight just a few.

How will PSOs be trained to undertake their new role protecting commuters? Where will their powers be confined — to train stations, around train stations or train and bus interchanges? These are essential operational questions which have not been addressed. Also, where will the money come from? An obvious place is at the expense of train station upgrades, which have already been scrapped by the coalition. In my electorate the government has already scrapped premium station upgrades on the Frankston line at Chelsea and Seaford stations. Are protective services officers at these stations going to be too busy dealing with questions on timetables and tickets to deal with travellers' safety?

This bill does not limit the ability to roll out PSOs to other places. Is the government planning to replace Victorian police officers with protective services officers — people who are provided with less training, less support and less pay, but the same lethal equipment? Will we see the scrapping of transit police, who are sworn Victoria Police officers, to pay for this promise? We cannot know based on the evidence before us.

As mentioned earlier, PSOs only receive 8 weeks training as opposed to the 23 weeks of training provided to serving sworn Victorian police officers. How will these officers be trained in conflict resolution, and how will they manage instances of large groups, such as occur before and after the football? How will they be trained to deal with the mentally ill and drug-affected commuters and those with an intellectual disability? Will the protective services officers be able to deal with offenders in car parks, within the vicinity of a train station and in the access and ramp points of stations? Where in fact will their coverage start and stop? It is imperative that the government explains to the Victorian public if it is intending to alter, expand or change the powers that PSOs currently hold as it dramatically expands the locations where they will undertake their activities. Nothing before us answers these questions.

Let us now turn to the employment conditions for protective services officers. Once again I labour the point that the lack of detail means the day-to-day working conditions for PSOs are a mystery, but certainly the seemingly unlimited scope for them to be extended into new locations should be of interest to Victoria Police and its members. What will their pay and conditions of employment be? Where will they store their personal items and weapons, and how will their breaks be managed?

I wonder how the government's partners will explain to their constituents that once again the Liberal-Nationals coalition is disadvantaging regional Victoria just as it was disadvantaged by the former Kennett coalition government. There are 85 regional train stations, but under this proposal only the major ones will be provided with PSOs. I hope the next time I stand in this place the government will show a willingness to introduce well-thought-out, thorough legislation rather than the lacklustre attempt we have before us today.

House divided on motion:

Ayes, 36

Atkinson, Mr	Leane, Mr
Broad, Ms	Lenders, Mr
Coote, Mrs	Mikakos, Ms
Crozier, Ms	O'Brien, Mr
Dalla-Riva, Mr	O'Donohue, Mr (*Teller*)
Darveniza, Ms	Ondarchie, Mr
Davis, Mr D.	Pakula, Mr
Davis, Mr P.	Petrovich, Mrs
Drum, Mr	Peulich, Mrs
Eideh, Mr (*Teller*)	Pulford, Ms
Elasmar, Mr	Ramsay, Mr
Elsbury, Mr	Rich-Phillips, Mr
Finn, Mr	Scheffer, Mr
Guy, Mr	Somyurek, Mr
Hall, Mr	Tarlamis, Mr
Jennings, Mr	Tee, Mr
Koch, Mr	Tierney, Ms
Kronberg, Mrs	Viney, Mr

Noes, 3

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

Motion agreed to.

Read second time.

Ms PENNICUIK (Southern Metropolitan) — I move:

> That the Police Regulation Amendment (Protective Services Officers) Bill 2010 be referred to the Legal and Social Issues Legislation Committee for inquiry, consideration and report.

As members would be aware, the new standing committees that have been established in this house are modelled on the Senate committees, which have both a legislation function and a references function. The legislation function is there so that the house can refer bills to the committee for detailed examination,

including providing costings and looking at other ramifications of the legislation, especially for bills with a high level of public interest, such as this bill.

During the second-reading debate we heard a range of issues raised in terms of the ramifications of this bill relating to such issues as how protective services officers will be trained; how they will interact with ordinary transit police, authorised officers, Met staff on the stations and other staff they may come into contact with; what geographical limits will be applied to their functions; what powers they will and will not have; how they will interact with the general public and the level of training required for that interaction; their use and deployment of weapons; and whether or not there has been a cost-benefit analysis.

In the next sitting week of Parliament we will be fortunate enough to have a visit from Dr Rosemary Laing, the Clerk of the Senate, and members may wish to ask her, but I am sure she would say that it is almost a matter of course that if there is a bill of public interest in the Senate, it is referred to a committee, the committee looks at the bill in detail and makes recommendations to the chamber.

In the second-reading debate we have just been through members of the opposition outlined, as did I, all the reasons why we should not support this bill. In fact they said they were not opposing it rather than that they were supporting it. They outlined and echoed the concerns I raised, yet they are effectively wanting to support the bill without any further investigation or scrutiny by the house.

When we have a bill like this facing us in the house we should make use of our new standing committees, and we should not wait before doing so. As soon as we get bills that have this public interest we should refer them to the appropriate standing committee and so use the committees to great effect and benefit for the public, as they are used in the Senate. I urge government and opposition members to support this motion.

Hon. D. M. DAVIS (Minister for Health) — I appreciate Ms Pennicuik moving this motion. On this occasion we will not support a referral to a committee. This bill represents a key election commitment of the government, which is determined to pass it in a very timely way. We are aware of the need to begin work on this as quickly as possible and are determined to keep our election commitments.

Hon. G. K. Rich-Phillips interjected.

Hon. D. M. DAVIS — Yes, I also make the point that there will be a significant opportunity in the committee of the whole to discuss issues that were raised in the second-reading speech and other issues. The government believes that on this occasion that provides sufficient opportunity.

Hon. M. P. PAKULA (Western Metropolitan) — I must say that the opposition has not given Ms Pennicuik's motion great consideration; I accept Ms Pennicuik's comment that she circulated it, but I am not aware of when it was circulated.

Generally we would support the notion that bills of this importance and bills with this much detail should be given the utmost scrutiny and examined by the legislation committee where possible. On that basis it would generally be our view that we would be supportive of motions of this kind. I understand the government has a view that this legislation needs to be in place by 1 July, and we are now in the later days of March. I do not think it would be too much of an imposition on the government or on the Parliament for this bill to receive some further detailed consideration by the committee provided the bill could be returned to the Parliament to be voted on well in advance of the date the government requires it to be voted on to enable implementation by 1 July. On that basis the opposition is prepared to support Ms Pennicuik's motion.

I should, however, put on the record today — and I understand that Ms Pennicuik's motion did not have a date by which the committee's consideration of the bill should be concluded — that the opposition would be supportive of the motion only on the basis that there was a short consideration and a rapid return of the bill to this Parliament for voting on so that it could be considered well in time in relation to the deadline the government has suggested. I am sure that through discussion amongst members of the committee a sufficiently expeditious timetable could be created to allow that to occur. On that basis, and on that basis alone, the opposition will support Ms Pennicuik's motion.

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — The opposition has already indicated there is a time line expectation in terms of the government delivering its election commitment. We will remain committed to that. In terms of Ms Pennicuik's motion, there is an issue in that I received it at 9.06 a.m. this morning via email. Also, as Mr Pakula rightly pointed out, there is no date in Ms Pennicuik's motion, which makes it open ended. We are committed to this election commitment, and we will need to deliver on it, so we will not be supporting the motion.

Ms PENNICUIK (Southern Metropolitan) — I thank members of the opposition for their support of my motion. Their support is good for two reasons: firstly, this bill needs quite a bit of further scrutiny; and, secondly, it would set in motion the use of the legislation function of the committee. Given the debate that has been had and the points that Mr Pakula has made, it is well within the ability of the committee to commit to returning the bill to the house in time for it to be passed in the time line that is required. There is plenty of time between now and 1 July to do that. The bill has already passed through the lower house and only has to pass through this house.

I understand what government members are saying, but I do not think their reason — that is, that it wants the bill passed — precludes the bill from going to the committee for further scrutiny. I urge the government to reconsider and to support the use of the legislation committee to look at this important piece of legislation.

House divided on motion:

Ayes, 19

Barber, Mr	Pakula, Mr
Broad, Ms	Pennicuik, Ms (*Teller*)
Darveniza, Ms	Pulford, Ms (*Teller*)
Eideh, Mr	Scheffer, Mr
Elasmar, Mr	Somyurek, Mr
Hartland, Ms	Tarlamis, Mr
Jennings, Mr	Tee, Mr
Leane, Mr	Tierney, Ms
Lenders, Mr	Viney, Mr
Mikakos, Ms	

Noes, 21

Atkinson, Mr	Koch, Mr (*Teller*)
Coote, Mrs	Kronberg, Mrs
Crozier, Ms	Lovell, Ms
Dalla-Riva, Mr	O'Brien, Mr
Davis, Mr D.	O'Donohue, Mr
Davis, Mr P.	Ondarchie, Mr (*Teller*)
Drum, Mr	Petrovich, Mrs
Elsbury, Mr	Peulich, Mrs
Finn, Mr	Ramsay, Mr
Guy, Mr	Rich-Phillips, Mr
Hall, Mr	

Motion negatived.

Committed.

Committee

Clause 1

Ms PENNICUIK (Southern Metropolitan) — Clause 1 of the bill states:

> The purpose of this Act is to amend the Police Regulation Act 1958 to make provision for the appointment of additional protective services officers to perform further functions.

Could the minister outline what 'further functions' there are? What does that mean?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — On the advice provided to me, my understanding is that the term 'further functions' relates to situations where protective services officers (PSOs) are, for example, in such places as Parliament House. They would be the other purposes.

Ms PENNICUIK (Southern Metropolitan) — Is the minister telling me that 'further functions' only refers to further functions that fall within the current responsibilities of PSOs — that is, in terms of security for public officials in certain places? Is that what the minister is saying?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — Clause 1, which is what you are on about, says, 'to make provision for the appointment of additional protective services officers to perform further functions'. Those further functions have been well identified in terms of our election commitment. As I said, the further functions they would perform, in addition to those performed at railway stations, would be in places like the Parliament, the Premier's office and others.

The DEPUTY PRESIDENT — Order! I remind the minister that I am not 'on about' clause 1; the committee may be considering clause 1.

Ms PENNICUIK (Southern Metropolitan) — Things may be made clear in the coalition's election promises, but they need to be clear in the legislation. Returning to the government's election promises, the Premier said in his media release of 8 November:

> Victoria Police PSOs will be deployed exclusively on train stations and will not be diverted elsewhere …

Am I to read from that, given that now the minister is talking about election promises, that 'further functions' means deployment at railway stations as well as the current functions that PSOs have?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — Just to give clarity to the question, the PSOs, as you know, operate in various places — as I said, Parliament and the Premier's office and also the courts — but at the moment there is a statutory ceiling of 150; the number of PSOs must not at any time exceed 150. What this bill does is extend that to allow for additional employment of PSOs. It would be a nonsensical argument to say that if a PSO were employed under this new provision, they

would then have to work only at railway stations, as per our policy commitment. Obviously they will work in other locations. Ms Pennicuik is missing the point that PSO officers would be appointed for these purposes, but obviously they will be diverted into other work, as need be.

Hon. M. P. PAKULA (Western Metropolitan) — I want to pursue Ms Pennicuik's point. It has been our understanding all along — certainly there has been nothing in the second-reading debate that would have suggested otherwise — that the purpose of this bill in effect is to expand the number of locations that PSOs are able to work at from their current restrictions to their current restrictions plus railway stations. I think what Ms Pennicuik is asking, and certainly what I am asking, is: is it current locations plus railway stations plus other places that we are not aware of, or is it simply current locations plus railway stations?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — The office of protective services officer is dealt with in the Police Regulation Act 1958 and the Police Regulations 2003. Section 118B(1) of the Police Regulation Act 1958 headed 'Appointment of protective services officers' states that PSOs are appointed:

> … for the purposes of providing services for the protection of persons holding certain official or public offices and of certain places of public importance.

The duties of the PSOs are not otherwise described by the PRA — or the Police Regulation Act 1958. Section 118E of the PRA states that in the course of these duties PSOs are subject to the direction and control of the chief commissioner, and section 118D outlines that, having taken the oath, they may exercise the same powers, privileges and immunities and be subject to the same duties and responsibilities as a constable appointed under the PRA under the common law.

I think what Mr Pakula is trying to get to is whether the PSOs would be expressly located in one area. I think the Police Regulation Act 1958 deals with the work that PSOs are employed to undertake.

The DEPUTY PRESIDENT — Order! Just before I call Mr Pakula I must say that I have never seen a PSO in the gallery so interested in the parliamentary debate.

Hon. M. P. PAKULA (Western Metropolitan) — Chair, given these answers, I think they might have good reason to be interested in this debate. I do not think it is too much for this committee to expect a straight answer. Is the function or effect of this bill going to be that PSOs can be deployed anywhere the general public is, or is it the purpose of this bill that they will be deployed at the current locations plus railway stations? If the effect of this bill is going to be far broader than has ever been suggested by the government, then I think the government has an obligation to reveal that and reveal that now.

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — The advice I have from the department, or from the advisers box, is that the reasons we have provided for these powers are as I have indicated before. PSOs are subject to the direction and control of the chief commissioner under section 118E of the Police Regulations Act 1958. We have made an election commitment for 940 additional PSOs, and clearly we indicated they would be at railway stations, but we would be assuming that a PSO who was suitably skilled to work here at Parliament might at some point work at a railway station and vice versa — the railway station PSO might work here, because they are effectively PSOs. The difference is that we are removing the ceiling that is currently in existence to allow for that additional employment, because at the moment the principal act does not allow for more than 150 PSOs. That is what this bill is fundamentally about.

Ms PENNICUIK (Southern Metropolitan) — I bring the minister back to clause 1, because I think the minister and, with respect, Mr Pakula have strayed to clause 3, which is about the location and the number of PSOs. Clause 1 is about functions, and that is what I am asking about.

Section 118B(1) of the Police Regulation Act 1958 states that PSOs are:

> … for the purposes of providing services for the protection of persons holding certain … public offices and of certain places of public importance.

I know those purposes are not actually specified, and Mr Pakula raised the point of the second-reading speech for the bill before the house. In the second-reading speech to the Police Regulation (Protective Services) Act 1987, the purposes of PSOs were outlined: they were to be for the protection of certain persons holding public office in places such as Parliament House and the judiciary. There was never any intention to expand the function of PSOs beyond protective services for certain public officials.

What this bill says at clause 1 is that the additional PSOs are 'to perform further functions'. I want to know

what those further functions are, over and above what is already in section 118B(1) of the Police Regulation Act 1958.

The DEPUTY PRESIDENT — Order! I thank Ms Pennicuik for her guidance on the committee procedure, and I give her some guidance. If she is concerned about how we are dealing with a matter, it is the more appropriate process to raise a point of order.

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I think the point Ms Pennicuik is raising goes to the issue of the government's election commitment. We said we would be committed to the appointment and deployment of an additional 940 protective services officers on railway stations to protect the community on the public transport network by assisting in the detection and prevention of violence. They would be on duty from 6.00 p.m. to the last train, 7 days a week, 365 days a year.

The issue Ms Pennicuik raised is about where those PSOs will be working. We have indicated that the 940 — —

Ms Pennicuik interjected.

Hon. R. A. DALLA-RIVA — That is my understanding of what Ms Pennicuik is concerned about. There is some inference in Ms Pennicuik's question that she is assuming that with the employment of additional PSOs they are going to be working in other places. I heard Mr Barber interject with the suggestion of some inane place that would not be applicable for PSOs to work at. We have said 940 will be deployed at railway stations, as outlined. The bill allows for the cap on the number of PSOs to be increased; that is what it is about. With respect to Ms Pennicuik's question, the answer is as I have outlined, and it was our policy position.

Mr LEANE (Eastern Metropolitan) — In relation to where the PSOs will actually be — —

Hon. M. P. Pakula interjected.

Mr LEANE — I understand that in relation to clause 1 members can bring up any particular matter they like. I ask for guidance from the Deputy President.

The DEPUTY PRESIDENT — Order! That is not really the case. It is not appropriate to bring up a matter under discussion of clause 1 that could reasonably be pursued or that is specifically dealt with in one of the subsequent clauses. If the question relates to matters in clause 3, it would be better for it to be raised at that point, as indicated by the very helpful guidance of Ms Pennicuik. If it is related to the general purpose of the bill or the policy implications of the purposes, I think that would be reasonable. However, this is not the time to reprosecute the arguments of the second-reading debate, nor is it the time to bring up matters that will be dealt with in other clauses of the bill. I leave it to Mr Leane to make that judgement.

Mr LEANE — I am happy to be ruled out of order, but I want to ask a question regarding the functions of PSOs and, as the Deputy President touched on, the policies surrounding the additional PSOs. I also want to touch on the second-reading speech, which suggests that there will be a deployment of an additional 940 PSOs on train stations to protect the community on the public transport network.

I draw to the attention of the minister the example of Ringwood train station, which has a large bus exchange that operates in conjunction with that train station as part of the public transport network, and I ask: would the PSOs have exactly the same responsibility for protecting the community at the Ringwood bus exchange as they would at the Ringwood train station?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — We are dealing with clause 1, but this issue is really about clause 3. It is about the various functions of PSOs as outlined under section 118B(1) of the Police Regulation Act 1958.

Hon. M. P. Pakula interjected.

Hon. R. A. DALLA-RIVA — I thank Mr Pakula for his interjection, but Mr Leane gave a specific example. Clause 3 of the bill says:

> (a) persons holding certain official or public offices;
>
> (b) the general public in certain places;
>
> (c) certain places of public importance.".

That is what clause 3 of the bill before the house provides.

Mr LEANE (Eastern Metropolitan) — I thank the minister for being kind enough to respond to me even though he believes the question refers to clause 3. To be absolutely clear, I take it that the minister's answer is that the PSOs will indeed be responsible for protecting the safety of the community at the Ringwood bus exchange in the same way as they will, as prescribed in the bill, at the Ringwood train station.

The DEPUTY PRESIDENT — Order! I am going to allow the question on the grounds that in my reading of the bill there is a bit of a crossover between the functions and locations. It is a grey area. I will allow the question, but I will say to Mr Leane that if he wishes to pursue this further and in more detail, it would perhaps be better to hold off until clause 3 is under discussion.

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I agree with your suggestion, Deputy President. As I said, we had an election commitment. Our purpose here is to amend the Police Regulation Act 1958. The purpose of the clause under discussion is to amend the act to make provisions for the appointment of additional protective service officers to perform further functions. Those further functions, if I may elaborate, are explained in clause 3, which goes to the details of where and how.

Hon. M. P. PAKULA (Western Metropolitan) — On those functions, at the moment a PSO fundamentally has citizens arrest powers under section 458 of the Crimes Act. Will PSOs have any other powers as a result of this?

The DEPUTY PRESIDENT — Order! Before I call on the minister to respond to Mr Pakula's question I have to say that having thought about my ruling on Mr Leane's point of order it is very difficult to form a judgement as to what would and what would not be in order in relation to questions on this clause and subsequent clauses. I say this on the grounds that the purpose of the bill is, in part, 'to make provision for the appointment of additional protective services officers'. The minister has made that point clear. The clause then says 'to perform further functions', and I cannot see anywhere in the bill where those further functions are described. I am asking the minister to help me by explaining what those words actually mean. I am doing so because I need to understand that in order to be able to manage the business of the committee.

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — Thank you for your guidance, Deputy President. Currently PSOs are allocated to Parliament, to the Premier's office and to law courts, but they are not allocated to railway stations. The further functions of the PSOs that we have outlined are for railway stations, as per our policy.

The DEPUTY PRESIDENT — Order! I take it that this is then described in the words that are to be inserted as described in clause 3 of the bill. That is where the location and functions are dealt with; is that correct?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — That is my understanding. Clause 3 relates to section 118B of the principal act, 'Appointment of protective services officers'. As I indicated earlier, the duties of the PSOs — duties being their role and function — are not otherwise described in the Police Regulation Act 1958. Section 118E of the Police Regulation Act 1958 states that in the course of these duties PSOs are subject to the direction and control of the chief commissioner. There is then the other issue about the responsibilities of a constable under section 118D. I should say there are no express powers for the chief commissioner to allocate additional powers to PSOs in relation to that. The bill will broaden the purpose for which PSOs are appointed under section 118B(1) to include the protection of the general public, which as outlined in our policy position would be at railway stations.

The DEPUTY PRESIDENT — Order! We finally got there at the end. I thank the minister. What I have decided is that where members wish to raise issues about the functions of the PSOs those issues will be dealt with during discussion of clause 3. That is on the basis of the minister's advice that the words 'certain places of public importance' within that clause are in fact essential to those functions. I am not proposing to enter any further into that issue now. I was simply seeking clarity for the committee.

Mr TEE (Eastern Metropolitan) — Following on from the answer the minister gave in which he referred to section 118E — that the PSOs are subject to the direction of the chief commissioner in relation to their functions or role or duties, as the minister indicated — the question I wish to ask is: is there an understanding, arrangement or agreement with the chief commissioner as to where these functions will be carried out? What is the connection to the chief commissioner, and how do you get PSOs to be at the railway station? Do you direct the chief commissioner? Do you ask the chief commissioner? What is the connection?

The DEPUTY PRESIDENT — Order! In calling the minister to answer that question, and while I would like him to answer it to facilitate the committee, based on the advice of the minister I think that is an example of something that sits in clause 3. Mr Tee is asking about specific aspects related to the functions, which the minister has said are in clause 3. It is very unclear to me, so I understand why the question has been asked. I am prepared to allow some leeway here because it does not seem to be clear, but that is as the minister has advised me.

Mr TEE — As I understand the minister, the connection is, as the minister has indicated, in his words, that the duty, the role and the functions of PSOs are determined by the chief commissioner. I want to explore that aspect of it, because that is how I see the connection with the purposes clause.

The DEPUTY PRESIDENT — Order! On that basis, it relates to clause 3.

Ms PENNICUIK (Southern Metropolitan) — If the Chair would bear with me, I just wanted to clarify exactly what the Chair said, as well as what the minister said, in my seeking to understand what 'further functions' means. Am I to understand that 'further functions' means exactly what is already in section 118B except that it is now to be understood to apply to any place where the same functions — if we look at the dictionary, a function is the same action or activity — are performed, but at a wider number of places? Is that what I am to understand is the answer the minister is giving as to what 'further functions' means?

The DEPUTY PRESIDENT — Order! It is not for me to answer, but that was certainly how I understood it, and I will ask the minister to be clear on that question.

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I am starting to lose some clarity as to where we are heading, because my understanding of clause 1 — this is what I am trying to get at — is that, basically, within the components of clause 1, the first part, which we have all agreed is about additional protective services officers. The ceiling in section 118B(1A) will be removed. Then clause 1 provides for PSOs 'to perform further functions'. I would argue that those issues about the further functions are outlined within part VIA, the protective services officers part, of the Police Regulation Act 1958.

As to specific roles and duties, as I indicated — and we are starting to get to the detail of part VIA — the direction and control of officers is at the direction and under the control of the chief commissioner. I gather that is where you are heading, but I may be changed or varied on that.

The DEPUTY PRESIDENT — Order! I accept the minister's advice to the committee and therefore am trying to manage the questions accordingly, but as a comment, the drafting of clause 1 has not been helpful to the Chair in terms of making that understood.

Hon. R. A. DALLA-RIVA — The advice I have is that the extension to clause 1 relates to clause 3. That relates to the further functions as outlined, with the substitution as outlined. That is my understanding of it. My understanding is that the purpose clause is really about two issues. One part is the removal of the ceiling on PSO numbers and the second part relates to the functions as outlined in clause 3.

The DEPUTY PRESIDENT — Order! Thank you, Minister. Clearly the reason for the confusion is that the functions seem to be related to the locations.

Hon. M. P. PAKULA (Western Metropolitan) — If I could seek some guidance from the Chair before I start. I think we are all clear now that if it is a question about functions or powers, we might deal with it under clause 3. If it is a question about any other matter — for instance, if we want to ask operational questions about the powers of the PSOs or how they will functionally carry out certain aspects of their role — would it be the view of the Chair that we deal with that under clause 3 as well?

The DEPUTY PRESIDENT — Order! The minister advises he is happy to take those elements under clause 1. Because of my confusion I am more than happy to be guided by that.

Hon. M. P. PAKULA — I want to thank the minister for agreeing to deal with it in clause 1. In order to assist the minister, rather than asking a series of questions leading up to the punchline, I will try to give him a sense of what I am asking in one question. It goes to the question I sought to ask earlier about the arrest powers of a PSO, whether a PSO will have other powers and what will happen if a PSO does not have other powers. For instance if a PSO arrests an offender, what would then occur? Would the PSO have to call local police for assistance? Would the offender have to be picked up? Can the PSO take any action against the offender that they cannot take now, given the provisions of section 458 of the Crimes Act 1958? What powers of arrest does the PSO have and, given those powers, what will occur when an offender is detained by a PSO? I ask if the minister could give the committee a flavour of that.

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I was trying to think of every question Mr Pakula asked. Fundamentally protective services officers have the same powers, authorities, advantages and immunities and are liable for the same duties and responsibilities as a constable appointed under the Police Regulation Act 1958. They are not members of the Victoria Police

force, but they are subject to the same employment conditions and discipline arrangements as members of the force. These differences mean that PSOs can act as constables and therefore exercise the limited common-law powers of the office of constable rather than the broader powers of a member of the police force, as set out in Victorian statute.

I am a former copper, as the member would know. Police were allocated arrest powers under section 459 of the Crimes Act 1958. They are specific to members of the police force, but every person, including PSOs, has arrest powers — we all do — under section 458 of the Crimes Act. That is where it sits at the moment.

Mr Pakula has asked a specific question about what would happen if an offence were committed. The people of Victoria have the same arrest powers. I have those arrest powers and Mr Pakula has those arrest powers, even though we are not members of the police force or PSOs. As I said, the difference is that section 459 is specific to members of the police force. I remember section 459 well from detective school as it was a significant part of the act. PSOs do not have powers under that section, but they have the power conferred on the office of constable, which is a common-law power that currently exists.

Hon. M. P. PAKULA (Western Metropolitan) — On the issue of PSOs having the same citizens arrest powers as anyone else, if I as a citizen detain someone at a railway station, I am not going to physically sit on them until 1.00 a.m.; I would need to call for a member of the police force to come and collect them. Is the minister saying that is what a PSO will do? Will a PSO, having detained someone, then need to call for a member of Victoria Police — I am talking about a practical example of what will occur — to come and collect the offender?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I will refer to a real example of what happened with a PSO in this Parliament. An offender was breaking into a parliamentary staff member's car. The offender was apprehended by a PSO — I think it was a PSO, but irrespective of that, the police were called. That would be the normal course of events. When we are in the Parliament we hear the PSOs with their police radios. They do not have PSO radios; they are the property of Victoria Police. The PSOs have the same powers, authorities and advantages as Victoria Police, but they would call the police. That is what I would expect them to do to deal with a matter. I hope that answers it.

Hon. M. P. PAKULA (Western Metropolitan) — In regard to the end of the PSO's shift, what will a PSO do with their weapon at the end of their shift?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — It is a good point. Obviously we would not have a situation where, for example, a PSO would start his work from home — and I say this from a purely operational perspective — where they keep their kit, including a firearm and other forms of defence, and have all those responsibilities. My understanding on the advice I have been given is that PSOs would meet centrally, as would happen in a police operation, and then be deployed out. From my experience in the past, when you were involved in an operation you would meet at the police station. My understanding is there are eight regions, and they would be allocated to the police station that is near the point of distribution at the railway station.

During my old days at Broadmeadows the officers would meet at the station, sign on, collect their firearms, other weapons and kit and then be dispersed from there. As to how the PSOs will be dispersed, I cannot imagine that they would all be in the back of a divvy van, but there would be some form of transportation for the allocation of those officers.

Mr Barber — A train?

Hon. R. A. DALLA-RIVA — It could indeed be a train. If a police station is next to a railway station, it would make the most sense to put everyone on the train. At an operational level that would make clear sense, but if there were not a police station within close proximity of a railway station, it would not be as easy to undertake.

Hon. M. P. Pakula interjected.

Hon. R. A. DALLA-RIVA — Yes, it would be the same at the end of the shift, but it may be different in terms of collection at the end of the night. That would be something that would be determined by the regional manager — in other words, the superintendent or whoever is the inspector or person below managing them.

Ms PENNICUIK (Southern Metropolitan) — I would like to ask a broader question about clause 1. During the second-reading debate on 3 March my colleague Mr Barber asked for a Treasury costing on the deployment of 940 PSOs. The minister is now saying that PSOs will have to go to police stations to obtain their weapons and then go back to the police stations to hand in their weapons, and he talked about

various transport options. Has there been a Treasury costing of this initiative?

Hon. M. P. Pakula — Is that for the entire initiative?

Ms PENNICUIK — Yes, for the entire initiative.

Hon. M. P. Pakula — I was going to ask that, too. Thank you.

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I have looked through the budget commitment. It was $200 million over four years: 940 new PSOs and an additional 100 transit police will cost the state budget $200 million over four years.

Ms PENNICUIK (Southern Metropolitan) — I ask the minister whether that is a Treasury costing or whether it is from the government's policy estimation? What we asked for on 3 March was a Treasury costing of the entire initiative.

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — Clearly those costings will be indicated in the budget process. We gave a commitment for $200 million over four years. I understand that was part of the costings for the additional resources and needs of the PSOs. I gather that would be part of the budget outcome.

Ms PENNICUIK (Southern Metropolitan) — I understand there would have been a Treasury costing with the cabinet submission. That is what we are asking for. Is the minister able to provide that?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — Does the member want a cabinet document?

Ms PENNICUIK (Southern Metropolitan) — I want a Treasury costing.

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — My understanding is that the election commitment was such that it could be properly funded. As I said, the budget will be handed down on 3 May and there may be details in it that the member may wish to examine at that point, either at the Public Accounts and Estimates Committee hearings or when the budget papers appear.

Hon. M. P. PAKULA (Western Metropolitan) — Staying on the question of costings — I will genuinely try to be quick about this. Is there any money set aside in the costings for upgrades to the police academy in order for it to be able to train the significant number of additional recruits, not just for this policy implementation but also for the delivery of 1700 additional police?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — Mr Pakula would well know that the period of time for police training is a lot longer than that for PSOs. I have to hark back to my old days. It felt like a long time. From May to September — I am trying to think how long that was.

Hon. M. P. Pakula — Twenty-three weeks.

Hon. R. A. DALLA-RIVA — Twenty-three weeks, was it? It is a long time ago! I do not know how much shorter the period of training of a PSO is.

Hon. M. P. Pakula — Eight weeks.

Hon. R. A. DALLA-RIVA — Eight weeks? The member is answering the question!

Hon. M. P. Pakula — No, my question is whether there is any money in the budget to upgrade the academy.

Hon. R. A. DALLA-RIVA — As to the upgrade of the academy, I am not aware of that being in the budget. I do not say that from a government perspective. I do not recall that being an election commitment. My understanding is that with the additional police the throughput of the PSOs would be able to be maintained.

Hon. M. P. PAKULA (Western Metropolitan) — Is it the government's position that the implementation of this policy will require upgrades to railway stations to provide basic amenities? If so, what are the upgrades, and what would be the cost of implementing them?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I think Mr Pakula is drawing a long bow. The PSOs at railway stations would need to do what they need to do and obviously that would be an operational question. As I said, they would have radios and everything else. If I were an operational policeman considering Mr Pakula's question and I knew that I had PSOs along the rail line — and I am not saying that this is government policy — I might say that if we knew that the railway station ahead of a particular station had a toilet that was open, the train would come along and you would have that PSO go where they needed to go and then come back. That would be the basic, logical, operational way you would do things.

It may be that you have a divvy van with an extra seat that is cruising past the station, doing a regular check-up, as they do as part of their patrol. Police officers are not always in the police station with crooks. It may be that police officers get a call saying that a PSO needs to go to the gents, or the ladies, or they want to have a break or whatever. In my view Mr Pakula's question is a good one, but for me it would be an operational question for those who work in that environment.

Hon. M. P. PAKULA (Western Metropolitan) — I thank Mr Dalla-Riva for his expansive answer, and I should indicate that it is not just a matter of the call of nature. The PSOs would be standing on platforms for at least 6 hours, in some cases up to 7 or 8 hours, every night of the year. Some of our stations do not have shelter. This would be going on through winter. Is it the government's position that those PSOs allocated to a station with no shelter on a night when there was a howling gale or heavy rain would stand in the rain all night?

Mr Barber — South Kensington station, for example.

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — That is a valid question Mr Pakula has asked. Again I think that the operational perspective would be that you would look after the welfare of your staff. Personally I think the operational perspective would be that if there was not adequate shelter, you would make other arrangements as you saw fit. I do not know what those arrangements would be, but if I were the officer in charge, I would make sure that my troops were well looked after in that regard. Was it Kensington station that Mr Barber referred to? I think the inference is that the government would end up spending $25 million to build a shelter. I am not being facetious, but that would not be part of our election commitment.

There will be occasions when PSOs may have to operate in pretty awkward situations, and they do that now. They do that in some of the areas in which they work now. We see them around the Parliament, for example. If it is blowing a gale, they are out there; they have to be around.

Mr Barber — But those PSOs have a tearoom.

Hon. R. A. DALLA-RIVA — They have a tearoom. As I have indicated, if they have got a tearoom, they can go to that tearoom. If there were no amenities, then an operational decision would have to be made. When Mr Barber said that the PSOs working at the Parliament have a tearoom I immediately thought that if there was a railway station that was in close proximity to an amenities area or a shop that has a canteen, the PSOs may go there. I am saying that purely from an operational perspective. We are talking about issues that I think would be up to the officer in charge to resolve.

The DEPUTY PRESIDENT — Order! I welcome Mr Barber to the committee stage.

Mr BARBER (Northern Metropolitan) — I thank the Chair for his hospitality. Is it correct that the dollar figure the minister quoted earlier contains no capital items, and that those would all be operational items?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — My understanding is that the $200 million commitment was to ensure that we could meet our election commitment and that commitment was for the employment of the PSOs, additional costs associated with their employment, any kitting out et cetera. That would be where it would fit.

Mr BARBER (Northern Metropolitan) — By operational items, does the minister mean fungible items such as equipment and wages? I am guessing that any capital upgrades that need to be made would come out of the transport budget in that case and become assets of the Department of Transport.

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — The PSOs do not own Parliament. They do not own the courts. They protect those areas. By extension you are saying that because they are at railway stations they would own those railway stations. That is not the case. You are correct that it would be up to the Department of Transport to protect the railway station.

Mr BARBER (Northern Metropolitan) — I am actually applauding the proposition that the government may have to reopen the toilets at all of the railway stations in order to provide amenities for the PSOs. I was more concerned when the minister suggested that divvy vans, which are generally fairly scarce in most neighbourhoods, would be used to shuttle PSOs to and from the toilet. Of course if PSOs had to take a train to the toilet, there can be a half-hour frequency on my line, which would mean they would be off that platform for maybe half an hour at best. I will take the minister's word for it that capital items are not included in the $200 million figure he has put forward, but is he saying that there has been no Treasury costing with respect to this question or is he saying that he is not sharing with

us the Treasury costing? This was Ms Pennicuik's original question.

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I will answer the last part of the question. The costings were provided at the election. We believe that the money committed will be sufficient to provide the allocation of an additional 940 PSOs and an additional 100 transit police.

Mr Barber interjected.

The DEPUTY PRESIDENT — Order! Mr Barber has the call.

Mr BARBER (Northern Metropolitan) — I am doing my best to make it flow as fast as I can, Chair, but I understand your point exactly.

I read in the paper the other day that the Treasurer said all the coalition's election promises had been checked out by Treasury and they had all come in true blue. Is the minister saying that when this proposal went to cabinet there was no Treasury costing attached to the back of it, or is the minister saying he is simply not prepared to share the Treasury costing?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I am not about to detail cabinet papers in the chamber. Obviously they are for the cabinet to discuss and deal with. But in relation to the election commitment, the commitment was given for $200 million to enable us to deliver on this election commitment. I further indicate that that allocation will be demonstrated when the budget is handed down on 3 May.

Ms PENNICUIK (Southern Metropolitan) — I go back to the functions issue. Given the minister's answer that functions relate to location and given that in November last year the now Premier said the extra PSOs would be deployed exclusively to railway stations, that will mean the functions will change. The day-to-day activity of a PSO deployed to a railway station will be different and situations encountered by the PSOs will be different from what they encounter in the courts or in Parliament. Will these further functions require more and/or different training for PSOs?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — Is Ms Pennicuik saying that because the PSOs will be out on a railway station their functions will be different to those when they are patrolling Parliament, the Premier's office, Treasury or whatever?

The DEPUTY PRESIDENT — Order! I am not sure there is provision for Ms Pennicuik to answer the minister's question. The minister could ask Ms Pennicuik to clarify her question.

Ms PENNICUIK (Southern Metropolitan) — I am assuming that the situations encountered by PSOs when deployed at railway stations on the public transport system will be different to those encountered when deployed in Parliament. For example, will PSOs receive extensive training in identifying and dealing with people with a mental illness, in the same way the director, police integrity, has called for in terms of police training?

I am anticipating that PSOs may encounter different situations to those they generally encounter under their current limited job descriptions, duties or locations.

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I cannot accept that the PSOs are inadequate in the functions they currently carry out. The question infers that PSOs working in Parliament never deal with anyone with a mental illness or anyone who has just got off the train. There is a train station right outside Parliament, and many passengers come into Parliament House. Members may be aware that the PSOs patrol at night, protecting this Parliament and protecting us when we are here. With the greatest respect, the question makes the assumption that the PSOs are somewhat less capable now than they would need to be if they were deployed at railway stations. That is nonsense and untrue.

Ms PENNICUIK (Southern Metropolitan) — I ask the minister these questions in good faith in the interests of the general public and in the interests of the occupational health and safety and the welfare of protective services officers. The question is: is the minister of the view that any additional training will be needed in the interests of PSOs to help them carry out their further functions?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I find the PSOs who operate here, as do many members, to be very professional. They do their work exceptionally well, and I would be confident that the trained PSOs who operate here would already be very well trained to operate on railway stations, and I applaud them for that.

Ms PENNICUIK (Southern Metropolitan) — I take that as a no. The minister should not ascribe to me a motivation which I do not have regarding the safety of the PSOs and the safety of the public; that is what I am

concerned about. I am asking the minister whether they need additional training for their further functions and locations, above and beyond what they have been doing for a quarter of a century.

There is another clarification question in regard to functions. There is some confusion as to whether PSOs are able to intervene only when they are actually witnessing an offence being committed or whether they are able to intervene when they suspect that an offence has been committed.

The DEPUTY PRESIDENT — Order! There are a few aspects of that question the minister might want to comment on.

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — The first thing raised by Ms Pennicuik was that I inferred in some way that the PSOs are not suitably trained for operational work elsewhere. That is not true. The PSOs who operate here could go into a railway station and operate there today, in my view. I do not think they need additional training, and that is my personal view from my observations of the work they do here.

The second point that Ms Pennicuik raised is in relation to the arrest powers or the capacity to arrest a person who has committed an offence. If a person has committed an offence, or attempted to commit an offence, a protective services officer will have the powers, as you and I have the powers, under section 458 of the act. However, they also have additional common-law powers as they act as a constable under the common-law power framework.

Ms PENNICUIK (Southern Metropolitan) — A sworn police officer can arrest somebody on suspicion that they have committed a crime. My question is: can a PSO intervene on suspicion, or do they have to witness an offence being committed?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — That is exactly the point raised earlier by Mr Pakula, and I went to the specifics of sections 458 and 459 of the act. It is correct to say that the police have additional power where they reasonably suspect that a person has committed an offence — for example, if a PSO reasonably suspects that an offence has been committed, they cannot arrest a person based on the laws as they stand currently. But — and there is always a but — if a person witnesses an assault on a train and they get off and say, 'That person over there has just assaulted somebody', under section 458 there is the capacity for a PSO, or indeed that person, to arrest the other person, because there are caps, which I cannot remember, but it is old terminology used to think about how you arrest somebody.

Ms PENNICUIK (Southern Metropolitan) — Deputy President, I am doing my best to race along here. I want to ask another operational-type question. Can a PSO board a train if an offender commits an offence at a station and then moves onto a train? Would a PSO pursue an offender from a railway station to a street or to other adjoining public or private property?

The DEPUTY PRESIDENT — Order! Before calling the minister, I remind the chamber of the position I have taken in relation to functions. I ask that we are careful about the degree to which specific questions about functions are asked of the minister under clause 1. I understand all the confusion, but he has indicated they are more relevant to clause 3, and I have told the committee that I take his guidance. Does the minister wish to respond?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I have forgotten the question, but I gather it is in terms of pursuing somebody who has committed an offence. A PSO could arrest somebody who has committed an offence, yes.

Ms PENNICUIK (Southern Metropolitan) — If I could clarify that and ask: if an offence began on a station and then continued onto a train or off the station, would the PSO pursue people onto a train or out into the street or onto adjoining private or public property?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — Ms Pennicuik raises different issues in relation to public and private property. Everyone in this chamber has the capacity to chase after and arrest somebody who has committed an offence in front of them. Otherwise, somebody who has seen an offence being committed could walk away and say they could not pursue because they have no arrest powers. They do; they have the capacity to do that, and that would be the case for PSOs as well.

The second point raised by Ms Pennicuik is whether an offender can be pursued onto private property. My view would be that it is one of those borderline issues. As we know, there have been lots of reports about arrest powers and the capacity to arrest, and there is lots of case law that applies to arrest powers and when you can and cannot arrest someone. Those things do not apply to police but to citizens, and it is slightly different for PSOs. In that case, you might find it would be more practical for a PSO to perhaps undertake a containment

approach rather than pursuit into such an area. For example, if Ms Pennicuik is asking about a situation of an offence being committed and a PSO chasing after the person onto private property, my police instruction would be that it would be best to contain the area and then have the police come to undertake a more thorough way of finding the offender. That is where I would place it. Ms Pennicuik is talking about operational matters. It depends on the circumstances, and it would depend on the instructions issued by the Chief Commissioner of Police, as I outlined, under the Police Regulation Act 1958.

Ms PENNICUIK (Southern Metropolitan) — I have one more broad question on clause 1 and then maybe a couple on clause 3. Under the act PSOs are under the direction of the Chief Commissioner of Police. Even though it is government policy to have 940 PSOs deployed to stations across the network, is it not true that if they are under the direction of the chief commissioner and he finds that operationally it is not cost effective to deploy them at every station from 6.00 p.m. until the last train, that is his decision because they are under his control and not under the control of the Premier or the Minister for Police and Emergency Services?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I just want clarity. We have a policy to allocate 940 PSOs to railway stations. Is Ms Pennicuik now saying we should not do that, that it is up to the chief commissioner where they go, even though it was our election commitment?

Ms PENNICUIK (Southern Metropolitan) — Under the act they are under the direction of — —

The DEPUTY PRESIDENT — Order! I am happy for there to be a debate — although it is not really a debate — but I ask that we do it in an orderly manner.

Ms PENNICUIK (Southern Metropolitan) — It is very clear in the act that PSOs are appointed by and under the direction of the chief commissioner, so in fact he is the best person to decide where PSOs are best deployed in terms of operational efficiency. Even though it may be the government's policy and the government wants PSOs to be deployed in a certain way, where they are deployed is in fact the decision of the chief commissioner.

The DEPUTY PRESIDENT — Order! I am going to allow Mr Pakula to speak. He has indicated he wants to make a comment on this precise matter. I will then allow the minister to respond.

Hon. M. P. PAKULA (Western Metropolitan) — That is quite correct, Deputy President. I am certainly not going to try to verbal Ms Pennicuik, but I will try to draw an answer from the minister by asking the same thing but in a slightly different way. The government has said it wants to put PSOs on every station. The government has also conceded that ultimately PSOs are under the control of the chief commissioner. If the chief commissioner took the view that he did not want to allocate any PSOs to a certain number of railway stations — 5, 10 or 20 — because he thought it was an inefficient use of resources and the government has given a commitment that they will be at every railway station, how will that disconnect be resolved? Will the government direct the chief commissioner, or will it accept the chief commissioner's authority to determine not to send PSOs to those 5, 10 or 20 stations?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — Again, it is an interesting point, because it is a mix between executive policy, election commitments and the realities of the operational needs of Victoria Police — and, of course, the PSOs. Overarching that is the desire of the public, which elected a new government on this key platform.

I will provide one example. I do not know whether this will be the case, but there might be a railway station where trains do not stop for some unknown reason. Because that train station is not being used at a certain time or after a certain time — trains are not stopping but just hurtling through — it would be operationally nonsensical to have PSOs at the station. As the member correctly indicated, in such a situation the decision might be made to not have PSOs at the station. I understand that our policy commitment is that wherever a train station exists, in an operational sense, we would strongly suggest that PSOs would be there. The member is correct: the direction is provided under this section I indicated earlier, but given that it is our policy and that there is a budgetary allocation for it, I think that would be something the Chief Commissioner of Police would take strongly on advice.

Hon. M. P. PAKULA (Western Metropolitan) — I think we got to the bottom of that. If I understood the minister correctly, the government would make a strong suggestion, based on the policy that it took to the people, but it would ultimately be a matter for the chief commissioner.

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — That is a fair call. I will give the member another example: the coalition made a policy commitment for a police station in the Assembly electorate of Forest Hill. The chief

commissioner might say, 'I would like it somewhere else. I will allocate it where I think I should and resource it according to our operational needs'. But the policy commitment was made, and we said we would deliver on it. It is an interesting debate about policy, the chief commissioner's power and that separation, as the member rightly pointed out.

Mr BARBER (Northern Metropolitan) — I go back to the question of arrest powers and about observing people doing something and then chasing them. I would like to ask you about the opposite instance. Let us say I get off the train, go up to the PSO and say, 'That guy there just bashed that other bloke; you had better go grab him'. Will the PSOs have the power to arrest someone, charge them on summons, bring me along as a witness and then have them charged with assault?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — As I indicated earlier, they cannot issue summonses, but if somebody pointed someone else out and said, 'That person assaulted somebody', they would have the power under section 458 of the Crimes Act 1958, as you and I do currently, to instigate an arrest. PSOs have the additional common-law powers of the office of constable, which gives them some further protections, advantages, authorities and immunities of the sort Victoria Police officers have. The member is correct. In that example, where somebody says they saw someone commit an offence, the PSO would have the power to arrest the offender, and in my view they would detain them until the police came along, and then they would prosecute and use those people as witnesses.

Mr BARBER (Northern Metropolitan) — Is there anything that would prevent protective services officers from also being sworn in as authorised officers and carrying out the duties and responsibilities of both?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — The bill as it currently stands does not confer those additional powers, and my understanding is that powers will be as they currently are around these premises.

Mr BARBER (Northern Metropolitan) — Sure, but once PSOs are there, standing on these railway platforms, it is obvious that they could be sworn in as authorised officers and then be given the power to check tickets, is it not? Otherwise they would not even have the power to demand to see someone's ticket and therefore could only deal with the most extreme, violent offences and so forth. They would not be able to deal with the minor offences, including fare evasion and so forth, that authorised officers generally deal with, or to issue those fines.

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — The bill does not provide those additional authorities, as Mr Barber rightly points out.

The other point to be mindful of is the reason we are putting this policy into place and the reason for this bill is to give assurances to the people of Victoria that they can travel on the train system and be on platforms with some sense of safety. It is not about prosecuting offenders. My preference would be that no offences would be committed. That is in an ideal world, and we know that would not happen. However, it would be nice if people could travel on trains knowing that they will not be subject to an assault. They would therefore not need to point out to someone else that they have just been assaulted and ask them to arrest that guy or that woman. My view is that the prevention aspect of the PSOs being there is more important than the arrest component, but there will be occasions when they are involved in the arrest process. In response to the particular point about the authority to check tickets and that sort of thing, we do not see that as a prime objective, and it is certainly not outlined in this bill.

Mr BARBER (Northern Metropolitan) — I understand it is not outlined in this bill, because I have read the bill, but what I was asking was whether anything would prevent PSOs from being sworn in as authorised officers under other transport legislation. It sounds like the minister does not have that answer at his fingertips. However, you did suggest that the PSOs might be involved in those other issues. I will give an example, and this is not a hypothetical example because it would happen every day. If a bunch of authorised officers grabbed somebody for drunkenness or fare evasion and got into a scuffle, as often happens, PSOs would inevitably be drawn into that as well. The PSOs would effectively be helping to detain someone for the purposes of another act, which is the act which gives authorised officers the power to check tickets.

The DEPUTY PRESIDENT — Order! I remind all members, as I had to remind the minister a number of times, that I did not suggest anything. I think Mr Barber may have meant that the minister had suggested something, so I call on the minister to respond.

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — On the issue Mr Barber raised in relation to the example of an authorised officer seeking to inspect a ticket, resulting in a scuffle, my view would be that there are currently

specific powers for protective services officers which are the common-law powers of a constable — principally arrest powers — and which enable action when a protective services officer observes the commission or attempted commission of a breach of the peace. One could therefore argue if there were an affray or breach of the peace or if a fight broke out — irrespective of whether there was an assault, which brings in an automatic right under section 458 of the Crimes Act 1958 — the power is already conferred in the legislation. Mr Barber is correct in his initial assertion that PSOs could not check tickets, so that would not be a part of their role.

Mr BARBER (Northern Metropolitan) — The minister would be aware that there was an Ombudsman's report into the operation of authorised officers. Based on the instances cited in that report it is entirely possible that a relevant assault could be an assault by an authorised officer on a citizen. In that instance it is equally possible, I suppose, that the PSO could be preventing an assault by an authorised officer.

The minister indicated that this bill is about making people feel safe on the railway stations. When this bill is in place we will have station staff appointed under one act with a certain set of powers, authorised officers appointed under the same act with a different set of powers, transit police with their police-based arrest powers, PSOs who can conduct citizens arrests if they see something happening, and, in the case of Southern Cross station, private security guards, as Southern Cross is a public-private partnership. So we have at least five different groups of people in various ways responsible for keeping the peace, but they will all be operating under different powers. Victoria Police's own public transport safety strategy describes the existing arrangements as complex. An extra layer of complexity will have been added when this bill is passed. That relates directly to whether or not we should vote for this bill. Can the minister tell me how many transit police are currently operating in the system?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I will come first to the series of issues around the five different acts. I will take for an example this Parliament. In my understanding the Parliamentary Precincts Act 2001 applies here; there are also PSOs; there are also security guards; there are also police who occasionally come here; there are also the redcoats or parliamentary attendants who do a fine job and who would themselves have the powers that Mr Barber and I would have — —

Mr Barber — Do we have a quarter of a million people walking through the Parliament every day?

Hon. R. A. DALLA-RIVA — I wish we did! They would see what we do. I am just saying, in terms of the assertion that it is unique for there to be different powers at a railway station, that assertion could equally apply in any place with a heightened level of security needs. This Parliament is one place I am giving as an example, and that situation operates well here, and it would operate well at the railway stations.

I turn to the second point Mr Barber raised about the current number of transit police. Unless my adviser has that number on hand — he has just shaken his head, so he does not — I will get back to Mr Barber with that.

Mr BARBER (Northern Metropolitan) — Chair, the previous government used to say there were 250 transit police. That may be the complement of allowed positions, but my information is that a lot less than 250 transit police are actually operating. In answers to questions the current government's members have also talked about 250 transit police. I really want to know exactly how many there are before I vote on this legislation, because clearly they would interact in various ways and they would have different powers, presumably leading to different functions. It is therefore quite important to have that one basic fact.

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — That may well be the case. I do not have that information here. However, we have always found that the number of police necessary in this state has been a major concern. That is why we made our other election commitment of an additional 1700 police. Mr Barber is correct that there may not be enough, but the additional 100 will certainly give added security to the railway stations.

Clause agreed to; clause 2 agreed to.

Clause 3

Ms PENNICUIK (Southern Metropolitan) — Clause 3(2) changes the number of protective services officers, which since 1987 has been capped at 150. This bill repeals section 118B(1A) of the Police Regulation Act 1958, which refers to that cap, and it does not replace it with another cap. Given that the Premier said that 940 extra PSOs would be deployed exclusively at railway stations, why has the cap not been increased from 150 to 1190?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — One of the great things about this amendment is that removing the cap does not restrict us from employing more later on if we need to. It is not a policy position, but it seems silly to have a cap on the number of personnel in a security

organisation. I cannot see any reason why we had the cap, and it has been removed. If Ms Pennicuik can see a reason why we need a cap, perhaps she could explain it to us.

Mr Barber interjected.

Hon. R. A. DALLA-RIVA — Maybe Mr Barber might want to explain why. We are removing the cap, and that is a policy position.

Ms PENNICUIK (Southern Metropolitan) — In the original bill there was a cap for a particular reason, which was so there would not be a burgeoning number of PSOs encroaching on the work of police. I think that was the reason, and that is why it was supported at the time. This bill amends the existing legislation so that there will be no cap. While the further functions of the PSOs, about which we have already debated to and fro, are about protecting the general public in certain places, the protection of the general public has not been a function of PSOs up until now. Their function has been to protect only certain public office-holders, not the general public. Given this, I ask: what does 'the general public in certain places' in clause 3(1)(b) mean?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — It says 'certain places of public importance' in the original, but 'the general public in certain places' is not specified. I think it is trying to make it clear that PSOs will be at railway stations and in the general public in certain places. I am not a lawyer in terms of trying to anticipate what it means, but I gather it was intended to mean that railway stations could be included as part of the new provisions.

The DEPUTY PRESIDENT — Order! I advise Ms Pennicuik that Mr Leane has been quite patient in waiting to ask some questions about clause 3, particularly on the functions of PSOs.

Ms PENNICUIK (Southern Metropolitan) — This is a direct follow-up.

The DEPUTY PRESIDENT — Order! If Ms Pennicuik is following through on the cap issue, then I am happy to hear more.

Ms PENNICUIK — This is an important point, because what the minister is saying is that 'the general public in certain places' means people on railway stations. If it means people on railway stations — and we are talking about legislation; that is why we are having this committee stage and why I suggested this bill should have been referred to the Standing Committee on Legal and Social Issues Legislation Committee for further explanation — —

An honourable member interjected.

Ms PENNICUIK — We are still here with it now. I would have thought that if clause 3(1)(b) meant PSOs on railway stations, it would say 'passengers on the public transport system' or 'passengers on railway stations'. That is not what it says. It says 'the general public in certain places'. I am asking whether this clause is meant to say 'the general public in any place'.

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — If we look at clause 3(1), we see that paragraph (a) is exactly what was there, (b) is exactly what was there — —

Ms Pennicuik interjected.

Hon. R. A. DALLA-RIVA — But (c) is 'certain places of public importance'. The government is saying that 'certain places' means where the general public is. If you follow the extension, 'the general public in certain places' refers to certain places of public importance. In my view 'the general public in certain places' refers to places like railway stations. I think it is trying to give clarity, otherwise you get to the point where you would be having to specify a railway station and define what it means. It is more of a general arrangement.

I will give another example. The assumption is that the PSO would be located at a railway station, but it may be the case that at times they could be in the car park adjacent to the railway station. You would expect that the PSOs would be patrolling the station and the car park; that is what I would expect the PSOs to be undertaking operationally.

Mr Barber interjected.

Hon. R. A. DALLA-RIVA — If they are on a railway station and a car park is attached to it or there are facilities such as a warehouse or something of that nature around it, you would have them patrolling those certain places where the general public may be. That would be an example of what clause 3(1) would mean. My view is that it does not say 'a railway station' because that would limit where the PSOs could be. That is the government's view and my view as well.

Ms PENNICUIK (Southern Metropolitan) — What I am trying to get to is this: is there any intention to go beyond that? The minister falls back to the government's election policy and promise, which was specifically elucidated by the Premier when he said that

PSOs would be exclusively deployed to railway stations. I think members of the general public expect the legislation passed in this place to say what it means. If the election promise was to deploy PSOs to railway stations, there is no reason that cannot be said in the bill.

The 'further functions' could be the existing functions, which are to protect certain public officials in certain places — such as the courts and the Parliament — along with the general public, the travelling public or passengers at railway stations. That is not what it says; it says 'the general public in certain places'. Does that mean that PSOs could in future be deployed anywhere where the general public is?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — We made an election commitment: 940 additional PSOs — —

Ms Pennicuik interjected.

Hon. R. A. DALLA-RIVA — Let me get to your point. Our commitment was that there would be 940 PSOs on railway stations from 6.00 p.m. to the last train, seven days a week. How that commitment is delivered and the operational implications of it are under the direction and control of the officers of the chief commissioner.

As I said, if I was the operational controller of PSOs, I would be saying that the government clearly intended to mean 'railway stations' in clause 3(1) of this bill. The chief commissioner would say whatever he or his delegated officer who is controlling the PSOs would want. I would take a common-sense approach to the meaning of 'the general public in certain places'. For example, a car park could not be said to be a place of public importance in the sense of being similar to the Parliament or a court.

Mr Leane — What about the railway car park?

Hon. R. A. DALLA-RIVA — That is what I am saying. That is exactly the point. The railway station car park would be a certain place where members of the general public would go. That definition allows the commissioner to have PSOs patrol railway station car parks as part of their duties. They will not be static and they will not be robots just sitting there; they will be patrolling. As has been said, every half hour or so when a train comes they will be on the platform, but in the meantime they may be patrolling the car park. That is a classic example.

Mr Barber interjected.

Hon. R. A. DALLA-RIVA — The car park is a classic example.

An honourable member interjected.

Hon. R. A. DALLA-RIVA — There are some people laughing, and I tell you it is not within this chamber. All I am saying is that if you were in an operational position, you would understand that that was a nonsensical comment, because it would not be an appropriate use of PSOs' resources.

Hon. M. P. PAKULA (Western Metropolitan) — To follow this point I will ask one question and hopefully one question only. Ms Pennicuik has been asking Mr Dalla-Riva about the supposed breadth of the clause. I think we understand that the intention of the bill is to provide for PSOs to operate at railway stations, but I think what we are all trying to get to is whether it might be a potential consequence of the bill that in fact the chief commissioner might decide that he wants to have PSOs stationed at the MCG, for example, or at a shopping centre or any other place. In other words, is it a potential consequence of the breadth of the clause that PSOs could in fact be positioned anywhere?

The DEPUTY PRESIDENT — Order! I take it that the question is not reflecting the wishes of those members who are anxious that we finish so they can get to the MCG tonight, particularly a certain member in the chamber who is sitting on my right.

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — 'Go Essendon!' is all I have to say.

That is not the government's intention in terms of this legislation. In my view if you were more specific about where you wanted PSOs to be located, it would limit their capacity to go into areas around railway stations. The suggestion is that they are going to go to the shops. In fact they probably will go to the shops if they need to have a break. If there is a shop nearby and operationally if they are allowed to have their break there and there is relief, I would see that as appropriate. If an operational decision is made to make relief available to that PSO, that would be appropriate.

To suggest that PSOs should not go to the shops is like saying that the police cannot go to McDonald's because you do not want them there. They have to have a break, and they will go there. Mr Pakula would not understand that his argument does not make sense unless he had been in an operational situation.

Mr LEANE (Eastern Metropolitan) — I have already asked this question during discussion on a

previous clause. The second-reading speech says that additional PSOs will be deployed on train stations to protect the community on the public transport network. With that in mind, along with the example that I gave of the large bus exchange at the Ringwood train station, which operates in conjunction with the station as part of the transport network, would the PSOs in this example be looking out for public safety at the bus exchange as well as on the train station?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — It is a good example because, firstly, it is a big train station, and we have made a commitment to that station. Secondly, the bus exchange is a large one. Our first priority is train stations; we have made that election commitment. Operationally it may be that the chief commissioner says, 'I want police officers in that area', but that would not be our intention for the PSOs. It is the train stations that are the priority and, as I indicated earlier, perhaps the immediate surroundings will be part of the normal patrols that PSOs do. Do we have a policy to deploy PSOs to bus exchanges? No, that is not what the intention of this bill is.

Ms PENNICUIK (Southern Metropolitan) — I do not want to labour the point. All I can say is that the legislation says what the legislation says. It does not mention railway stations or passengers at all; it talks about 'the general public in certain places', which to me would mean that the chief commissioner could deploy PSOs to wherever he wants and that there could be any number of PSOs appointed. It fundamentally changes the role of PSOs as we have known it so far. My only other question to the minister is: what reporting requirements will there be on the activities of PSOs?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — My understanding is that that will be covered by part of clause 118F of the Police Regulation Act 1958. I guess it would be in the act. Ms Pennicuik has asked a question to which I am not specifically aware of the answer. There would be requirements on the PSOs to report and do everything as they would be expected to do under the direction of the chief commissioner, so I gather they would have their own running sheets and everything else that police officers have. I think they would; you would expect that they would. They would have a shift running sheet on what they had done and where they had been. That would be recorded. As I indicated, whilst it is up to the chief commissioner operationally, the police may say, 'We will keep those records at the police station' or however they do it now. That would be where they would keep a record of everything that has been undertaken.

Ms PENNICUIK (Southern Metropolitan) — What would be the reporting requirements of the Chief Commissioner of Police on the activities of PSOs under his direction and control?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — As we know, Victoria Police does an annual report provided by the chief commissioner. I cannot recall whether there is a PSO section, but I would say that, given the massive increase, he probably would include that; but how and when the commissioner does it would be up to him. If I were him, I would be perhaps including it because of the large increase in PSO numbers coming over the next four years.

Clause agreed to; clause 4 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

Motion agreed to.

Read third time.

CIVIL PROCEDURE AND LEGAL PROFESSION AMENDMENT BILL 2011

Second reading

Debate resumed from 3 March; motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).

Hon. M. P. PAKULA (Western Metropolitan) — I say at the outset that I am sure all members of the house, but none more so than Mr Finn, will be pleased to know that I do not intend to take an undue amount of time on this debate. We are the Navy Blues! But the Labor Party will not be supporting this bill.

I think it is fair to say that for a long time now everybody involved in the justice system has been looking at ways to reduce costs, delays and overcrowded court lists. This is an issue that has been looked at by the courts, by the Department of Justice, by the Victorian Law Reform Commission in its civil justice review and by the Law Reform Committee of the Parliament. All of those reviews have involved widespread consultation. They have involved the consideration of moves that have been made in other jurisdictions, and they have looked pretty broadly at other jurisdictions, including the United Kingdom, for guidance.

All of that work fed into the Civil Procedure Act 2010. That act imposed some important but non-onerous requirements on prospective parties to a civil dispute prior to them commencing litigation. When I say those requirements are non-onerous, it is important for the house to appreciate just how non-onerous those requirements are. They include requirements to take reasonable steps to resolve a dispute by agreement, to try to clarify and narrow the matters in dispute, to exchange documents and information and to consider all of the options available, including alternative dispute resolution, to resolve the dispute prior to litigation being commenced. All of those obligations are very modest, they are very sensible and they were, by themselves, the product of consultation and compromise. Unfortunately all of that is about to be repealed by this bill.

It is important to note that the existing act and the requirements contained within it are the product of lengthy discussion and compromise. That has to be seen particularly in light of the Victorian Law Reform Commission's civil justice review. The review carried out by the Victorian Law Reform Commission in fact recommended far more prescriptive rules regarding pretrial obligations on prospective litigants than were ultimately placed in the act. The Victorian Law Reform Commission looked at it and recommended a range of fairly prescriptive procedures prior to litigation being commenced, but the provisions that ultimately found their way into the Civil Procedure Act 2010 were far less onerous than those recommended by the Victorian Law Reform Commission. The review, for instance, looked at the pre-action protocols introduced in England back in 1999 following the recommendations made by Lord Woolf. The protocols which were ultimately implemented in the UK by way of a practice direction are not at all dissimilar to those which ultimately appeared in the 2010 act.

This state conducted its own review, which took submissions and examined protocols in interstate and overseas jurisdictions. The former Attorney-General then set up an advisory committee which included representatives from different jurisdictions, the Victorian Bar Council, the Law Institute of Victoria and the Federation of Community Legal Centres, amongst others. What was ultimately arrived at were sensible, non-prescriptive and non-onerous requirements which are nevertheless appropriate and necessary to ensure a better functioning of our civil justice system. Those requirements encourage parties to settle disputes without going to court, so saving costs and the time of the court and importantly providing some measure of protection to people.

To give a real-life example, a lot of individuals, particularly those on a low income, end up in disputes with telecommunication providers, energy utilities and the like. It is important for both practical and justice reasons that those authorities go through some steps rather than simply lodging action in the courts. We have a very real concern that the action by utilities — the energy companies or the telecommunications companies — in lodging writs and in putting those matters before the courts before other avenues have been explored will oust the authority of either the energy ombudsman or the telecommunications ombudsman who have the power not just to help parties resolve disputes but to deal with matters such as capacity to pay and the ability of people to put in place alternative arrangements for the payment of bills. The capacity of the ombudsmen in both the energy and telecommunications sectors may be severely compromised by providing for a situation where those agencies are able to institute proceedings without first having gone through any other processes.

We understand that it might be not only in the best commercial interests of those utilities but also of members of the legal profession to support this bill. However, the justice system should ultimately be about the interests of clients, much more so than the commercial interests of practitioners. That is why Professor Peter Cashman, who was one of the authors of the civil justice review, has expressed his concerns about the bill and why the Consumer Law Action Centre has expressed its concerns about the bill.

It is also worth noting that the risk potentially run by passing this bill is that the situation in the Victorian courts will then be out of step with that in the federal court, where there are requirements for prospective litigants to resolve matters prior to litigation. Consequently this bill, if it is passed, as it no doubt will be, creates the risk that litigants will forum shop and lodge their claims in the Victorian jurisdiction rather than in the federal jurisdiction because they are seeking to avoid the prelitigation requirements of the federal system and thereby will further clog our court lists.

Finally, in speaking against this bill I note that back in 2009 the Law Reform Committee of this Parliament conducted an inquiry into alternative dispute resolution and restorative justice. Its recommendation 36 was that alternative dispute resolution should be encouraged by the model litigant guidelines by requiring that the state of Victoria, in all its departments and agencies, not be able to commence proceedings until alternative dispute resolution processes had been considered. That was the recommendation of the Law Reform Committee of this Parliament about the way the state of Victoria, its

agencies and departments, should behave in regard to civil litigation — that it should not be able to commence proceedings until alternative dispute resolution processes had been considered. That recommendation was unanimously supported by the committee. There was a minority report but it went to only a few minor clauses. Recommendation 36, along with the bulk of the other recommendations, was unanimously supported by the committee. The committee at the time had as one of its members the Honourable Robert Clark, now the Attorney-General and proponent of this bill.

Mr Barber interjected.

Hon. M. P. PAKULA — It is in the library, Mr Barber. I would say that if it is good enough for the government and government agencies to undertake some non-onerous, sensible prelitigation protocols prior to commencing action then it should be good enough for all litigants. The requirements in the existing Civil Procedure Act 2010 do not add to delay; they reduce delays. They do not add to the clogging of court lists; they reduce the clogging of court lists. They do not add to costs; they ultimately reduce costs. They are all about resolving disputes before they get to court. Why the government would want to undo that and go back to a situation where prospective litigants file first and ask questions later is absolutely beyond the opposition, and we will not be supporting this bill.

Ms PENNICUIK (Southern Metropolitan) — The Greens will also not be supporting the Civil Procedure and Legal Profession Amendment Bill 2011. The bill does away with the prelitigation requirements that the former government, under the former Attorney-General, went to great lengths to establish for civil disputes that may lead to legal proceedings in the Supreme, County and Magistrates courts.

The aim of that bill was to encourage people to resolve their cases without proceeding to court. The aim of that, in turn, was to unclog the court system, which the government, both now and when it was in opposition, is always complaining about, and to create a more accessible justice system — that is, a justice system whereby those without copious amounts of money would be less likely to be done over by the delaying tactics of wealthy opponents, often corporations or, as Mr Pakula discussed, agencies or authorities.

This bill makes a small amendment to the Legal Profession Act 2004 to remove the requirement of providing a statutory declaration when applying for the renewal of a practising certificate. This is part of a move to an online processing system. I understand that in opposing this bill I will be opposing that. I am not necessarily opposing that provision, but it is a minor provision and a minor improvement in the grand scheme of things, and it could be provided for with another change in another bill amending the Legal Profession Act 2004.

I do not want to rehash the debate of last year when the Civil Procedure Bill 2010 was passed in the Parliament. We supported it because, basically, we thought it was a good bill. Under that bill, which provided for section 34 of the current act, there was the requirement that parties to a civil dispute undergo prelitigation processes, which was aimed at keeping those parties out of the courts. The requirements under section 34 were to take reasonable steps to resolve a dispute by agreement and to clarify and narrow the issues parties have between them in the event that the dispute turns into a proceeding.

It is important to note that clarifying and narrowing the issues in any civil dispute can take copious amounts of court time and can be very costly, as it involves argument, discovery and ongoing filing of court documents. This is where those without large amounts of funds lose out — the filing of court documents. Under the act reasonable steps include ‘the exchange of appropriate prelitigation correspondence, information and documents critical to the resolution of the dispute’ and also, very relevantly, clarifying and narrowing the issues between the parties. The requirements also include the consideration of options for resolving the dispute without the need for going to court. They also provide that a party must not unreasonably refuse to participate in genuine and reasonable negotiations.

This current bill allows the court, in making any order or direction, to continue to have regard to the extent to which parties have attempted to resolve a dispute as mentioned in section 9(2) of the Civil Procedure Act 2010; however, it will not be a requirement any more. The court may choose whether or not to have regard to these matters.

The bill that was passed last year, the Civil Procedure Bill 2010, was the result of a review of the civil justice system by the Victorian Law Reform Commission and a 700-page report that was released in 2008. Following the release of that report the former Attorney-General established a civil procedure advisory group to consider the recommendations of the review. That was chaired by the chief justice and included representatives of the Supreme Court, the County Court, the Magistrates Court, the Victorian Civil and Administrative Tribunal, the Victorian Bar, the Law Institute of Victoria, the Federation of Community Legal Centres and the

Department of Justice. At the time, that advisory group supported the changes, with the main criticism being that some of the provisions in the bill did not go far enough to achieve the aim of reducing costs.

It is interesting that the Victorian Bar supported the bill at the time but is now supporting this bill. Mr O'Brien is busy shaking his head over there. I have a media release from the Victorian Bar of 21 June 2010 which states:

> The Victorian Bar supports greater efficiencies and the goals of the Civil Procedure Bill —

so it supported them —

> but believes there are other reforms that can make a significant difference to the efficiency of the court process in civil matters — and access to justice for all.

It said it supported the older bill at the time. It now says it supports this bill.

In the second-reading speech, the Attorney-General said:

> The PLRs —

Prelitigation requirements —

> require parties to a dispute, save in the case of specified and limited exceptions, to take what the act describes as 'reasonable steps' to resolve their dispute without resorting to litigation. The act is open-ended and unclear as to what parties are required to do to fulfil this requirement.

The act is not open-ended. It defines what reasonable steps are, including laying down a minimum standard, which includes providing necessary information and correspondence, and it states explicitly that parties must take these reasonable steps to attempt to resolve the dispute without court intervention and that parties must clarify and narrow the issues.

The Attorney-General says that it is common sense that leads people to resolve disputes — common sense, as though all litigants have a lot of common sense! I think to assume that all parties to civil disputes have a lot of common sense is a wild assumption. That is why we need prelitigation procedures and requirements.

The Attorney-General, in the second-reading speech, calls prelitigation requirements 'heavy-handed'. I do not think any fair-minded person could say they were heavy-handed. They are requirements to make sure that people make an attempt to resolve their differences outside the court and to narrow down the issues. That is it in a nutshell. I would not call that being heavy-handed. The Attorney-General goes on to say that 'many practitioners' oppose the prelitigation requirements. I do not know who these 'many practitioners' are, because they have not been named by the Attorney-General. He also says that prelitigation requirements would 'allow dishonest parties to postpone and frustrate proceedings'. I think it is the other way round; these requirements are designed to have the opposite effect.

The Greens will not be supporting this bill because we believe it is a waste of resources. A lot of money, time and effort was put into the review and research that led up to the Civil Procedure Bill 2010 and its enactment. We believe the act should be given a chance to operate and should be monitored. The government should take the approach of monitoring the system before it goes to the trouble of amending the act to basically reverse what was done and waste all the time and effort that has already been put in. That is why I will move a reasoned amendment to the motion. I move:

> That all the words after 'That' be omitted with the view of inserting in their place 'this house refuses to read this bill a second time until the provisions of the Civil Procedure Act 2010 passed by this Parliament in August 2010 are evaluated'.

As Mr Pakula said, the courts are not always equitable. It is a well-known phenomenon that those with more means and money at their disposal have greater access to the courts, particularly in civil litigation. The prelitigation requirements were put in place to make it fairer for those litigants with fewer resources and less money by enabling their disputes to be settled outside the courts; and if the matter cannot be settled outside the court, it assists with narrowing down the key issues before large amounts of money and time are spent in the court to the detriment of people without a lot of resources and time, and also to the detriment of the court process. For those reasons I urge the house to support my reasoned amendment so that the system put in place by the Civil Procedure Bill 2010 can be monitored and evaluated. Then we can get to a position of being able to ascertain whether it is working or needs amendment, rather than just throwing out the whole thing before it has had a chance to be tested. A lot of time that has been spent training practitioners on how to work in the new system with the prelitigation requirements has been thrown away, and all the work that has been done by the Victorian Law Reform Commission and the advisory council and all the opinions that have been put forward by various parties to that advisory council have been ignored. For those reasons we will not be supporting the bill.

The ACTING PRESIDENT (**Mr Ramsay**) — Order! Before I call on the next speaker, Mr O'Brien, I remind members that we are now debating the

second-reading motion as well as the reasoned amendment moved by Ms Pennicuik.

Mr O'BRIEN (Western Victoria) — With that reminder, Acting President, I rise to speak in support of the Civil Procedure and Legal Profession Amendment Bill 2011 and in opposition to the reasoned amendment moved by Ms Pennicuik on behalf of the Greens.

The purpose of the Civil Procedure and Legal Profession Amendment Bill 2011 is to amend the Civil Procedure Act 2010 to repeal the prelitigation requirements and to make a minor amendment to the Legal Profession Act 2004. Clause 7 of the bill delivers on the coalition government's commitment to end mandatory prelitigation procedures for debt recovery and other inappropriate proceedings.

When the Civil Procedure Act 2010 was introduced these mandatory prelitigation procedures were opposed by the then opposition, now government, and raised concerns within the legal profession. In particular I refer to the August 2010 issue of *Law Institute Journal*, in which the chief executive officer of the Law Institute of Victoria, Michael Brett Young, expressed his concern and set out to ensure that any obligations introduced by the legislative reforms would not significantly increase the cost of litigation, especially for those disputes in the Magistrates Court that do not involve significant financial amounts.

Cutting to the chase of the matter in relation to the problem with the prelitigation procedures, it is all about the costs for small business, the small litigants, not the top end of town, that these unnecessary mandatory procedures would impose on them against the wishes of the profession.

I will respond more particularly to comments that Mr Pakula has made in relation to the suggestion that members of the legal profession are putting forward their opposition to line their own pockets. I reject that absolutely.

The Victorian Bar Council and the Law Institute of Victoria have considered the processes and whether or not it should agree to mandatory pretrial litigation procedures. Their view is that these procedures would add an unnecessary cost, not to the profession but to small businesses and the other users of the court system — that is, the constituents of Victoria. That is the problem, and that is what has not been addressed by any of the speakers on the other side of the chamber.

In his contribution Mr Pakula used the phrase 'they would be sensible not onerous requirements' and then he used that classic Labor Party term 'protocols'. What that means is the cost. These procedures would impose a requirement for parties to go to alternative dispute resolution in all cases, no matter what the issues are and no matter what is the will of the parties, before the matter has even been set down in the court system. Alternative dispute resolution procedures, such as mediation procedures, can be undertaken when parties voluntarily wish to do so. The new government supports the model litigant guidelines for agencies and urges all parties to engage in suitable alternative dispute resolution, but it does not wish to mandate this for the profession, the industry and the constituents against their will. Another important aspect of the coalition's approach is respect for the views of the legal profession and the views of small business and industry and to give effect to the wishes of our constituents as a result of the November 2010 victory. I note Mrs Coote is in the chamber. She has spoken eloquently about the importance to this government of choice, and this issue is one about choice for the citizens of Victoria.

I turn to the comments from the Victorian Bar Council. A press release of 11 February 2011 quotes the chairman of the Victorian Bar, Mr Mark Moshinsky, SC. It states:

> We had a number of concerns with the proposed prelitigation requirements.

He was referring to the mandatory prelitigation procedures in the Civil Procedure Act 2010. That is not what is stated but that is what it is referring to. It then states:

> Our concern was that they did not give effect to, and had the potential to undermine, the overall intention of the civil procedure reforms — which we strongly supported from inception — to reduce the cost and improve efficiency of litigation.
>
> Our main concerns were the cost of compliance with the prelitigation requirements and the delay that they could occasion.
>
> In many cases, the cost of carrying out the extra steps would not be warranted. Simple debt recovery mattes are a good example.
>
> There was also the concern that the procedures could be used by recalcitrant defendants to delay the issue of proceedings …

We have similar comments from the Law Institute of Victoria, which I will not refer to at this stage.

I would like to turn to an important document, a letter dated 8 February 2011 from the Australian Collectors and Debt Buyers Association (ACDBA), which has experience in dealing with the difficulties faced by small businesses and small litigants in the court system

when they are trying the simplest of actions to recover money for goods, labour — —

Mr Barber — From whom?

Mr O'BRIEN — From anyone. From you, Mr Barber, if you have not paid your bills, or from the Shop, Distributive and Allied Employees Association if it has not sent the cheque to the Labor Party. Sometimes you need to go to court to recover money from people who have not paid their bills.

I turn to the letter from the ACDBA:

> After … consideration, ACDBA members believe that the effect of the Civil Procedure Act 2010 in its current form will be to:
>
> 1. Increase the legal cost to creditors due to the prelitigation requirements which are unrecoverable. Currently the debtor receives at the very least three letters of demand often accompanied by a proof of debt, one from the client, one from the agency and a solicitor's letter. The new act will unnecessarily duplicate this process and increase costs to the creditor.
>
> 2. Significantly increase the delay in commencing litigation to the benefit of the debtor.

That is a significant issue. In my very first proceeding I acted for an elderly coal supplier. He was one of the last coal suppliers in Collingwood. He sold coal to a small retail outlet, which I will not name in this chamber, that decided not to pay its bill. It was a very small bill of about $1000. That retail outlet proceeded to adopt what I will call the phoenix company regime of using various devices to delay and prolong litigation.

There are recalcitrant defendants out there who know the system very well. They would milk an imposed system like this to give themselves a little bit more time to maybe send poor creditors into insolvency while those creditors are chasing their bills. In areas such as the building, electricity and plumbing industries, when you need to chase your bill, you need it chased and you need it paid, because guess what? You probably have to send the money on to someone else. The current form of the Civil Procedure Act is against the will of those who do this work all the time; it unnecessarily complicates the process of debt collection.

The third point stated in the letter of the ACDBA is that the Civil Procedure Act in its current form will:

> 3. Encourage debtors and/or their legal advisers to deliberately adopt delaying tactics to stall the litigation process.

Far from putting money in the pockets of lawyers, the Civil Procedure Act 2010, if allowed to operate in its current form, will be the thing that adds unnecessary appearance fees to pretrial litigation. As a barrister you will get a fee for mediation if people have to go off to a mediation or whatever other form of alternative dispute resolution is considered appropriate. That would be adding legal steps to an unnecessary proceeding and intentionally taking money from the clients and putting it into the lawyers' pockets. That is why this proposed aspect of the Civil Procedure Act, which is not in force yet, is opposed by the coalition government and why I support the bill before the house.

The last two points in the letter of the ACDBA state that the Civil Procedure Act in its current form will:

> 4. Promote a system which … encourages debtors to dishonour their contractual obligations to the detriment of creditors who in most instances only turn to the legal system as a last resort.
>
> 5. Create a loss of confidence in the justice system because of the barriers facing a creditor arising from:
>
> a. irrecoverable legal costs;
>
> b. delays in commencing litigation; and
>
> c. potential delaying tactics —

against creditors acting in good faith.

I have other important letters that we have received from other small debt collecting operations, courtesy of the very able Parliamentary Secretary for Small Business, the member for Morwell in the other place, Mr Russell Northe. One of these letters is from a constituent of mine in Warrnambool, which I will turn to if I can.

However, I will first turn to another matter, which is the early neutral evaluation pilot program that is presently being instigated in the court system. I raise this in response to Ms Pennicuik's concerns about what she described as 'litigants'. A litigant is someone who is in the court, and Ms Pennicuik's concern is that they should be encouraged to settle their disputes. They should be, but this should not be mandatorily imposed upon them before they file. This procedure of early evaluation of alternative dispute resolution operating in the court system is one of the new ways that these cases can, when they are capable of being settled by alternative dispute resolution, be resolved early.

Returning to the prospect of the reasoned amendment, which I take it would mean that this bill would not be read a second time until the provisions of the Civil Procedure Act 2010 passed by this Parliament in August 2010 were evaluated, the coalition would oppose that. That would effectively be delaying the

present bill for some months and would effectively stall the removal of an important thing — that is, the unnecessary mandatory prelitigation requirements imposed under the current Civil Procedure Act 2010. We do not wish to engage in stalling tactics in this place and likewise we will not support the imposition of unnecessary procedures on the legal profession.

Another matter I wish to raise is that of statistics of the Magistrates Court, because another place you can go for some of this is the court system itself. According to *Magistrates Court of Victoria 2009–10 Annual Report*, 65 617 cases were filed in its civil jurisdiction. Of those cases, 37 444 resulted in default orders. This means that more than half the civil matters filed in the Magistrates Court were finalised by the entering of default judgement. Default judgement is a simple procedure whereby an undefended action against the debtor who is not prepared to negotiate or respond to an action can go to judgement, and therefore enforcement, on the paperwork only. It is a quick and efficient means of resolving a simple debt recovery proceeding by doing the other thing that is sometimes necessary in these matters and that is getting justice, getting a judgement, getting on with it and getting paid. That sometimes needs to happen. Other times it is good to resolve things by alternative dispute resolution.

Had they been allowed to continue, the prelitigation requirements would have forced those 37 444 litigants in the civil list of the Magistrates Court to negotiate with a party who clearly had no wish to negotiate or even respond to the claim. On that figure alone, this bill will prevent untold hours of unnecessary legal work and significant costs that would flow from such a situation.

Debt recovery matters for small businesses are usually, legally speaking, uncomplicated matters. If a business provides goods and services and it is not paid for those services, then it should have access to a simple mechanism to redress that. However, every case is different, and the courts will retain that power under the Civil Procedure Act 2010 and under their own powers which the courts have been working up in consultation with the profession — which I am proud to have been a part of for about the last 14 years — to encourage alternative dispute resolution within the court system. That power will remain.

When it comes to commencing litigation, however, one size does not fit all, and we should not slavishly follow what is going on in the federal court. The suggestion from Mr Pakula was that the removal of the mandatory prelitigation requirements would encourage forum shopping across state and federal jurisdictions — a most unlikely event. In any event, as I took his meaning it was a reflection that people would not want to be litigating in the federal court because they would be aware of the additional costs of the prelitigation procedures in that court. That is precisely the problem that we believe these mandatory procedures, if allowed to come into effect, would cause in Victoria.

Finally, in regard to the other amendment, clause 11 of the bill makes a technical amendment to the Legal Profession Act 2004 which will facilitate a streamlined process for the online renewal of lawyers practising certificates. It is important that the profession keep abreast of new technology, which we encourage, and this amendment will reduce the administrative burden on the legal profession and, importantly, on the Legal Services Board. I commend the bill to the house.

Mr SCHEFFER (Eastern Victoria) — I will not be supporting the Civil Procedure and Legal Profession Amendment Bill 2011 because, along with my colleagues on this side of the house, I believe that passing the bill into law would be to the detriment of Victorians, who have the right to expect that the procedures followed by our courts not only dispense justice but do so in an affordable and effective way. I also understand that this side of the house will be supporting Ms Pennicuik's reasoned amendment.

The bill amends the Civil Procedure Act 2010 so as to repeal the whole of chapter 3, which is entitled 'Before a civil proceeding commences', and the other provisions in the act that relate to prelitigation requirements. Chapter 3 says that, subject to certain exceptions which are listed in the act, a person involved in a civil dispute must take reasonable steps to resolve the dispute by agreement or to clarify and narrow down the issues in a dispute if civil proceedings are going to take place. In his contribution Mr Pakula has indicated — and I agree with him — that it does not appear that these requirements are onerous. I acknowledge the contribution that Mr O'Brien just made in which he said this adds an additional layer to the proceedings and that it adds substantially to litigation costs. This is exactly what chapter 3 of the Civil Procedure Act 2010 was designed to prevent and what it was designed to improve for people involved in legal disputes.

The purpose of these requirements is to encourage people in a dispute to do what they can to sort out the matter themselves or to use the assistance of mediators to relieve the particular problems and keep the expenses lower than if the matter were to go to court. It assists them to keep the matter contained within a prelitigation environment. Chapter 3 also says that if people are

really determined that a matter should go to court, they have the obligation to make sure that they do some work to be clear about what it is they want the court to sort out.

The act says that each person involved in a dispute should be able to demonstrate that they have shared any relevant documentation and evidence amongst all those involved so that everyone who is party to the dispute is clear on the facts. They need to be able to demonstrate that they have looked into the types of negotiation or mediation that are available to help them work through the dispute, and they should also be able demonstrate that they are not unreasonably refusing to participate in a negotiation process or an appropriate dispute resolution process. That picks up one of the points Mr O'Brien made: that potential litigants have to demonstrate that they are genuine about the process of alternative dispute resolution prior to commencing any litigation.

The chapter also provides that in the normal course of events the fact that a person does not comply with the prelitigation requirements of the act does not mean that the person can be prevented from going to court in the end. These provisions are intended to support people involved in disputes by requiring them to look at what they themselves can do before they end up with the expense of full court costs. And yet in this bill the government repeals the entire body of chapter 3, with no regard to the considerable evidence and informed opinion that stands in support of the procedures set out in it.

The Civil Procedure Act 2010 was passed last year, as members know. It commenced in January this year and will apply to all proceedings in the Supreme Court, the County Court and the Magistrates Court but not to those in the Victorian Civil and Administrative Tribunal. The government agrees with the provisions in the act that require parties to disputes to attempt to resolve those disputes themselves before going to court, provided that the prelitigation process has a reasonable chance of success. The government disagrees with the act as it stands, because it believes that the mandatory nature of the requirement to first attempt to seek a resolution will add to the complexity and cost of bringing legal proceedings to court.

The government believes that the prelitigation requirements will open the way for dishonest parties to derail legitimate proceedings against them and that this will disadvantage the aggrieved party. That matter is dealt with in the substantive act. The government believes that the way around this problem is to remove the mandatory requirement so that people can take up a prelitigation process if they wish but they are not required to do so. The court could consider this and direct people to an alternative dispute resolution process on a case-by-case basis.

Members on this side of the house think it is a shame that the government has decided not to allow the act to apply from July this year as intended. We think it will harm people's affordable access to legal support and dispute resolution.

The Civil Procedure Act 2010 was developed after exhaustive and extensive consultation, including a very important and substantive inquiry that was undertaken by the Law Reform Commission through its civil justice review. That review was a massive and comprehensive undertaking. Mr Pakula has already set out extensively the dimensions of that review, so I will not take up the time of the chamber in going through it now.

In 2009 the Law Reform Committee of this Parliament conducted its own extensive inquiry into alternative dispute resolution and restorative justice. That committee also examined this particular issue in some detail. I had the privilege of chairing the committee. The member for Box Hill in the Legislative Assembly, who is now the Attorney-General, was the deputy chair. The substance of the report and its recommendations on alternative dispute resolution were reached on the basis of consensus. I should add by way of clarity that there was not consensus about the restorative justice aspect, but there was consensus on the report and recommendations on the parts that dealt with alternative dispute resolution. I think Mr Pakula referred to recommendation 36 which substantively supported the intention of the Civil Procedure Act 2010 as it stands now.

I guess my point is that this matter has been very well researched and extensively consulted upon, and the Parliament reached a considered and appropriate determination to support the bill last year. This turning over of the key elements of the act is a retrograde step for fairness and access to justice in Victoria, and I certainly will not be supporting the bill as it stands.

Ms PULFORD (Western Victoria) — I am pleased to join the debate on the Civil Procedure and Legal Profession Amendment Bill 2011. I appreciate that on this Thursday afternoon some people are waiting for these proceedings to be concluded. This legislation is about waiting. It is about waiting for people's experience in the courts to be over as quickly as possible. I know a number of the lawyers in the house have had a bit to say about the bill, and previous

speakers have gone to some of its more technical questions, but a great number of people who have experienced our justice system are not lawyers, and for them it is a pretty strange and foreign environment.

The bill seeks to repeal legislation that was introduced by the previous government last year. These very questions were debated extensively in the Parliament prior to the last election, so I will not canvas those questions at length. As Mr Scheffer said a moment ago, there was a great deal of consultation with affected parties and stakeholders in the development of the legislation in 2010, and it has not really had very long to operate. It would have been nice if an opportunity had been afforded by the new government to see just where these improvements to legal procedures take us.

The bill will lead to additional delay and the clogging of court lists, and therefore additional expense for a whole lot of people who encounter the legal system. I read an article by Bruce Guthrie in the *Sunday Age* of 27 February in which he talked at length about his concerns about this act of the government. In the article he stated:

> I see nothing heavy-handed in being encouraged to talk. Besides, the Hulls legislation provided for ongoing monitoring and finetuning. If the changes weren't working, they could have been amended. So why repeal them even before they've been tried?

I know there are members in the chamber who have Thursday night engagements in line with the commencement of the AFL season. I would have thought this legislation would have the effect of creating a whole lot of delays and a whole lot of costs for many people who can least afford it. I urge the government to reconsider the bill and to give the changes that were made after a long and involved process by the former government an opportunity to do what they were designed to do — that is, provide quicker and cheaper justice to a greater number of Victorians.

House divided on amendment:

Ayes, 19

Barber, Mr (*Teller*)
Broad, Ms (*Teller*)
Darveniza, Ms
Eideh, Mr
Elasmar, Mr
Hartland, Ms
Jennings, Mr
Leane, Mr
Lenders, Mr
Mikakos, Ms
Pakula, Mr
Pennicuik, Ms
Pulford, Ms
Scheffer, Mr
Somyurek, Mr
Tarlamis, Mr
Tee, Mr
Tierney, Ms
Viney, Mr

Noes, 21

Atkinson, Mr
Coote, Mrs
Crozier, Ms
Dalla-Riva, Mr
Davis, Mr D.
Davis, Mr P. (*Teller*)
Drum, Mr (*Teller*)
Elsbury, Mr
Finn, Mr
Guy, Mr
Hall, Mr
Koch, Mr
Kronberg, Mrs
Lovell, Ms
O'Brien, Mr
O'Donohue, Mr
Ondarchie, Mr
Petrovich, Mrs
Peulich, Mrs
Ramsay, Mr
Rich-Phillips, Mr

Amendment negatived.

House divided on motion:

Ayes, 21

Atkinson, Mr
Coote, Mrs
Crozier, Ms
Dalla-Riva, Mr
Davis, Mr D.
Davis, Mr P.
Drum, Mr
Elsbury, Mr
Finn, Mr
Guy, Mr
Hall, Mr
Koch, Mr
Kronberg, Mrs (*Teller*)
Lovell, Ms
O'Brien, Mr
O'Donohue, Mr
Ondarchie, Mr
Petrovich, Mrs
Peulich, Mrs
Ramsay, Mr (*Teller*)
Rich-Phillips, Mr

Noes, 19

Barber, Mr
Broad, Ms
Darveniza, Ms
Eideh, Mr
Elasmar, Mr
Hartland, Ms
Jennings, Mr
Leane, Mr
Lenders, Mr
Mikakos, Ms
Pakula, Mr
Pennicuik, Ms
Pulford, Ms
Scheffer, Mr
Somyurek, Mr
Tarlamis, Mr (*Teller*)
Tee, Mr
Tierney, Ms (*Teller*)
Viney, Mr

Motion agreed to.

Read second time; by leave, proceeded to third reading.

Third reading

Motion agreed to.

Read third time.

EARTHQUAKES: NEW ZEALAND

The PRESIDENT — Order! While we are all gathered here I indicate to the house that I have had a letter of acknowledgement from the New Zealand consulate in Melbourne to thank us for the motion passed on the last sitting week expressing our condolences, sympathy and support for the people of

New Zealand in relation to the earthquake tragedy in New Zealand.

REGIONAL GROWTH FUND BILL 2011

Introduction and first reading

Received from Assembly.

Read first time on motion of Hon. P. R. HALL (Minister for Higher Education and Skills).

Statement of compatibility

Hon. P. R. HALL (Minister for Higher Education and Skills) 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, I make this statement of compatibility with respect to the Regional Growth Fund Bill 2011.

In my opinion, the Regional Growth Fund Bill 2011, as introduced to the Legislative Council, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

Overview of bill

The bill will create a new act called the Regional Growth Fund Act. The bill will establish an account as part of the trust fund in the public account called the Regional Growth Fund.

The RGF is being established to fund major strategic infrastructure and to promote a grassroots approach to identification of community projects and to provide flexible funding to meet the needs of rural communities.

The RGF will be used to:

provide better infrastructure, facilities and services in regional Victoria;

strengthen the economic, social and environmental base of communities in regional Victoria;

facilitate the creation of jobs and the improvement of career opportunities in regional Victoria;

support the planning for and the development of projects in regional Victoria; and

support any other project that will benefit regional Victoria as determined by the minister.

A regional policy advisory committee will be established to advise the minister in relation to the RGF and associated policy matters.

Funding will be flexible so that it can support projects and initiatives that meet the strategic priorities and needs of regional cities and country communities.

Human rights issues

1. Human rights protected by the charter that are relevant to the bill

The bill does not raise any human rights issues.

2. Consideration of reasonable limitations — section 7(2)

As the bill does not raise any human rights issues, it does not limit any human right and therefore it is not necessary to consider section 7(2) of the charter.

Conclusion

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities because it does not raise any human rights issues.

Peter Hall, MLC
Minister for Higher Education and Skills

Second reading

Ordered that second-reading speech be incorporated into *Hansard* on motion of Hon. P. R. HALL (Minister for Higher Education and Skills).

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

That the bill be now read a second time.

Incorporated speech as follows:

I am pleased to introduce the Regional Growth Fund Bill 2011 into the house.

What is the bill?

This bill will establish the Regional Growth Fund.

Through this fund we will support regional communities to create new prosperity, more opportunities and a better quality of life for all regional Victorians.

We will also ensure that regional Victoria is well placed to benefit from Victoria's continued prosperity and equipped to accommodate an increased share of the state's population growth.

This bill will establish a trust fund in the public account called the Regional Growth Fund. We will invest $1 billion into the Regional Growth Fund over the next eight years.

The Regional Growth Fund will be used to fund major strategic infrastructure necessary to improve the competitiveness and livability of regional Victoria, as well as supporting a grassroots approach to the identification and development of community-led projects.

The fund will be used to address a broad range of issues including:

providing better infrastructure, facilities and services;

strengthening the economic, social and environmental base of regional communities; and

creating jobs and improving career opportunities for regional Victorians.

Importantly, the government will ensure that regional Victorians themselves play a greater role in guiding state investment in their communities. State government support will be provided in a flexible way that recognises the diversity of issues that confront regional communities and the need for tailored solutions that respond to local circumstances.

Why government is establishing the Regional Growth Fund

The government has a strong focus on regional Victoria and securing the long-term future of Victoria's regional and rural communities.

We recognise the significant contribution that regional cities and country communities make to the state's development and economic performance. But we also recognise the many challenges that regional Victorians face in competing in the global economy, responding to environmental changes and confronting life-threatening emergencies such as the 2009 bushfires and the recent floods.

All Victorians should be proud of the way in which regional communities have dealt with these challenges. However, these events highlight the need both to address the aftermath and provide for ongoing investment and support to ensure a sustainable and prosperous future for all regional Victorians.

Strengthening Victoria's economy

Through the Regional Growth Fund the government will further strengthen the contribution that regional cities and country communities make to the future growth and prosperity of Victoria.

This legislation is not just about regional Victoria. Melbourne will not reach its full potential as one of the world's great capital cities unless regional Victoria is also growing and prosperous. The government's objective in creating the Regional Growth Fund is to ensure balanced growth across the state for the benefit of all Victorians whether they choose to live in our great capital city or in the regions.

Regional Victoria now accounts for around a quarter of the state's people, jobs and economic activity. Regional Victoria's diverse industry base contributes more than $75 billion a year to Victoria's economy.

Regional Victoria is the primary source of the state's agricultural output, food production and processing, energy and mineral resources. It is where a significant proportion of our secondary goods and services are produced. All Victorians have benefited from strong regions and prosperous regional communities.

However, unprecedented challenges such as climate change, global economic competitiveness bringing changes to industry and structural ageing of the population and workforce all threaten the future growth and prosperity of regional Victoria.

The Regional Growth Fund will support the continued economic development of regional Victoria by investing in the infrastructure and services that regional industries need to compete effectively in national and global markets. The fund will form an important element of an integrated approach to the economic development of the whole state, linking the growth of Melbourne and regional areas in a sustainable manner.

This approach is supported by independent studies into the costs and benefits of regional economic development. These studies show that appropriately targeted support in regional areas enhances the economic performance of regional communities through new business investment opportunities, an expanded skills base and industry diversification.

Accommodating future growth

Regional Victoria is currently experiencing strong population growth, with regional Victoria's population projected to grow from the current 1.4 million to 2 million in 2048.

Our regional cities and centres are making a contribution to accommodating this growth and in doing so are helping alleviate metropolitan growth pressures. They provide affordable and attractive living options for new residents seeking to establish themselves in Victoria.

Through the Regional Growth Fund the government will ensure that areas within regional Victoria experiencing population growth are equipped with the infrastructure and services needed to attract and accommodate new residents while maintaining the economic and lifestyle benefits associated with living in regional Victoria.

Addressing the needs of smaller communities

The government also takes very seriously the issues and challenges facing smaller regional and rural communities.

A report from the rural and regional joint investigatory committee of the Victorian Parliament into the extent and nature of disadvantage and inequity in rural and regional Victoria (2010) found that rural and regional Victorians face disadvantage and inequity in both access to services and in many indicators of health and wellbeing.

This is happening in the context of an ageing population and the difficulty faced by many smaller country communities in retaining young people and attracting skilled workers.

There is also evidence that rising costs of infrastructure provision and services are having an impact on the ability of some local councils to meet the needs of their communities. A report commissioned by a group of 18 rural councils in early 2010 (the 'Whelan report') found that Victoria's smaller rural councils are the most 'financially challenged' in the state and 'do not have the capacity to adequately service their communities'.

Through the Regional Growth Fund, the government will deliver the additional infrastructure and support needed to deal with these challenges and better position them to attract investment and population growth.

Structure of the Regional Growth Fund

The Regional Growth Fund is based around two primary funding streams: strategic projects with broad benefits for regional Victoria, and locally driven projects, identified and developed by local communities and councils.

The fund provides an appropriate balance between targeted strategic interventions and flexible local approaches. Our intention is to invest around 60 per cent of the fund on strategic projects and 40 per cent on locally based projects.

The Regional Growth Fund will be open to local councils, regional infrastructure providers, community organisations, business groups, educational institutions and the private sector located in regional Victoria.

The fund will have two broad streams:

Strategic projects funding stream

Through the strategic projects stream, the Regional Growth Fund will support projects that provide enabling infrastructure to facilitate investment, industry development, job creation, and to support the government's commitment to extend reticulated natural gas across regional Victoria.

This stream will also strengthen and diversify regional economies by supporting projects that redevelop or create new tourism and cultural assets.

Support for feasibility studies will be available through this stream, helping small towns and small industries to make well-argued business cases for funding for strategic projects.

Local initiatives funding stream

The local initiatives stream of the fund will provide flexible funding for communities and councils to address locally identified priorities and needs.

Over the first four years of the Regional Growth Fund's operation, this stream will include:

the local government infrastructure program to provide councils access to funds for new infrastructure or asset renewal; and

the putting locals first program which will be available to a wider range of regional organisations, individual councils and community groups to fund projects that benefit local communities. These may include initiatives such as: improving local services; supporting local community groups and volunteers; and upgrading community facilities.

Importantly, the Regional Growth Fund will provide support over and above existing funding available through government departments.

Governance of the fund

The government will ensure the accountability and transparency of the fund, which will be subject to the Financial Management Act 1994 and that act's reporting arrangements.

In administering the fund the Minister for Regional and Rural Development will consult closely with the Treasurer and his ministerial colleagues. This fund will have positive implications for all portfolios. It will assist, for example, the Minister for Tourism and Major Events in developing first-class tourism infrastructure and events to attract more visitors to regional Victoria. It will also assist the Minister for Local Government in addressing the need for community infrastructure in country towns and the Minister for Regional Cities. It will assist the Minister for Agriculture and Food Security in the important task of supporting primary production in Victoria.

These are just some of the areas where the Minister for Regional and Rural Development will work with his ministerial colleagues to implement the fund.

Detailed guidelines and an assessment process are being prepared for each of the fund's components and will be in place when the fund becomes operational on 1 July 2011.

The bill repeals the Regional Infrastructure Development Fund Act 1999 and amends the current provisions in the Regional Development Victoria Act 2002 to establish a regional policy advisory committee and this will include provisions that enable the Minister for Regional and Rural Development to appoint up to eight members and a chair.

The bill sets out functions of the regional policy advisory committee. These are to provide advice to the Minister for Regional and Rural Development on the allocation of funds from the strategic projects stream of the Regional Growth Fund and advise the minister generally on matters relating to the economic and community development of regional and rural Victoria. The regional policy advisory committee will also provide advice on the regional and rural implications of relevant legislation and on other matters referred to the committee by the minister.

Five regional development committees (RDCs) will be established in each of the non-metropolitan administrative regions. These committees will provide advice to the minister on local priority projects, identified needs and investment opportunities for government investment from the local initiatives stream of the fund.

At the present time the Minister for Regional and Rural Development intends to use the membership of the existing Regional Development Australia committees to undertake the roles of RDCs. Following discussion with stakeholders it is clear that using existing regional consultative mechanisms rather than establishing new structures is the most appropriate way to achieve the objectives of the RGF. The operation of these five committees will see a strong local voice at the forefront in regional decision making.

The bill enables the Governor in Council, on the recommendation of the minister, to appoint up to eight members to the regional policy advisory committee, and to also appoint a chair. The intention is that the chairs of the five Regional Development Australia committees will form the core of the early membership of this committee. Other members will be required to have skills relevant to regional economic and community development.

Geographical coverage

The bill defines regional Victoria as those 48 municipal districts that lie outside the metropolitan and interface councils, plus the alpine resorts as defined in the Alpine Resorts Act 1983. The 48 councils are listed in schedule 1 of the bill.

However, there may be other areas that should be able to access the RGF. For example, we have already announced that we will examine the issue of councils in interface areas — that is, those councils that lie on the boundary between metropolitan Melbourne and the surrounding

countryside — accessing state government regional development funding.

To give this effect to the RGF the bill includes a regulation-making power which will enable the minister to make regulations which add municipal districts or parts of municipal districts and also remove them in relation to either general or specific purposes of the fund.

The bill contains transitional provisions to allow existing contractual arrangements and funding obligations to be met in relation to funds allocated under the Regional Infrastructure Development Fund Act 1999.

Conclusion

This bill, one of this government's first legislative actions, provides the foundation and strong support and commitment to regional Victoria that regional Victorians deserve.

I commend the bill to the house.

Debate adjourned on motion of Ms PULFORD (Western Victoria).

Debate adjourned until Thursday, 31 March.

BUSHFIRES ROYAL COMMISSION IMPLEMENTATION MONITOR BILL 2011

Introduction and first reading

Received from Assembly.

Read first time on motion of Hon. P. R. HALL (Minister for Higher Education and Skills).

Statement of compatibility

Hon. P. R. HALL (Minister for Higher Education and Skills) 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, I make this statement of compatibility with respect to the Bushfires Royal Commission Implementation Monitor Bill 2011.

In my opinion, the Bushfires Royal Commission Implementation Monitor Bill 2011, as introduced to the Legislative Council, is compatible with the human rights protected by the act. I base my opinion on the reasons outlined in this statement.

Overview of bill

Human rights issues

1. Human rights protected by the act that are relevant to the bill

Privacy

Section 13(a) of the act protects a person's right not to have his or her privacy, family, home or correspondence interfered with in a manner that is unlawful or arbitrary.

This right may be engaged by clauses 16, 17 and 18 of the bill. These clauses provide that the implementation monitor may require agencies to provide any information that he or she considers necessary to perform his or her functions, and that secrecy or confidentiality obligations imposed by other laws do not apply to the disclosure of information to the implementation monitor. The implementation monitor is also given a power of entry and inspection in relation to agencies responsible for implementing recommendations of the bushfires royal commission. Clause 18 further allows the implementation monitor to publish any information that has come to his or her knowledge in the course of performing functions under this or another act, if the information is relevant to the report and its inclusion is in the public interest. This may include confidential information.

I note that most information disclosed to the implementation monitor under these clauses will not be of a private nature. Further, the power of entry and inspection relates to workplaces, and the occupants of those workplaces would have a limited expectation of privacy.

However, to the limited extent that these provisions may interfere with personal privacy, that interference will be neither unlawful nor arbitrary. The powers are clearly defined in the bill, and are necessary to enable the implementation monitor to effectively perform his or her functions. I therefore consider that these provisions do not limit the right to privacy in section 13 of the act.

Fair hearing

Section 24(1) of the act provides that both a person charged with a criminal offence or a party to a civil proceeding have the right to a fair hearing. This right is likely to include a right to access to the courts.

Clause 21 of the bill engages the right of access to the courts by ensuring that parliamentary privilege attaches to the publication of the reports of the implementation monitor. The effect is that the publication of those reports cannot be the basis of a civil or criminal claim. However, the right of access to the courts is not absolute. To the extent that access to the courts is affected by this provision, I consider that the limitation on access is reasonable and necessary, as it enables the implementation monitor to provide the legislature and community with a frank assessment of the government's performance in implementing recommendations and without unnecessary delay (when the Parliament is in recess). Therefore, I do not consider that clause 21 imposes a limit on the right to a fair hearing.

2. Consideration of reasonable limitations — section 7(2)

Right to take part in public life

The right to take part in public life in section 18 of the act, includes a right to be elected at state elections, and to have access, on general terms of equality, to the Victorian public service and public office. Clause 9(d) of the bill engages these rights by providing that the implementation monitor ceases to hold office if he or she nominates for election to Parliament in Victoria or elsewhere in Australia. This is the same rule as

that which applies to other independent officers in Victoria, including the Ombudsman, the chairperson of the Essential Services Commission, and the privacy commissioner.

I consider that any limit imposed on the rights in section 18 of the act by clause 9(d) is demonstrably justifiable according to the criteria set out in section 7(2). Although the right to take part in public life is highly important, and fundamental to our democratic system of government, the right is not absolute, and it may be subject to reasonable limitations such as these.

In this case, the purpose of the limitation is to strengthen the independence of the implementation monitor, and to ensure that his or her actions and decisions are not guided by political expediency. The people of Victoria must be able to trust the implementation monitor to provide genuinely independent oversight of the implementation of the bushfires royal commission's recommendations without being subject to actual or perceived political bias.

I further note that clause 9 does not prohibit a person who holds the office of implementation monitor from nominating for election. Rather, the provision simply provides that a person cannot both hold that position and nominate for election concurrently. This is the least restrictive means available to ensure the implementation monitor remains independent of the political process. I therefore consider that any limitation imposed by clause 9(d) on the right to take part in public life is demonstrably justifiable in a free and democratic society.

Conclusion

I consider that the bill is compatible with the act, because, to the extent that some provisions may limit human rights, those limitations are reasonable and demonstrably justified in a free and democratic society.

The Hon. Peter Hall, MLC
Minister for Higher Education and Skills
Minister responsible for the Teaching Profession

Ordered that second-reading speech be incorporated into *Hansard* on motion of Hon. P. R. HALL (Minister for Higher Education and Skills).

Second reading

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

That the bill be now read a second time.

Incorporated speech as follows:

Recommendation 66 in the final report of the 2009 Victorian Bushfires Royal Commission was that the 'state appoint an independent monitor or the Victorian Auditor-General to assess progress with implementing the commission's recommendations and report to the Parliament and the people of Victoria by 31 July 2012.'

The commissioners were quite explicit about their rationale for this recommendation. They said:

> Now that the work of the commission has ended, there is no state-sponsored process for reviewing implementation of the recommendations adopted. There is therefore a risk that the impetus to implement the recommendations made in this final report will not be as sharp. This risk is highlighted by government responses to the implementation of some recommendations from previous reports. For example, inquiries into bushfires in Victoria in recent years made recommendations that recognised the significance of prescribed burning in managing bushfire risk and reducing the risk to life and properties. Progressive recommendations have, however, had limited success in achieving suitable prescribed burning outcomes for Victoria. The commission considers that a process is needed whereby the government and community have access to transparent, independently verified information on the response to the commission's recommendations. Further, a process of review is required to maintain focus and ultimately inform the continuing cycle of policy development.
>
> The state should nominate an independent monitor or the Victorian Auditor-General to provide the people of Victoria a report on the implementation of the commission's recommendations. The report should detail progress towards implementing each of the recommendations in this final report and those in the interim reports.

This bill is designed to achieve that objective. It establishes the appointment, functions and reporting obligations of the Bushfires Royal Commission Implementation Monitor in statute. These arrangements can be contrasted with those put in place by the former government under which the implementation monitor was established as an administrative office under the Public Administration Act 2004 and employed under a contract with the Premier.

To ensure the monitoring and reporting is done on a genuinely independent basis, the monitor will be appointed by the Governor-in-Council and required to report directly to Parliament. The bill further buttresses the monitor's independence by making clear that the monitor is not subject to the direction and control of the minister and can only be removed from office on the resolution of both houses of Parliament. These arrangements will ensure the transparency and independence of assessment the commissioners envisaged and the people of this state deserve.

The bill also requires the minister to prepare and table in both houses of Parliament an implementation plan specifying the actions the government has taken, is taking and will take in response to the royal commission's final report and those recommendations from its interim reports that have not been fully implemented.

The monitor's primary function will be to monitor, review and report on the progress of departments and agencies in carrying out the implementation actions in the implementation plan. The bill requires the monitor to assess the progress and effectiveness in carrying out those actions together with their efficacy. It also directs the monitor to pay specific attention to the efforts to improve the interaction of state agencies and municipal councils in improving the planning and preparation for bushfires.

The monitor will be required to table his or her final report in both houses of Parliament by 31 July 2012 — that is, by the second anniversary of the tabling of the royal commission's final report — as the commissioners recommended. In addition, the bill requires the monitor to table a progress report by 31 July this year. This interim reporting requirement is aimed at keeping both the Parliament and community informed of progress and maintaining momentum in departments and agencies with the implementation program.

Importantly, given the protection of life lies at the core of the commission's recommendations and the government's implementation activities, the bill requires the monitor to alert the relevant agency heads at the earliest reasonable opportunity to any concerns the monitor has and advise on any remedies the monitor considers will overcome such concerns.

I commend the bill to the house.

Debate adjourned on motion of Mr TEE (Eastern Metropolitan).

Debate adjourned until Thursday, 31 March.

VICTORIA LAW FOUNDATION AMENDMENT BILL 2011

Introduction and first reading

Received from Assembly.

Read first time on motion of Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations).

Statement of compatibility

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) 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, I make this statement of compatibility with respect to the Victoria Law Foundation Amendment Bill 2011.

In my opinion, the Victoria Law Foundation Amendment Bill 2011, as introduced to the Legislative Council, is compatible with the human rights protected by the act. I base my opinion on the reasons outlined in this statement.

Overview of bill

The Victoria Law Foundation ('the foundation') is an organisation that provides community education, prepares resources and publications and issues grants that encourage access to justice and greater knowledge and understanding of the law.

The Victoria Law Foundation Amendment Bill 2011 ('the bill') seeks to strengthen and enhance the independence of the foundation. The bill achieves this by reducing the number of ministerial nominees to the foundation from a maximum of four, to two. It also provides that the chairperson of the foundation is the Chief Justice of the Supreme Court (or nominee) and provides that the chairperson is not subject to ministerial appointment or removal.

To reflect the reduced number of foundation members, the number of members required to form a quorum is reduced from four to three.

In order to ensure the continued seamless operation of the foundation, transitional provisions preserve the existing governance arrangements and clarify that the terms of appointment of existing foundation members continue unaffected. Special transitional provisions apply to the current chairperson and ministerial nominees preserving the existing size and quorum requirements of the foundation until expiry of their terms, unless such a nominee resigns or is removed before that time.

Human rights issues

The bill does not raise any human rights issues.

Conclusion

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities Act 2006 because it does not raise any human rights issues.

Richard Dalla-Riva, MLC
Minister for Employment and Industrial Relations
Minister for Manufacturing, Exports and Trade

Second reading

Ordered that second-reading speech be incorporated into *Hansard* on motion of Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations).

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

This bill is the first of a number of bills to be introduced by the government to restore and enhance the independence of public institutions in Victoria.

The Victoria Law Foundation ('the foundation') is a statutory body established in 1967 to contribute to the Victorian community and legal sector by improving access to justice through the provision of information, education and grants.

From the time of its establishment, the foundation operated as an independent public institution, chaired by the chief justice and with only a minority of members appointed by government.

Former amendments to the governance arrangements of the foundation by the previous government in the form of the Victoria Law Foundation Act 2009, shifted the foundation to an organisation with half of its members consisting of

government appointees, making it highly vulnerable to the control of the government of the day.

This government is committed to restoring the independence of the foundation so that it can continue to deliver on its mission to increase the community's understanding of, and access to, the legal system without the risk of being politically compromised.

The bill achieves this by reducing the number of foundation members appointed by the Attorney-General from a maximum of four, to two. The bill also restores the Chief Justice of the Supreme Court (or nominee) as chairperson of the foundation. Historically, the foundation was headed by the chief justice, endowing the foundation with a high level of independent oversight and leadership. It is appropriate that the chief justice or a representative of the chief justice continue to perform this role.

From these key amendments, other minor amendments flow. For example, the number of members required to form a quorum is reduced from four to three, to reflect the reduction in the total number of foundation members.

In order to ensure the ongoing seamless operation of the foundation, transitional provisions preserve the terms of appointment of all existing foundation members.

It is imperative that the governance arrangements of the foundation be structured in a way that ensures that it is able to exercise its key functions robustly and independently and guided only by the public interest in the performance of its important and valuable work.

I commend the bill to the house.

Debate adjourned on motion of Hon. M. P. PAKULA (Western Metropolitan).

Debate adjourned until Thursday, 31 March.

JUSTICE LEGISLATION AMENDMENT BILL 2011

Introduction and first reading

Received from Assembly.

Read first time for Hon. M. J. GUY (Minister for Planning) on motion of Hon. G. K. Rich-Phillips.

Statement of compatibility

For Hon. M. J. GUY (Minister for Planning), Hon. G. K. Rich-Phillips 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, I make this statement of compatibility with respect to the Justice Legislation Amendment Bill 2011 (the bill).

In my opinion, the Justice Legislation Amendment Bill 2011, as introduced to the Legislative Council, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

Overview of bill

The purpose of the bill is to:

amend the Liquor Control Reform Act 1998 (the LCRA) to increase the penalty for an offence of failure to obey direction to leave premises;

enable persons to be barred from licensed premises and their vicinity in certain circumstances; and

amend the Summary Offences Act 1996 to increase the penalties for being drunk and disorderly.

Human rights issues

The new power that enables persons to be barred from licensed premises and their vicinity engages the rights to freedom of movement and privacy.

Barring orders and new offences — freedom of movement

Section 12 of the Charter of Human Rights and Responsibilities Act 2006 (charter act) provides that every person lawfully within Victoria has the right to move freely within Victoria. Clause 4 engages this right by inserting new section 106D into the LCRA that provides that a licensee, permittee, responsible person or member of the police force may issue a person with a 'barring order', which prohibits a person from entering or remaining on licensed premises and the vicinity for a specified period. New section 106J makes it an offence to contravene a barring order and attaches a liability of 20 penalty units. Clause 7 creates similar offences for a person who re-enters or remains in the vicinity of licensed premises after being refused entry or being requested to leave the premises.

As these clauses compel a person to leave a public place and create offences for failing to comply, the right to freedom of movement is limited. However, I consider this limitation to be reasonable and justifiable under section 7(2) of the charter act for the following reasons.

Limitation analysis

The purpose of the barring orders and new offences is to reduce alcohol-related violence and disorder. The orders provide members of the police and the management of licensed premises with a new tool to pre-emptively defuse dangerous situations that involve individuals who may be drunk, violent or quarrelsome in licensed premises or who pose a substantial or immediate risk to public safety as a result of the consumption of alcohol. The orders and new offences allow for such individuals to be removed from the premises and prevented from re-entering for a specified period of time, as well as from remaining outside the venue. These barring orders and accompanying offences are important in reducing violent incidents outside licensed premises and protecting the safety of patrons within the vicinity. The limitation is directly aimed at protecting public order, as well as the rights and freedom of others, including the right to life in section 9 and the right to liberty and security of person in section 21 of the charter act.

The nature and extent of the limitation is confined by a number of safeguards provided for in the bill. Clause 3 defines the vicinity of licensed premises to mean a public place that is within 20 metres of the licensed premises. New section 106D prescribes the circumstances under which barring orders can be served on a person and new section 106G limits the duration that a person may be barred under these provisions. New section 106F regulates the content of the order and new section 106K requires licensees and permittees to keep records of any barring orders and to keep such records confidential. The regulated form of the notices and record keeping requirements limit the potential for the power to be misused, and allow for evidence that may be used in proceedings against a licensee in the event that such orders are issued unlawfully or in breach of the Equal Opportunity Act 2010.

The offence provisions for contravening a barring order or failing to comply with a request to leave licensed premises include a defence of reasonable excuse. This confines the extent to which this limitation on the freedom of movement will impact on legitimate purposes for being within the vicinity of licensed premises, such as the need to travel through the vicinity of licensed premises for residential, educational or work purposes, or to access essential services that may be located within the vicinity of licensed premises. Finally, new section 106I allows for various persons to amend or revoke a barring order, including the director of liquor licensing upon the director's own motion or upon request. This provides an opportunity for barring orders to be varied or revoked if the particular circumstances warrant it.

For these reasons, I consider that the limitation imposed on freedom of movement by these new provisions is demonstrably justifiable in a free and democratic society.

Information gathering — right to privacy, right to freedom of expression

Section 13(a) of the charter act protects a person's right not to have his or her privacy, family, home or correspondence interfered with in a manner that is unlawful or arbitrary. The protection of privacy is not absolute, and information gathering that is authorised by law and is not arbitrary is permissible under the charter act. Section 15 of the charter act protects a person's right to freedom of expression, which has been interpreted to include a right not to impart information.

New section 106H requires a person to provide their name and address to a police member who intends to serve a barring order and provides for an offence of failing to comply with such a request.

While the gathering of personal information engages the right to privacy, such information is necessary to give effect to the order and allow for any breach of an order to be prosecuted. The circumstances for when such information can be obtained are set out and confined in the bill and therefore, in my opinion, the power to require information is neither arbitrary nor unlawful. The right to privacy of barred individuals is enhanced through the secrecy provisions in new section 106K which provide offences for any unlawful disclosure of the records of barring orders. Additionally, new section 106H grants a person, subject to a police direction to give their name, a right to request the police member's name, rank and place of duty, ensuring that any use of this power will be accountable.

To the extent that the requirement for a person to provide their correct name and identification imposes a restriction on freedom of expression, I consider that this comes within the special limitations outlined in section 15(3) of the charter act, as it is a necessary component to giving effect to barring orders, and so is reasonably necessary to protect public order and public morality.

Accordingly, I consider that the information-gathering provisions inserted by clause 4 are compatible with the right to privacy in section 13 and the right to freedom of expression in section 15 of the charter act.

Conclusion

For the reasons given in this statement, I consider that the bill is compatible with the Charter of Human Rights and Responsibilities Act 2006.

Hon. Matthew Guy, MLC
Minister for Planning

Second reading

Ordered that second-reading speech be incorporated on motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

This bill amends the Liquor Control Reform Act 1998 and the Summary Offences Act 1966, representing the next step in fulfilling the Baillieu government's election commitment to combat public drunkenness and maintain public order in response to increasing incidences of violence and antisocial behaviour in Victoria's streets. Although this government is committed to preserving the vibrant, cosmopolitan lifestyle that Melbourne and Victoria have to offer, alcohol-fuelled violence necessitates a strong response.

This bill enhances the Liquor Control Reform Act 1998 by providing members of the police force, licensees, permittees and responsible persons with additional powers to respond to persons who engage in antisocial behaviour on and around licensed premises. The amendments include the power to issue barring orders and new offences relating to refusal of entry and ejection from licensed premises.

The bill also increases the maximum penalty for failing to leave a licensed premises when drunk, violent or quarrelsome and for drunk and disorderly behaviour. The aim of these amendments is to encourage a culture of personal responsibility concerning alcohol consumption and to demonstrate that these behaviours are unacceptable.

Barring orders

One of the major changes brought about by this bill is the introduction of barring orders into the Liquor Control Reform Act 1998. Although licensees and permittees have the power to ban patrons from their licensed premises at common law, this new power serves to enhance those existing rights in

circumstances where a patron becomes a danger to themselves or those around them. These new provisions will have no effect on a licensee and permittee's rights at common law to exclude persons from their premises.

Under a barring order, a licensee, permittee, responsible person or member of the police force may prohibit a person from remaining on, or in the vicinity of, a licensed premises. This right may be exercised in two specific circumstances.

The first is where a person is drunk, violent or quarrelsome on the licensed premises. This provides licensees, permittees, responsible persons and members of the police with a tool to directly counteract antisocial behaviour on licensed premises.

The second circumstance in which a barring order may be issued is more pre-emptive than the first. Where a licensee, permittee, responsible person or member of the police force holds a reasonable belief that the person, or any other person in the licensed premises, is at substantial or immediate risk as a result of the consumption of alcohol by that person, a barring order may be issued. Under this approach, a person can be barred from a licensed premises to prevent violent, abusive and any other undesirable behaviour from arising.

At first instance, a barring order will have a maximum duration of one month, unless it is revoked beforehand. In the event that a person is served with a second barring order from the same licensed premises, the order may be imposed for three months, and with a third order able to be extended up to six months. However, in the interests of fairness, the cumulative effect of previous barring orders has been given a limit. Licensees and other persons serving barring orders are only permitted to have regard to barring orders issued in the previous three years when determining the duration of a new barring order.

The authority to vary or revoke barring orders will rest with the person who served the order. For example, a member of the police will not be authorised to vary or revoke a barring order served by a licensee. However, given that the employees of licensed premises may move to different employment before a barring order expires, licensees and permittees are authorised to vary or revoke those barring orders issued by responsible persons.

The director of liquor licensing will play an important role in the barring order process. The director will have the authority to vary or revoke any barring order. This power may be exercised at the director's own motion or upon request from a licensee, permittee or responsible person, a member of the police force or the person subject to the barring order.

It is not the intention of this power to allow for a quasi-appeals mechanism that allows the director to consider and vary barring orders issued by the police, licensees, permittees or responsible persons. Rather, we acknowledge that the police, licensees and permittees have the requisite knowledge of management issues experienced by the licensed premises, and are therefore better placed to decide whether a barring order is warranted in the circumstances, as well as the maximum duration of the one, three or six-month barring order. It is anticipated that this power will be used sparingly by the director, to expeditiously effect minor changes, such as revoking an order that was served incorrectly on a person due to mistaken identity or to vary a barring order that contains incorrect details. Any variation by the director is binding and not subject to further variations by the person who issued the order.

In order to manage the barring order regime, and to ensure that it is fair, licensees and permittees are required to keep records of all barring orders, including all variations and revocations, issued in relation to their licensed premises. These records are required to be produced for inspection at the request of a member of the police force or compliance inspector, enforced by offences for incomplete records or a failure to produce the records.

In order to protect the personal information of barred persons, licensees and permittees are prohibited from disclosing their records, or information contained in those records, otherwise than for inspection. However, this prohibition on disclosure does not extend to providing employees of the licensed premises with information about the barred person to ensure the barring order is adhered to.

To ensure that the record-keeping obligation does not require licensees and permittees to keep records indefinitely, any barring order which has expired more than three years previously must be destroyed.

Although this power enhances the rights of licensees and the police force to combat antisocial behaviour, the rights and interests of the barred person have also been considered. The requirements not to disclose information in the records and to destroy records after three years will protect the interests of the barred persons, placing a time limit on the existence, and potential disclosure, of the order and the person's personal information.

Responsible person

One of the changes brought in by this bill is to insert the new definition of 'responsible person'. This term covers any person who is responsible for the management or control of licensed premises as a whole. Under the bill, the term is used in relation to barring orders to reflect the practical realities of the industry. In certain circumstances, the licensee or permittee will not be present at the licensed premises when a barring order needs to be issued, such as where a licensee operates more than one licensed premises. As a result, the bill authorises 'responsible persons' to serve barring orders on drunk or violent patrons.

The types of roles captured within the scope of the term 'responsible person' include general managers, managing directors, managers and bar managers. The term is specifically not intended to extend to crowd controllers, security staff, bartenders, servers or other employees not engaged in the management or control of the licensed premises as a whole.

New offences

The bill introduces two new offences into the Liquor Control Reform Act 1998 relating to the refusal of entry to, or expulsion from, a licensed premises.

The first offence, remaining in the vicinity of a licensed premises from which the person has been refused entry or asked to leave, has been included in the bill to provide members of the police force with a tool to assist in diffusing tensions outside nightspots. Refusal of entry or ejection from a licensed premises can result in a threatening or violent response from the person refused or ejected. This offence will

authorise police to issue infringement notices to any person denied entry or asked to leave the licensed premises who refuses to leave the vicinity of the licensed premises — being any public place within 20 metres of the premises.

However, this offence will not be enforced against persons with a reasonable excuse to remain in the vicinity of the licensed premises, such as waiting at train or tram stops, queuing at a taxi rank, or using an ATM within the 20-metre radius.

The second new offence created by this bill is the offence of entering licensed premises from which the person has been refused entry or asked to leave. This offence is targeted at those persons who have been removed from a licensed premises or refused entry and proceed to enter the premises through a different door or later in the evening.

The offence prohibits the person from entering the licensed premises for a period of 24 hours without reasonable excuse, for which an infringement notice can be issued. An example of a reasonable excuse would include returning to retrieve personal property, though the range of reasonable excuses would likely be more limited than those available to persons remaining in the vicinity of the licensed premises.

The bill also provides further clarification on the meaning of 'licensed premises', which includes areas adjacent to the licensed premises that are owned or occupied by the licensee or permittee. This extension of the licensed premises ensures that police will be able to enforce these offences in areas owned or occupied by the licensee or permittee that fall outside the red-line plan of a licensed premises. For example, in some circumstances, the red-line plan area may not cover the entire premises owned by the licensee or permittee. Under the extended definition, the person will also be excluded from non-licensed areas adjacent to the licensed areas which are owned or occupied by the licensee or permittee.

Tougher penalties

In addition to the new offences, this bill will increase the penalties for a number of existing offences to enhance their effectiveness. Under the Liquor Control Reform Act 1998, those persons failing to obey instructions to leave licensed premises on account of being drunk, violent or quarrelsome will now face an increased penalty of 50 penalty units.

Similarly, the bill amends the maximum penalty under the Summary Offences Act 1966 for the offence of drunk and disorderly behaviour to 20 penalty units. The infringement penalty for drunk and disorderly behaviour has also increased from 4 to 5 penalty units for a first offence, and to 10 penalty units where a person has previously been served with an infringement notice for drunk and disorderly conduct in the previous three years or has been convicted of that offence. To give effect to the graduated offence in relation to previous infringement notices, the operation of sections 32 and 33 of the Infringements Act 2006 are deemed not to apply to the extent necessary.

Technical changes

The bill will also make minor technical changes to the Liquor Control Reform Act 1998 by repealing section 141(2)(ea) to correct a previous drafting error. In connection with the new barring order offences, section 3(1) now includes a definition of 'barring order'. Finally, a new definition of 'responsible person' has been included in the bill. References to the responsible person arise in the new barring order provisions and also replace references to 'person responsible for the management or control of the licensed premises' in sections 108AA, 108AD and 141.

I commend the bill to the house.

Debate adjourned on motion of Hon. M. P. PAKULA (Western Metropolitan).

Debate adjourned until Thursday, 31 March.

COUNTRY FIRE AUTHORITY AMENDMENT (VOLUNTEER CHARTER) BILL 2011

Introduction and first reading

Received from Assembly.

Read first time on motion of Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations).

Statement of compatibility

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) 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, I make this statement of compatibility with respect to the Country Fire Authority Amendment (Volunteer Charter) Bill 2011.

In my opinion, the Country Fire Authority Amendment (Volunteer Charter) Bill 2011, as introduced to the Legislative Council, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

Overview of bill

The bill will amend the Country Fire Authority Act 1958 to:

recognise the CFA as a volunteer-based organisation;

recognise the volunteer charter;

recognise that the volunteer charter requires the CFA to recognise, value, respect and promote the contribution of volunteers to the wellbeing and safety of the community;

recognise that the volunteer charter requires the government and CFA consult with Volunteer Fire Brigades Victoria on behalf of CFA volunteers on any matter that might reasonably be expected to affect them;

require the CFA, in performing its functions, have regard to the commitment and principles set out in the volunteer charter; and

recognise that the CFA has a responsibility to develop policy and organisational arrangements that maintain and strengthen the capacity of volunteers.

Human rights issues

1. Human rights protected by the charter that are relevant to the bill

There are no human rights protected by the charter that are relevant to the bill.

Conclusion

There are no human rights protected by the charter that are relevant to the bill.

Richard Dalla-Riva, MLC
Minister for Employment and Industrial Relations
Minister for Manufacturing, Exports and Trade

Second reading

Ordered that second-reading speech be incorporated into *Hansard* on motion of Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations).

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

The Country Fire Authority (CFA) is one of the world's largest volunteer-based fire and emergency service and community safety organisations and is responsible for the prevention and suppression of fires in outer suburban Melbourne and the country areas of Victoria.

Ninety-seven and a half per cent of the CFA membership is made up of volunteers. The CFA therefore gains its strength from the commitment, selflessness, professionalism, bravery and tenacity of these volunteers, who are ably supported by paid staff in a fully integrated manner.

The volunteer charter, first signed on 22 December 2001, is a statement of the commitment and principles that apply to the relationship between the government of Victoria, the CFA and CFA's volunteers.

Over 58 000 operational and non-operational CFA volunteers from all walks of life make a significant contribution to the wellbeing and safety of the people of Victoria. The volunteer charter is one means of ensuring that these volunteers are recognised, valued and respected for the sacrifices they make in protecting others.

The state has reaffirmed its commitment to volunteers by signing the volunteer charter on 27 February 2011. The Country Fire Authority Amendment (Volunteer Charter) Bill 2011 acknowledges the importance of the contribution of CFA volunteers by recognising the volunteer charter in the Country Fire Authority Act 1958.

The charter requires that the government of Victoria and the CFA consult with Volunteer Fire Brigades Victoria on behalf of CFA volunteers, in accordance with the charter, prior to making a decision on any matter that might reasonably be expected to affect them. The individual and collective interests and needs of volunteers must always be considered and protected if they are to deliver CFA services safely and effectively.

The volunteer charter also recognises and acknowledges that a primary responsibility of the CFA and people employed by the CFA is to nurture and encourage volunteers and to facilitate and develop their skills and competencies. CFA volunteers are core partners to CFA paid staff, performing similar duties, and serve at all levels of the CFA. The CFA is responsible for developing policy and organisational arrangements to ensure that the capacity of volunteers is encouraged, maintained and strengthened, such as through access to training opportunities, so that they can continue to contribute to all facets of CFA's operations, from front-line firefighting to senior incident management roles, and deliver its services now and into the future.

As outlined in the volunteer charter, it is also important that the CFA provide administrative, operational and infrastructure support to enable volunteers to perform their roles safely and effectively within available resources. As the 2009 Victorian Bushfires Royal Commission recognised, policy development and change in the CFA should always be considered in terms of their potential to facilitate and support volunteer contribution.

The charter provides the framework for the three-way relationship between the parties. Its proactive application will strengthen the essential services that the CFA provides to the Victorian community.

In the development of the bill, I am pleased to note that the government, the CFA and the VFBV have worked together in the spirit of mutual respect and goodwill, which sits at the heart of the charter, to achieve this very important milestone in the history of the CFA.

I commend the bill to the house.

Debate adjourned for Ms BROAD (Northern Victoria) on motion of Hon. M. P. Pakula.

Debate adjourned until Thursday, 31 March.

PARLIAMENTARY COMMITTEES AMENDMENT BILL 2011

Introduction and first reading

Received from Assembly.

Read first time on motion of Hon. D. M. DAVIS (Minister for Health).

Statement of compatibility

Hon. D. M. DAVIS (Minister for Health) 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 Parliamentary Committees Amendment Bill 2011.

In my opinion, the Parliamentary Committees Amendment Bill 2011, as introduced to the Legislative Council, is compatible with the human rights protected by the charter act. I base my opinion on the reasons outlined in this statement.

Overview of bill

The bill amends the Parliamentary Committees Act 2003 to modify the membership and quorum requirements of joint investigatory committees.

Human rights issues

1. Human rights protected by the charter act that are relevant to the bill

This bill does not engage any of the rights under the charter act.

2. Consideration of reasonable limitations — section 7(2)

As the bill does not engage any of the rights under the charter act, it is not necessary to consider section 7(2) of the charter act.

Conclusion

I consider that the bill is compatible with the charter act because it does not engage any human rights issues.

The Hon. David Davis, MLC

Second reading

Ordered that second-reading speech be incorporated into *Hansard* on motion of Hon. D. M. DAVIS (Minister for Health).

Hon. D. M. DAVIS (Minister for Health) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

The Parliamentary Committees Amendment Bill 2011 will amend the Parliamentary Committees Act 2003 to alter the membership and quorum requirements for joint investigatory committees established under that act. To allow the membership of joint investigatory committees of the current Parliament to be finalised as soon as possible, the bill will commence on the day after it receives royal assent.

The bill is intended to improve the functioning and effectiveness of the parliamentary committees system by increasing the minimum size of all committees and providing the Parliament with greater flexibility to determine the membership of committees.

Since 2003, two important changes have occurred which have had a significant impact on the functioning of the parliamentary committees system.

First, the membership requirements for joint investigatory committees have not been altered to reflect the reduced size of the Legislative Council. As part of the constitutional amendments in 2003, the size of the Legislative Council was reduced from 44 members to 40 members. This reduction became effective following the 2006 Victorian general election.

Secondly, since 2003 the number of joint investigatory committees has increased from 8 committees to 12 committees.

As a result of these changes, the government considers that the workload of committee members has increased significantly. The impact of this has been felt most strongly by members of the Legislative Council, many of whom are members of multiple committees. This has, in turn, made it more difficult to fill positions on joint investigatory committees and has placed a greater burden on a small number of Members of Parliament to fill the positions on the various committees.

The bill will address these issues in three ways.

First, the bill will increase the minimum size of all joint investigatory committees from four members to five members. This will assist to improve the functioning of the committees system, by ensuring that committees have the benefit of the views and expertise of a greater number of members of Parliament. It will also allow for a more manageable distribution of work between committee members.

Secondly, the bill will provide the Parliament with increased flexibility to determine the membership of joint investigatory committees. Presently, all joint investigatory committees must include at least two members from each house of Parliament. The bill will amend this requirement to provide that committees must include at least one member from each house. This will allow a greater number of committee members to be sourced from the Legislative Assembly, thereby reducing the burden currently placed on members of the Legislative Council.

Thirdly, and finally, the bill will amend the quorum requirements for joint investigatory committees to remove the requirement that a quorum must not comprise only members of either the Legislative Assembly or the Legislative Council. The government considers that all committee members, having been appointed to a particular committee by resolution of the house of which they are a member, have a personal responsibility to participate in the work of the committee. This includes attending private and public meetings of the committee and contributing to deliberations, decisions and reports of the committee. It would be wrong if the absence of a single committee member had the effect of preventing the committee from functioning. The proposed amendments to the quorum requirements also reflect the changes I have previously mentioned in relation to the size of the Council and the growth in the number of joint investigatory committees.

The current requirement that a quorum for a joint investigatory committee is a majority of the members of the committee will be retained. This will continue to ensure that an appropriate number of members of Parliament are involved in any hearings, deliberations or decisions of a committee.

I commend the bill to the house.

Debate adjourned on motion of Mr LENDERS (Southern Metropolitan).

Debate adjourned until Thursday, 31 March.

BUSINESS OF THE HOUSE

Adjournment

Hon. D. M. DAVIS (Minister for Health) — I move:

That the Council, at its rising, adjourn until Tuesday, 5 April 2011.

Mr LENDERS (Southern Metropolitan) — The opposition does not oppose this motion, but I use this opportunity to make the comment that the government is bringing the house together at extraordinarily erratic hours. We stayed here till 3.00 a.m. on Wednesday morning, because the government extended the sitting when we had the option under standing orders for this house to simply roll over and meet again tomorrow. I am speaking to this motion, not opposing it.

If the government wishes to get the best out of its members and the opposition, when standing orders allow the house to sit for four days during hours when most of Australia is awake, and if members are expected to be functioning on a Wednesday after being here until 3.00 a.m. on a Tuesday night, I urge the government to consider using the provisions of this Parliament in future.

This house, with the exception of conscience vote bills, has not sat beyond midnight since 2003.

Honourable members interjecting.

Mr LENDERS — Government members may well try to gag me on this and shout me down, and I say to them that if they do, they will be listening to me for 58 minutes. What I am saying is that the opposition is not opposing the motion; however, I am putting the government on notice that if it wishes to have a cooperative relationship with the opposition and expects Parliament to perform at its best, then I would suggest the government starts looking to the practices and procedures of this place, which are for this house to meet during hours in which people can function.

If the Leader of the Government thinks that he is funny or entertaining, he should think about what Parliament is about if it is sitting at 3.00 a.m. when there is an option under the standing orders to sit until 10.00 p.m. tonight or from 9.30 a.m. tomorrow morning until 4.00 p.m. We could have completed all our business in a more civilised fashion.

The opposition does not oppose this motion, but we ask the government to consider the occupational health and safety of members and staff in this place. If the government considers that the contribution to an informed debate is best made by meeting during civilised hours, then it will get the best out of the Parliament and more cooperation from the opposition.

In the 21st century, a time when we have occupational health and safety legislation that applies to the rest of the community, it is a joke for this house to be sitting at 3.00 a.m. I know the Leader of the Government is responsible. He will get up and say that we could have just rolled over like tame little pussycats and had our tummies tickled so we could get out of here earlier, but this is a house of review. We will scrutinise legislation, we will not be obstructionist, but it is crazy — absolutely crazy — that we have this mad rush to get out of here when we could have sat till 10.00 p.m. tonight and until 4.00 p.m. tomorrow and not have sat through the dead of night.

I urge the Leader of the Government to consider that, and I urge government MPs to give a bit of thought to that before the next sitting week.

Hon. P. R. HALL (Minister for Higher Education and Skills) — I will respond to a few comments made by the Leader of the Opposition. I do not disagree with a lot of his comments in terms of getting the best value out of the Parliament of Victoria. As a group of people we should be mature enough to sit down prior to the start of the week and discuss our collective needs, let us be honest about this, so that we all know exactly what we consider to be a reasonable time allocation for the business of the week. It is the responsibility of the government to outline what its wishes are and for the opposition and other parties to outline their wishes in respect of time allocations for the conduct of business during the course of the week.

Again, I do not disagree with a lot of what was said by the Leader of the Opposition, but I stress that we should be mature enough to work out these matters and set ourselves a sensible timetable for the conduct of

business prior to the start of the week. If we all have the goodwill to make that happen, then collectively we will be a better place.

Mr VINEY (Eastern Victoria) — I think it is important to respond briefly to some of what Mr Hall had to say. The opposition did not claim very much of Wednesday — I think we were out of here by 6.00 p.m. yesterday — and to suggest that the opposition has some responsibility in this matter is a bit extraordinary.

The opposition, when we were in government, argued for a more reasonable system for the use of general business time on Wednesdays, and prior to the election, when none of us knew what the outcome would be, we were happy to accept that if we were in opposition in the new Parliament, Wednesdays would not be allocated to general business in the way it was when the current government was in opposition. I think that when we were in government — and I suppose I would say this as the former manager of government business — we managed the house pretty efficiently. As Mr Lenders has just said, there were not these crazy hours of operating in the dead of night.

My understanding from discussions with Mr Lenders, who is Leader of the Opposition in this house, and Mr Leane, who is Opposition Whip, is that all of our requirements for this sitting week were made perfectly clear to the government. I think the point remains that we would have been perfectly able to deal with the legislation tonight that we dealt with on Tuesday night from 10.00 p.m. until 3.00 a.m. It was probably 2.30 a.m. when we finished the actual legislation debate. That would have been about the number of hours between when we will rise today and 10.00 p.m. We could have concluded all of this business by 10.00 p.m. tonight.

Up until a short time ago we were given to understand that there was other legislation that we had to get through tonight. I, for one, was expecting that to be the case and had already told my family that I was not coming home tonight because we would be here until quite late. I think it is nonsense to suggest that somehow the opposition is responsible — —

Mr Drum — You've got a short memory.

Mr VINEY — Short memory for what? I am reflecting on the fact that we did not sit until all hours of the night in this place when we were in government. There is only one occasion I can remember in my time in this place when we were in government when we did that and just two occasions altogether in my time in the Legislative Council.

The government is the government. The government manages the legislative program and, apart from private members bills, introduces all of the legislation. There has been complete cooperation on our side of the house with how the legislation has been dealt with this week to the point that Mr Leane tells me that he took a number of speakers off the list for the last bill to assist the government to conclude its business — —

Mr Drum — That is exactly what we did in opposition.

Mr VINEY — Indeed, Mr Drum.

Mr Drum interjected.

The PRESIDENT — Order! I advise Mr Drum that that is not helpful.

Mr VINEY — My point is that the coalition, which is now in government, has the responsibility to use some common sense in the way it manages the business of the house. I also point out that the current government, unlike the previous government, has 21 members in this place, and with 21 members it can pretty effectively manage the business however it wishes. What it chose to do this week was take us through until 3 o'clock on Wednesday morning. The Wednesday newspapers were already published before we left; I read Wednesday's *Age* before I left on Tuesday night.

The opportunity exists for the government to manage the business of the house properly, not only in terms of the way it runs business but also because of the simple fact that it has a majority in this place. It chose to do what it did, and Mr Lenders is correct in pointing out to the house that this is very poor practice in terms of the way it could potentially impact on members and staff.

I will say that on one occasion, when I was a member of the other place, after a very late night sitting I had a car accident. It was not that night that I had trouble driving but in fact on the way to Parliament House the next morning. It is not acceptable for members to be doing things like that. Fortunately on that occasion it was a very minor accident and nobody was injured, but it might not have been so minor.

There are important implications that arise from sitting until 3 o'clock in the morning, in particular for members who, like me, live in country electorates and need to drive home after having had one or more very late nights. I do not know about other members, but I always find it is the day after that is more tiring. Some of the members on the other side and I have to drive a long way to get home. It is not sensible for this place to

be treating members and staff in such a cavalier way when business could easily have been managed in a different way.

Ms PENNICUIK (Southern Metropolitan) — I will make a few remarks on Mr Lenders's motion. Like Mr Viney, I do not think it is a good idea to sit until 2.30 in the morning. It is an occupational health and safety issue. That is the sort of extension of the sitting that should only ever happen in the most exceptional circumstances, which I do not think we faced in relation to the bill that we had before us or are in fact facing with any bill that is on the notice paper before us now. Having said that, I do think it was a good idea to curtail the sitting yesterday, because members had probably had an average of about 3 hours sleep. Under the standing orders we could have extended government business after the committees but we chose just to have the meeting of the committees and leave. I think that was a good idea.

Mr Hall made some good suggestions. One of them was about having a powwow, a get-together of all the parties, prior to the sitting week to work out what each party will require in relation to certain bills. To all intents and purposes we do that now, except we do not do it in such a formal way. There could be a mechanism whereby the party whips and the party leaders — all of those or a combination of those — get together to talk about some of the things we often do on the run. Usually the non-government parties will advise the government of matters they want considered in general business a week ahead — sometimes just with a topic; at other times with the actual motions through which they want to call for documents or whatever it is they want to proceed with. There is very rarely a long discussion about what each party may require in terms of bills.

For example, today the house went into committee for quite a long time to consider the Police Regulation Amendment (Protective Services Officers) Bill 2010. I attempted to save the government time on that bill by having it referred to the Legislation Committee that is waiting for bills to be referred to it. The government had that choice; that could have happened. It decided not to go down that path and therefore that bill had a long committee stage. Some very important questions on that legislation needed to be raised in the committee stage of the bill. That is what this house is for, to do that, but we have another mechanism we could have used.

We are now in a situation where, instead of the three bills the government wanted to have passed, we have passed two. I do not consider any of the bills urgent so I think we can still get through them. But the whips should perhaps talk about exploring in a bit more depth some of those issues — for example, which bills are really important — in a committed and formal way prior to each sitting.

Several times during the last Parliament I raised a practice in the Senate by which they identify what they call 'non-controversial' bills — that is, bills nobody has a particular issue with as they are just process and procedure bills — and they agree that someone representing each party will speak on those bills for 5 minutes and they will pass at the start of the sitting. That means a lot of business is got through. If there are bills on which parties have important matters to raise or there are items of general business which are very important and timely, more time can be spent on them. I think that could be organised in this Parliament with a spirit of goodwill.

I would have to say that in the last Parliament there was, for all intents and purposes, a very good spirit of goodwill. Occasionally it went astray but generally it worked well and I have no reason to believe that it could not happen again in this Parliament. The Greens certainly have it. We are quite open about which bills are important to us, what we want to say and how long we are going to take in debate. If the Leader of the Government, the Deputy Leader or the government whip ask me how long we are going to speak on a bill, I tell them; it is not a secret. All of that can be worked out. With some bills we will say, 'Okay, we need only 10 minutes to speak'. If I want to speak for a long time on a bill and want the house to go into committee for a long time, I will let the government know that. That can all be factored in and the week can be planned.

I agree with the Leader of the Opposition that we should not be going into long night sittings. It is not fair on anybody and it is particularly not fair on the staff. It is an occupational health and safety issue and a practice that should be abandoned by every Parliament. As I said, it should never happen unless there are absolutely exceptional circumstances. Let us see if we can work towards some formal commitment to work this out at the start of each sitting week.

Hon. D. M. DAVIS (Minister for Health) — I want to make just a few remarks. This is a purely procedural motion that has been outlined and I note that the opposition and the Greens are not opposing it. It is important, though, to say that many of these issues can be debated and discussed and the government remains prepared to do that. It is important also to put on the record that on Tuesday night there was, in effect, an opposition filibuster. Let us be quite frank about what

occurred. I think every member of the opposition spoke on that bill and when the opposition sought to widen the scope of the bill, most, if not all, its members spoke again.

Mr Lenders — The second bit is not right. The first bit, yes.

Hon. D. M. DAVIS — I am happy to be corrected on the exact number but a very large — —

Honourable members interjecting.

Hon. D. M. DAVIS — Everyone spoke but a large number also spoke — —

Mr Lenders — And we are elected members of Parliament.

Hon. D. M. DAVIS — I agree with that. I have always said to the opposition and to others in this chamber that I will not have people prevented from speaking. That is wrong. Equally — and let us be clear here also — in the Parliament when the Labor Party had a majority, between 2002 and 2006, the standing orders were changed and a government business program was put in place. The option was there for the government of the day to put in place the lower house approach of crunching bills through at 4.00 p.m. on Thursday. I would prefer that these matters were worked out cooperatively. Equally, if a political party wants to make its points, it has the option of having many speakers in this chamber, and that is appropriate. But, equally, it may mean that the legislation is then imperilled and the government is within its rights to extend the sitting and to allow a bill to pass, after allowing each member to speak.

These things are a matter of balance and reasonableness. There was clearly a filibuster operating on Tuesday and the government took the view that the best approach to ensure the legislation was passed without gagging anyone, without preventing people from having their democratic say, was to open up at 10.00 p.m. and allow the debate to continue, as opposed to the alternative that was put in place by the Labor Party, which was to use the government business program in the style that is used by some lower houses in other parliaments around the country.

In the case of Tuesday night the issue was driven by the SDA (Shop, Distributive and Allied Employees Association) and its particular focus on that shop trading legislation. Political parties have donors, and influence appears to have been exerted on this occasion, but let us leave that to one side. The fact is — —

Ms Mikakos — On a point of order, President, I ask the Leader of the Government to withdraw that slur on members of the opposition. To be suggesting that we were influenced by the SDA is complete nonsense. I have never received a donation from the SDA and never been a member of the SDA. That is a completely outrageous claim.

Hon. D. M. DAVIS — On the point of order, President, it is a fact that the SDA is a donor to the Labor Party and members of the SDA sat in the chamber here all the way — —

Ms Mikakos — As they are entitled to.

Hon. D. M. DAVIS — As they are entitled to. I make the point that they are; it is a democratic land.

The PRESIDENT — Order! I am not sure that there is a point of order there at all. I think it stretches the bow to say that the words are deeply offensive, although Ms Mikakos has indicated that certainly for her and no doubt for other members the proposition put by Mr Davis does not ring true. My greater concern with the remarks that are being made is that this is a very narrow motion about when we sit again. Some comments have been made by the opposition as to why it has some concerns about this motion and how the house might well have proceeded with current business on its notice paper differently with alternative sitting times. There was some explanation of that and I accept that the Leader of the Government can properly respond to that. I certainly think that discussing the motives for why the opposition might have, in his perception, conducted a filibuster are beyond the scope of the motion before the Chair now and I ask the minister to come back to the motion before the Chair and remarks that are perhaps more apposite to those made by opposition speakers.

Hon. D. M. DAVIS — Thank you for your guidance, President. I will conclude but I make the point very clearly that we are very happy to talk on any occasion about the running of the chamber. We are happy to have discussions with all parties in this chamber. It has been a feature of the Legislative Council that those sorts of discussions are had at a level at which they do not usually occur in the Legislative Assembly. I acknowledge that a number of members of this chamber have been members of the Legislative Assembly and that they know that the practices are different. I look forward to working with each of the parties on how we proceed, but the government reserves the right to extend a sitting where there is a clear filibuster occurring and where legislation is imperilled.

Motion agreed to.

ADJOURNMENT

Hon. D. M. DAVIS (Minister for Health) — I move:

That the house do now adjourn.

Energy: government policy

Mr LENDERS (Southern Metropolitan) — The issue I raise on the adjournment tonight is for the attention of the Minister for Energy and Resources in the Legislative Assembly. As the minister would be well aware, the manager of government business in the Legislative Assembly, the Minister for Corrections and member for Kew, Mr McIntosh, moved on 11 February in the Legislative Assembly to set the terms of reference for the Economic Development and Infrastructure Committee to examine 'greenfields mineral exploration and project development' in Victoria.

I also draw to the minister's attention an article in the *Age* entitled 'Coal safe come "hell, high water"' in which the Treasurer, Mr Wells, outlined his vision for the Latrobe Valley and an extraordinarily enthusiastic vision for the future of brown coal going forward. I also note that in another *Age* article entitled 'Baillieu coal export push' a spokesperson for the Minister for Energy and Resources, Sarah Leslie, said she was unaware of any inquiry. The action I seek from the Minister for Energy and Resources is that he speak to his staff to make sure that they are aware of government policy as adopted by the Legislative Assembly and presumably voted for by their minister — —

Hon. D. M. Davis — On a point of order, President, I may be incorrect, but my understanding is that the current standing orders allow a member to raise only a single adjournment matter per week. It is my understanding that Mr Lenders may have raised an adjournment matter earlier in the week.

Mr LENDERS — On the point of order, President, Mr Davis, as a former member of the Standing Orders Committee, would be well aware that the standing orders allow each member of a party an adjournment matter per week, as they do a 90-second statement. However, any member of a party may second through their whip their adjournment turn to another member of the party provided the cap, in the case of the Labor Party, has not exceeded 16 in the week. The standing orders provide that no member can raise more than one adjournment matter per week.

As Mr Davis would well know, under that provision his deputy, Ms Lovell, now the Minister for Housing, led the adjournment for the opposition every single night in the last Parliament. Under the same standing orders on most nights Mr Davis concluded for the opposition.

Under the standing orders, I have two seconded adjournment matters from my colleagues Mr Leane and Mr Tarlamis and therefore I am fully within my rights not to be gagged.

Mr O'Donohue — On the point of order, President, standing order 4.10(3) provides that 'Members may speak once only on the question in each sitting week' and is silent on the issue of using other members' adjournment turns.

Mr Viney — On the point of order, President, it may be of some assistance in your consideration of this matter to know that these issues were thoroughly canvassed by the Standing Orders Committee and it was in fact the suggestion of Mr Hall, now the Minister for Higher Education and Skills, that we open up the adjournment so that there be 20 adjournment matters per night. In that discussion we pointed out that if there were 20 adjournment matters per night and only 40 members in the house, that would be 60 adjournment matters so it would be impossible for the limitation of one adjournment matter per member to be practical and effective. It was Mr Hall's suggestion, from then in opposition, that this flexibility be introduced.

Mr Lenders has indicated that he has been provided adjournment matters from two other members of the opposition. I know Mr O'Donohue was not a member of the Standing Orders Committee but Mr Davis was, and he would well recall those processes and the agreement that existed. Mr Lenders has indicated by whom he has been given adjournment matters — I think he said Mr Leane and Mr Tarlamis — and it is appropriate that he be allowed to complete his adjournment speech.

The PRESIDENT — Order! I thank Mr David Davis for raising the point of order, because I think it gives us a chance to clarify for members of the house what the new standing orders actually provide for. Effectively, as Mr Viney has correctly said, up to 20 members other than ministers may speak on the adjournment debate on any one of three sitting nights of the week. Members may also speak only once on a members statement in each sitting week, so every member gets one entitlement over those three days. That was Mr O'Donohue's point, but he should have read the next point in the standing orders, which is as follows:

(4) A member may assign her or his single entitlement to another member, but no individual member may be called more than once each day.

In that context what Mr Lenders has put to the house is that he has taken up an entitlement tonight by the courtesy of one or more of his colleagues. Members from a party are no longer to be called if, in doing so, a single party would have in excess of 50 per cent of all the potential adjournment speeches for that week. We keep track of the number of adjournment speeches that each party has. To that extent and from my point of view this evening there is no problem with the opposition members I have listed, which tallies seven, proceeding with their adjournment speeches tonight irrespective of whether or not they have already spoken on a previous occasion, because they are under the total number for that week. Therefore my presumption is that they have taken up an entitlement this evening by courtesy of their colleagues. As I have indicated, there is a record kept. The point of order is not successful, but I think it was certainly useful to the house on this occasion. I thank Mr Davis for that.

Mr LENDERS — It would be churlish to reflect on previous speeches about every member having the right to be heard in this place. It just seems a tad ironic that within 15 minutes there is an effort to gag debate.

The issue that I raise for the Minister for Energy and Resources is that he and his staff familiarise themselves with what he voted for in the Assembly, in particular a reference on resources. The requirement that he and his staff familiarise themselves with what the Treasurer has said is a key issue for the government going forward so that the people of the Latrobe Valley, who have already experienced an extraordinary amount of dislocation in their lives, can at least have certainty that in the Baillieu government, if an adviser to the Minister for Energy and Resources says there are no plans for the Latrobe Valley but the Treasurer says there are great plans for the Latrobe Valley and the manager of government business in the Assembly has moved a reference to a parliamentary joint investigatory committee to look at plans for the Latrobe Valley, there is a singular purpose and a singular voice. The people of the Latrobe Valley need to know that this government has a single, serious, purposeful vision for the valley, not three different thought bubbles that have come from three different members or advisers.

Medical practitioners: Edenhope

Mr RAMSAY (Western Victoria) — I wish to draw an important matter to the attention of the Minister for Health on behalf of the Edenhope community. Last week I travelled to Edenhope to tour the town's district memorial hospital. The hospital provides a vital service to the local community of over 1500 people. More than a year ago the Brumby Labor government endorsed a feasibility study to redevelop the hospital at a cost of $28 million. During my visit last Tuesday a picture of dire need was painted very clearly. Currently the town's medical clinic is owned by a retired doctor. The centre is in desperate need of upgrading. Next month the clinic will be assessed for accreditation purposes by Australian General Practice Accreditation Ltd. The hospital fears the accreditation will not be forthcoming. The consequences of this are serious. Without the accreditation the clinic will be unable to bill Medicare. This may lead to the doctors withdrawing their services or patients being forced to pay full fees with no rebate.

Put simply, if the doctors withdraw their services, the Edenhope and District Memorial Hospital will be without doctors. The nearest doctor will then be 75 kilometres away at Casterton. The feasibility study includes the establishment of an on-site medical clinic to replace the current run-down premises; the co-location of high-care and low-care aged-care facilities; and the extension of the community health centre to provide space for visiting specialists, allied health professionals and other health professionals, including trainee doctors.

Again the failure of the Brumby government to act has shown that it has paid only lip-service to its promise to care for country Victoria. That failure to do something means Edenhope residents may find themselves without a doctor. The Brumby government should have done everything it could in a timely fashion to make sure doctors were recruited and retained in country areas, yet, like other issues emerging from the shadows of the former government, we see that much has been left unplanned, unbudgeted and carelessly handled.

I want the house to understand the critical situation the former Labor government has allowed to develop in Edenhope. I ask the minister to confer with his counterpart the federal Minister for Health and Ageing to help the community of Edenhope.

Puppy farms: code of practice

Ms PENNICUIK (Southern Metropolitan) — My matter is for the attention of the Minister for Agriculture and Food Security. There is significant community concern about the cruel practices in puppy farms that have been exposed by the Royal Society for the Prevention of Cruelty to Animals and other animal welfare groups and activists. Prior to the November 2010 election the government made a commitment to shut down illegal puppy farms and introduce new

enforcement powers for RSPCA inspectors, including powers to randomly inspect puppy farms, their animals, their equipment and their structures, as well as powers to investigate operational practices to ensure compliance with codes of practice and laws.

While these measures are welcome, more is needed to rid Victoria of the burgeoning number of notorious puppy farms, where animals are kept in horrendous conditions as virtual breeding machines. Local government has the prime authority under the Domestic Animals Act 1994 to enforce compliance with the code of practice for the operation of breeding and rearing establishments. However, wide discretion under the act results in varied levels of compliance, and the code itself uses vague terminology, such as stating that animals' needs should be met, which results in enforcement deficiencies.

My request to the minister is that he implement all the government's pre-election promises in relation to puppy farms by instigating a review of the code involving key stakeholders and expert organisations, such as the Royal Society for the Prevention of Cruelty to Animals, with a view to establishing compulsory minimum standards for the breeding of companion animals and the sale of dogs and other animals covered by the code; introducing mandatory government breeding licences conditional on initial and ongoing compliance with a new enforceable code; ensuring that not only large-scale operations but all puppy breeding operations are captured by the legislation and that any operations that fail to meet the psychological, behavioural and social needs of dogs, no matter the size of the operation, are closed down; introducing heavy fines for rogue or unregistered operators; seizing profits from cruel and illegal operations and redistributing them to animal welfare organisations; ensuring that information on kennel of origin contact details, breeder licence number and proof of compliance with the new code is available to all purchasers of puppies; and conducting an education campaign to support the new legislation and to ensure that people are aware of how and where they can purchase puppies that are not from puppy farms.

That is the minimum required to ensure that puppies are no longer suffering on puppy farms, the number of which has burgeoned around Victoria. It is Greens policy that there should be the elimination of all cruel practices in relation to the breeding, sale and confinement of companion animals, that there should be adoption of unclaimed and impounded companion animals and the development of no-kill shelters to rehabilitate and re-house such animals so that people get their puppies from them rather than retail outlets that source the puppies from puppy farms.

Yarraville West Primary School: portable classroom

Mr FINN (Western Metropolitan) — I wish to raise a matter for the Minister for Education.

Mr Somyurek — You're still here!

Mr FINN — I am still here, Mr Somyurek, yes, but not for a lot longer! I recently visited the Yarraville West Primary School, and it has to be said that it is the smallest school I have ever visited in all my life. In terms of physical size, it is clearly a tiny school in comparison with most other schools across the state.

I commend the principal, staff and parents, who have done a wonderful job in utilising the little space they have. As an example, they have turned a former bathroom into a music room, which is quite an effort in itself. They have done such a good job on their school they should be organising the space at Parliament House, because we have a similar problem. If anyone would like to see my office upstairs, they will see it is just a cupboard.

Playground space is at a premium at Yarraville West Primary School. There is an oval next door, which the school is sometimes allowed to use, but there is no guarantee; obviously that presents its own set of problems. Every nook and cranny has been turned into its own productive space for the children and teachers at this school. The school is fighting a tough battle and clearly needs a hand, and this is where the minister and the government can come into their own.

The school has asked me to approach the minister and ask that it be provided with a two-storey portable classroom. We already have these classrooms in some schools, but I very much doubt if there is any school in the state where such a classroom is more needed. It is absolutely vital that this school get a double-storey portable classroom as soon as possible. This will allow more play area for the children, and the Greens will be interested to hear it will save a tree. I am sure the school will be very pleased and supportive of getting a double-storey portable classroom. I cannot see any possibility of any school needing it more.

The proper utilisation of space and the easing of the congestion for children and staff alike would make a great school even better. I ask the minister to come to the party on this as a matter of urgency and provide that portable classroom for Yarraville West Primary School.

In conclusion, I wish the Richmond Football Club all the very best for the season ahead.

Parliamentary Secretary for Small Business: media release

Mr VINEY (Eastern Victoria) — The matter I wish to raise is for the attention of the Attorney-General. It relates to a media release about the working-with-children check put out by Russell Northe, the member for Morwell in the other place, on Tuesday, 22 March. The media release is headed 'Be aware of changes to working-with-children check'. The media release details a number of changes that were instituted in 2009 by the previous government and came into effect about 10 months ago in 2010. Nevertheless, on 22 March Mr Northe put out this release. The text of the media release states:

> 'Due to these changes … it's important that community members note that application forms are now in orange rather than purple,' said Mr Northe.

I know Mr Northe is the Parliamentary Secretary for Small Business, and I am a little concerned that this might set a precedent for him to start concerning himself with the colour of forms that small businesses need to complete in their daily operations, but I can advise the house that a number of years ago when I led a group of young people on a Spirit of Anzac tour — which the previous government initiated and the new government, I am pleased to say, is continuing — I was required as the tour leader to complete a working-with-children check, which I thought was appropriate. I have to advise the house, the minister and the Attorney-General that I could not recall the colour of the form, but it is apparently important for me to have learnt that the form was in fact purple and will now be orange.

I would like the Attorney-General to advise me and the community, particularly the people of Morwell, what is important about changing the colour of a form from purple to orange. It would also be useful to know just how much that cost and what the background to it was. It would be quite informative for me to learn what was important about that change.

Higher education: Gippsland

Mr SCHEFFER (Eastern Victoria) — I have a matter for the attention of the Minister for Higher Education and Skills, Peter Hall. On Monday the minister announced the establishment of an expert panel to develop a tertiary education plan for Gippsland and that he had appointed Professor Kwong Lee Dow as chair. The Brumby government had already undertaken massive work on this matter, identified the key questions and engaged the services of Professor Kwong Lee Dow, whose 2009 report advising on the development of the Victorian tertiary education plan identifies areas of disadvantage in regional Victoria, including parts of East Gippsland and the Latrobe Valley. The minister mentioned this only in passing.

A 2009 Skills Victoria report, also undertaken during the time of the Brumby government, provides input into the Victorian tertiary education plan and confirms there is indeed a gap in participation and attainment levels between parts of Melbourne and regional Victoria. The latest available data shows there is a high rate of university deferrals among Gippsland students compared to other regions of Victoria — nearly double, in fact — and that much lower numbers of Gippsland students are opting for higher education.

Victoria would need an additional 120 000 vocational education training graduates by 2015 and 47 per cent of 25-to-34-year-olds holding a bachelor degree by 2025 to help Gippsland businesses and communities continue to prosper. The minister reannounced these facts with almost no reference to the previous Labor government and did not mention that in March last year Professor Kwong Lee Dow found that Victoria is on track to achieve and even surpass those 2025 targets. The minister does not acknowledge that the former Labor government invested $350 million per year into Victorian universities. That is equal to the combined investment in universities by all other Australian states and territories.

While I commend the minister on extending the work of the expert panel, I ask him to explain the impact the government's decision to cut Victoria's schools budget by $340 million over the next four years will have on the capacity of regional students to participate in tertiary education.

I also ask the minister to explain why his government has walked away from its commitment to honour the former Labor government's plan to rebuild or renovate every government school in Victoria. The government has said it will give priority to funding those schools it nominated in the election campaign, not all schools as promised. As a result only Toorloo Arm and Mirboo North primary schools and Bairnsdale Secondary College will be given priority. The other 152 schools will be put on the never-never.

Does the minister really think these savage cuts will not negatively impact on Gippsland students' participation in tertiary education in five or six years time?

Road safety: Northern Metropolitan Region

Mr ONDARCHIE (Northern Metropolitan) — My adjournment matter is for the Minister for Police and Emergency Services and Deputy Premier, the Honourable Peter Ryan.

The house will remember that in my inaugural speech I talked about road safety and accidents in Northern Metropolitan Region, and in particular I mentioned those who are overrepresented in such accidents — young people. The house might remember me saying that I live very close to the area where five young Victorians were killed in a traffic accident in 2010.

I particularly want to draw the minister's attention to Plenty Road, which in 2010 had a disastrous year. There were 400 collisions on that road and 8 deaths. In Northern Metropolitan Region there were 30 fatalities in 2009 and 42 in 2010, with 15 of those occurring in the Whittlesea area alone. An average of 36 fatalities occur every year in Northern Metropolitan Region. In 2008 there were 1225 serious collisions, which represents about 20 per cent of the statewide average.

Just today we lost another Victorian, who was struck by a motor vehicle in Broadmeadows. Our condolences and thoughts go to that person's family.

The police have undertaken quite a blitz on Plenty Road. Recently they have successfully caught over 150 motorists driving while using their mobile phones. One motorist was still texting as they drove into a police booze bus area.

As part of that operation, which is known as Operation PASTE, police impounded two vehicles, including that of a 22-year-old who was caught driving at 130 kilometres an hour in an 80-kilometre-an-hour zone. During the blitz the police caught 98 speeding drivers, 19 disqualified drivers, 25 unlicensed drivers and 59 drivers with unregistered vehicles, conducted 3847 preliminary breath tests, nabbing 6 drivers and detected 78 seatbelt offences.

The Environment Protection Authority worked with the police on the blitz and detected 54 offences, with 20 penalty notices issued. The sheriff's office cleared 785 warrants for about $230 000, with one vehicle impounded and 14 vehicles clamped.

The local community is pleased that the police have an increased presence in the Plenty Road area. Like me, they are determined to reduce the number of collisions in the area, certainly to reduce the fatalities and to send a message to the community of Northern Metropolitan Region that enough is enough. We are going to increase road safety. We are going to preserve lives, particularly the lives of those kids who are caught out on the road.

I wish to invite the Minister for Police and Emergency Services to visit community groups with me and work with me to decrease the number of collisions and, more importantly, the number of fatalities in the region.

Rail: Altona loop service

Ms HARTLAND (Western Metropolitan) — My adjournment matter this evening is for the Minister for Public Transport. There is great community concern about the impacts of proposed train timetable changes on Altona and Seaholme services. Members of this community are facing cuts to their train services in five different ways. Two-hundred and fifty people came to the first community meeting on 3 March at the Louis Joel centre in Altona. Residents filled every seat and every inch of the standing room and the adjacent rooms and foyer.

The community has called a second public meeting, which I will be hosting at 7.30 p.m. on 29 March at the Altona RSL. We had to hire a much bigger venue to accommodate the large number of residents expected to attend. One of the area's local papers, the *Hobsons Bay Weekly*, ran an article yesterday quoting the minister, who said, 'Councils are very happy with the level of service that they're going to be provided with under the new timetable'.

I am not sure who is giving the minister his advice, but I can assure him that this is not the case on the ground. Three Hobsons Bay councillors attended the first community meeting: the mayor, Cr Raffoul; Cr Briffa; and Cr Altair. Subsequently, at its 8 March meeting, the council passed a motion to write to the minister, the Premier, the opposition and local MPs asking them to work collaboratively to ensure that train services for commuters using the Altona loop were not reduced.

The *Hobsons Bay Weekly* article also quotes Cr Briffa, who represents Altona Ward, as saying:

> Blind Freddy can see the Hobsons Bay council and the people of Altona and Seaholme are not happy with the proposed reduction of train services.

The article also notes that the minister said he was happy to send people from his department to have further discussions with Altona commuters. I learned today that that will happen, but residents are still unhappy that the minister is willing to cut the timetable without bothering to speak to them.

The action I seek is that the minister change his mind and come to the community meeting next week so he

can hear community concerns and provide direct and accurate information.

Higher education: Gippsland

Mr O'DONOHUE (Eastern Victoria) — My adjournment matter is for the attention of the Minister for Higher Education and Skills. Like Mr Scheffer, my adjournment matter flows from the announcement made by the minister on 21 March regarding the establishment of an expert panel that will develop a tertiary education plan for Gippsland. Unlike Mr Scheffer, I welcome the appointment of this expert panel. As Mr Hall has said in this house and as he says in his press release, this builds on work done by the previous government. I congratulate Mr Hall on the way he has been willing to embrace input from all sectors, as he said in question time during the course of this week.

The previous government said on many occasions that its top priority was education. Sadly the facts do not bear out these words. Data shows that just 26 per cent of Gippsland students are opting for higher education, which is well below the state average of 41.3 per cent. In a press release Mr Hall said that university deferral rates in the Gippsland region were 17.1 per cent, compared to the state average of 9.8 per cent. There is clearly much that needs to be done to improve participation rates in the Gippsland region. As a representative of that region, not only as a minister but also as a local member, Mr Hall would know about that. However, Gippsland is lucky to have some fantastic institutions, including Monash University, the Central Gippsland Institute of TAFE and East Gippsland TAFE, amongst others.

The action I seek is that the minister ensure that these local institutions, which have the on-the-ground knowledge, the expertise and the understanding of the issues and challenges that affect their students, are fully engaged by the expert panel that he has appointed.

Liquor licensing: fees

Ms PULFORD (Western Victoria) — The matter I raise is for the attention of the Minister for Consumer Affairs, Mr O'Brien, and relates to the liquor licensing fee for packaged liquor. The matter has been raised directly with Responsible Alcohol Victoria at the Department of Justice, but I urge the minister to monitor the situation as it relates to Wayne and Heather Cupples of Minimay.

The Cupples operate the Minimay General Store, a small business with around 75 customers. The store provides a range of vital services close to their homes for the people in the community, including postal services, the sale of general goods including fresh bread, milk and packaged liquor, and the payment of bills for utilities such as telephone and power. In this small community the store also acts as a meeting place for residents for all types of reasons, including to travel together to nearby communities.

Wayne and Heather Cupples have been caught up in changes to packaged liquor licence fees that were envisaged to impact upon very different types of businesses to the business they run. The nature of their business means that they have very long, quiet trading hours, and, because of the nature of the community and the special role that the store plays in the community, they sell packaged liquor. The fee is a very large proportion of the income they derive from the liquor sales element of their business. They have sought a reduction, and they seek from the department consideration of their issues of isolation and hardship.

This matter was raised prior to the election at a meeting of regional and community business leaders in Ballarat that I attended with the then Premier, John Brumby. At that time we undertook to resolve this issue. I urge the minister to ensure that there is a satisfactory resolution to this matter for Wayne and Heather Cupples in Minimay.

Montmorency Primary School: funding

Mrs KRONBERG (Eastern Metropolitan) — My adjournment matter is directed to the Minister for Education and concerns Montmorency Primary School. Montmorency Primary School — its students, the school community, the teaching professionals and the school council — was put through a protracted ordeal leading up to and during the amalgamation process forced on it by the former Labor government.

The school community mounted a heroic defence of its position regarding the amalgamation, but unfortunately as a result of the decision to amalgamate it was left to languish and starved of funding and an optimistic outlook. I am proud that the Baillieu government has pledged $4 million to provide a quality, 21st century learning and teaching environment for the Montmorency community. This support of the community and the school contrasts starkly with the indifference of the previous Labor government and the apparent helplessness of the member for Eltham in the other place, Steve Herbert.

I have had a firsthand account of the situation at Montmorency Primary School from a person whose

connection I do not want to reveal for reasons of fairness, but their passion for the school is intense. They said the following: when the local member was approached for funding for the school to enable it to spruce up its collection of tired and recycled school buildings, he suggested — and this is their recollection — that the school council go across the road to the Montmorency RSL and ask if they would put on a lick of paint for them — —

Mr Lenders — On a point of order, Deputy President, the member is besmirching the character of my colleague in the Legislative Assembly, Mr Herbert. The standing orders are quite clear that members can only do that by substantive motion, and she is using cowards castle to repeat something an unnamed person has told her. I ask her to withdraw her offensive remarks about Mr Herbert.

Hon. G. K. Rich-Phillips — On the point of order, Deputy President, as I understand Mrs Kronberg's remark she was not referring to the member for Eltham. She had moved on from any comment about the member for Eltham and was talking about the matter that she wishes to raise with the Minister for Education in relation to Montmorency Primary School.

The DEPUTY PRESIDENT — Order! I have listened carefully to Mrs Kronberg's contribution, particularly at the point where she started to refer to a member in the other place, and in fact I was close to rising and asking her to desist from that when Mr Lenders raised his point of order. I advise Mr Rich-Phillips that I was listening carefully. She was referring to the member for Eltham in the Legislative Assembly. The more concerning point is that she was using the words of a third person to make comment about a member in the other place, and that is not acceptable.

I am not sure that at this point I can find that Mrs Kronberg's comments were, if you like, objectively offensive, but in the remaining 1 minute and 6 seconds of her contribution I urge her to make her contribution without making any disparaging remarks or remarks that can only be made by way of substantive motion.

Mrs KRONBERG — The school council and the school community is excitedly starting the coalescence of their ideas and concepts for rebuilding the school with the $4 million funding pledged by the coalition government. Additionally, they now wish to send a positive message to the community to ensure future enrolments grow on the back of the funding and the groundswell of optimism and forward thinking. I ask that the minister provide an indication as to when an initial funding tranche may be made available in order that the scoping of the project from the school's perspective may commence. Further advice on the funding and the way ahead is actively sought.

Planning: Avondale Heights development

Mr TEE (Eastern Metropolitan) — My adjournment matter is for the Minister for Planning, and it relates to an attempt to have a meeting with VicUrban. In particular it relates to a VicUrban development at Avondale Heights.

The local member of Parliament in the Legislative Assembly, the member for Niddrie, has been seeking a meeting with VicUrban, which is the developer of the development in his electorate, since January, but at every turn it appears his efforts have been stymied by the office of the Minister for Planning. For example, meeting dates have had to be arranged or rearranged to suit the availability of the minister's adviser, Daniel Parsons. As recently as this week a proposed meeting was again cancelled at the direction of the planning minister's office, which directed VicUrban to hold off on the meeting for a couple of weeks.

I ask the minister to clarify if the government is dictating to VicUrban and directing it as to who its officers can meet and when, and I ask him to clarify if it is the government's policy to insist that the minister's adviser attend meetings with VicUrban. If it is not government policy to dictate to VicUrban, I ask that the minister clarify the position and state publicly that VicUrban is not under government direction and that it is free to meet with members of Parliament and indeed anyone else, free from government interference and direction.

Public sector: enterprise bargaining

Mr ELASMAR (Northern Metropolitan) — My adjournment matter is directed to the Minister for Employment and Industrial Relations, Mr Dalla-Riva. By way of background to this matter, I understand that during the global financial crisis the public sector union in Victoria accepted that wages policy could probably be adjusted to 2.5 per cent rather than the previous 3.25 per cent. Now the global financial crisis has passed, will the coalition government take honourable and just action to restore pay increases in line with the cost-of-living increases and give Victorian public sector employees a fair go? Will the minister give an undertaking to this Parliament that he will negotiate in good faith decent and proper pay increases for all Victorian public sector employees?

Schools: Bannockburn

Ms TIERNEY (Western Victoria) — My adjournment matter this evening is directed to the Minister for Education and is in relation to educational facilities in the Golden Plains shire. Statistics taken by the shire indicate that it is one of the fastest growing municipalities in the state. In particular, Bannockburn, which is the largest township in the shire, is growing at a rapid rate.

Over the 10 years between 1996 and 2006 the shire consistently experienced one of the highest levels of population growth of any municipality in rural and regional Victoria. In that 10-year period the population growth was 27.2 per cent, which is twice the population growth experienced in Victoria overall and almost two and a half times that of other rural and regional municipalities, at 11.5 per cent. In 2009 these trends continued, with Golden Plains shire having the third highest rate of population growth in rural and regional Victoria and the 10th highest of all municipalities in the state.

At present Bannockburn also has the highest percentage population of 0 to 4-year-olds in the state. With these statistics it is easy to see why the shire's no. 1 priority is the construction of the Bannockburn prep-to-year-9 school. A site for the school has been identified, and the shire is eager to have this land purchased and to begin building the school. The intention of the Department of Education and Early Childhood Development was for this project to be funded through the 2010–11 budget. However, prolonged negotiations with the land-holders and the developer meant that it was not able to commence. Given the obvious need for Bannockburn to have a P–9 school in the very near future, I urge the minister to commit to this project in the 2011–12 budget to be delivered in early May.

Responses

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — Mr Lenders raised a matter for the attention of the Minister for Energy and Resources, and I will pass that on to the minister.

Mr Ramsay raised a matter for the Minister for Health regarding the failure of the previous government to provide adequate support for the retention of doctors at the Edenhope and District Memorial Hospital, which I will pass on to the minister.

Ms Pennicuik raised a matter for the Minister for Agriculture and Food Security regarding the implementation of the government's policy on illegal puppy farms, which I am sure the Minister for Agriculture is looking forward to putting into effect. She called for a review of the code surrounding puppy farms, and I will pass that matter on to the minister.

Mr Finn raised a matter for the attention of the Minister for Education with respect to the Yarraville West Primary School. Mr Finn is seeking a two-storey portable building to be provided to that primary school to ensure that it has playground space, and I will pass that on to the minister.

Mr Viney raised a matter for the Attorney-General with respect to the colour of forms used for working-with-children checks — —

Mr Lenders — Deputy President, I direct your attention to the state of the house.

Quorum formed.

Hon. G. K. RICH-PHILLIPS — As I was saying, Mr Viney raised a matter for the attention of the Attorney-General in respect of the colour of the forms used for working-with-children checks, and I will pass that on to the Attorney-General.

Mr Scheffer raised a matter for the attention of the Minister for Higher Education and Skills in relation to the tertiary education plan for Gippsland and the budget funding of schools. I note that the latter issue is not the responsibility of the Minister for Higher Education and Skills, but I will pass on the matter of the tertiary education plan to the minister.

Mr Ondarchie raised a matter for the attention of the Minister for Police and Emergency Services in respect of road safety and the injuries and fatalities that have occurred in the Northern Metropolitan Region, particularly on Plenty Road. He asked the minister to visit the area and work with him to improve road safety in the region. I am sure the minister will be only too happy to do that.

Ms Hartland raised a matter for the Minister for Public Transport in respect of proposed timetable changes for the Altona line. I will pass that on to the minister.

Mr O'Donohue also raised the matter of the tertiary education plan for Gippsland with the Minister for Higher Education and Skills. He asked that the minister ensure that educational institutions in Gippsland are fully engaged with the expert panel as part of the education plan.

Ms Pulford raised a matter for the Minister for Consumer Affairs in respect of packaged liquor

licensing in the town of Minimay, in particular a fee issue with a constituent's business. I will pass that on to the minister.

Mrs Kronberg raised a matter for the Minister for Education in respect of the government's commitment to funding for Montmorency Primary School and requested that the minister indicate the timing of the cash flow committed to the school. I am sure the minister will be pleased to do that when the budget is brought down.

Mr Tee raised a matter for the Minister for Planning in respect of a VicUrban development at Avondale Heights. I will pass that matter on to the minister.

Mr Elasmar raised a matter for the Minister for Employment and Industrial Relations in respect of public sector pay rises. I will pass that on to the minister.

Ms Tierney raised a matter for the Minister for Education in relation to educational facilities in the Golden Plains shire and in particular to educational needs in Bannockburn. I will pass that on to the minister.

I have written responses to matters raised on the adjournment by Ms Pulford on 10 February, Mr Lenders on 1 March and Ms Broad on 2 March.

The DEPUTY PRESIDENT — Order! The house stands adjourned.

House adjourned 6.47 p.m. until Tuesday, 5 April.