PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-SEVENTH PARLIAMENT

FIRST SESSION

Tuesday, 30 August 2011

(Extract from book 12)

Internet: www.parliament.vic.gov.au/downloadhansard

By authority of the Victorian Government Printer

The Governor

The Honourable ALEX CHERNOV, AO, QC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

The ministry

Premier and Minister for the Arts	The Hon. E. N. Baillieu, MP
Deputy Premier, Minister for Police and Emergency Services, Minister for Bushfire Response, and Minister for Regional and Rural Development	The Hon. P. J. Ryan, MP
Treasurer	The Hon. K. A. Wells, MP
Minister for Innovation, Services and Small Business, and Minister for Tourism and Major Events	The Hon. Louise Asher, MP
Attorney-General and Minister for Finance	The Hon. R. W. Clark, MP
Minister for Employment and Industrial Relations, and Minister for Manufacturing, Exports and Trade	The Hon. R. A. G. Dalla-Riva, MLC
Minister for Health and Minister for Ageing	The Hon. D. M. Davis, MLC
Minister for Sport and Recreation, and Minister for Veterans' Affairs	The Hon. H. F. Delahunty, MP
Minister for Education	The Hon. M. F. Dixon, MP
Minister for Planning	The Hon. M. J. Guy, MLC
Minister for Higher Education and Skills, and Minister responsible for the Teaching Profession	The Hon. P. R. Hall, MLC
Minister for Multicultural Affairs and Citizenship	The Hon. N. Kotsiras, MP
Minister for Housing, and Minister for Children and Early Childhood Development	The Hon. W. A. Lovell, MLC
Minister for Corrections, Minister for Crime Prevention and Minister responsible for the establishment of an anti-corruption commission	The Hon. A. J. McIntosh, MP
Minister for Public Transport and Minister for Roads	The Hon. T. W. Mulder, MP
Minister for Ports, Minister for Major Projects, Minister for Regional Cities and Minister for Racing	The Hon. D. V. Napthine, MP
Minister for Gaming, Minister for Consumer Affairs, and Minister for Energy and Resources	The Hon. M. A. O'Brien, MP
Minister for Local Government and Minister for Aboriginal Affairs	The Hon. E. J. Powell, MP
Assistant Treasurer, Minister for Technology and Minister responsible for the Aviation Industry	The Hon. G. K. Rich-Phillips, MLC
Minister for Environment and Climate Change, and Minister for Youth Affairs	The Hon. R. Smith, MP
Minister for Agriculture and Food Security, and Minister for Water	The Hon. P. L. Walsh, MP
Minister for Mental Health, Minister for Women's Affairs and Minister for Community Services	The Hon. M. L. N. Wooldridge, MP
Cabinet Secretary	Mr D. J. Hodgett, MP

Legislative Council committees

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

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

Legislative Council standing committees

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

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

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

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

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

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

** Inquiry into Environment Protection Amendment (Beverage Container Deposit and Recovery Scheme) Bill 2011*

 # Participating member

Joint committees

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

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

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

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.

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

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

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

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

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

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

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

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

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

Heads of parliamentary departments

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

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

Parliamentary Services — Secretary: Mr P. Lochert

MEMBERS OF THE LEGISLATIVE COUNCIL

FIFTY-SEVENTH PARLIAMENT — FIRST SESSION

President: The Hon. B. N. ATKINSON

Deputy President: Mr M. VINEY

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

Leader of the Government:
The Hon. D. M. DAVIS

Deputy Leader of the Government:
The Hon. W. A. LOVELL

Leader of the Opposition:
Mr J. LENDERS

Deputy Leader of the Opposition:
Mr G. JENNINGS

Leader of The Nationals:
The Hon. P. R. HALL

Deputy Leader of The Nationals:
Mr D. DRUM

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

CONTENTS

TUESDAY, 30 AUGUST 2011

CONDOLENCES
Karen Marie Overington 2737
GOVERNOR'S SPEECH
Address-in-reply 2743
ROYAL ASSENT 2744
QUESTIONS WITHOUT NOTICE
Ombudsman: document management system recommendation 2744, 2745
Vocational education and training: funding 2744
Ambulance services: government initiatives 2745
Victorian certificate of applied learning: funding 2746, 2748, 2749
Manufacturing: government policy 2747
Information and communications technology: employment 2748
Planning: retail zoning 2750
DISTINGUISHED VISITORS 2745
QUESTIONS ON NOTICE
Answers 2750
PETITIONS
Children: Take a Break program 2756
Rail: Laburnum service 2757
Ouyen P–12 College: funding 2757
Buses: Kinglake service 2757
SCRUTINY OF ACTS AND REGULATIONS COMMITTEE
Alert Digest No. 9 2757
PRODUCTION OF DOCUMENTS 2758
PAPERS 2758
BUSINESS OF THE HOUSE
General business 2758
MEMBERS STATEMENTS
Zonta International 2759
Joan Reid 2759
Egypt: national day celebrations 2760
City of Moreland: arts and culture strategy 2760
Ramadan: Iftar dinners 2760
Autism: program funding 2760
Kokoda Trail: Isurava battle memorial service 2760
Legacy Week 2761
Silverton Primary School: science award 2761
Ray Carroll 2761
Victorian certificate of applied learning: funding 2761
Ramadan Iftar dinners 2762
ENVIRONMENT PROTECTION AMENDMENT (BEVERAGE CONTAINER DEPOSIT AND RECOVERY SCHEME) BILL 2011
Referral to committee 2762
JUSTICE LEGISLATION AMENDMENT (PROTECTIVE SERVICES OFFICERS) BILL 2011
Second reading 2767
Referral to committee 2786
Committee 2789, 2810
Third reading 2828
DOMESTIC ANIMALS AMENDMENT (RESTRICTED BREEDS) BILL 2011
Introduction and first reading 2798
Statement of compatibility 2798
Second reading 2799
Committee 2805
Third reading 2810
ADJOURNMENT
North–south pipeline: government policy 2828, 2832
Energy: price comparison 2829
Ambulance services: Grantville 2829
Autism: program funding 2830
Hanging Rock: harvest picnic 2830
Crime: Colac 2830
Huyck.Wangner Australia: government support 2831
Government: advertising 2831
Hendra virus: government action 2832
Responses 2833

Tuesday, 30 August 2011

The PRESIDENT (Hon. B. N. Atkinson) took the chair at 2.03 p.m. and read the prayer.

CONDOLENCES

Karen Marie Overington

Hon. D. M. DAVIS (Minister for Health) — By leave, I move:

> That this house expresses its sincere sorrow at the death on 11 August 2011 of Karen Marie Overington and places on record its acknowledgement of the valuable services rendered by her to the Parliament and the people of Victoria as a member of the Legislative Assembly for the electoral district of Ballarat West from 1999 to 2010.

In moving this motion I am conscious that many in the house knew Ms Overington and knew her quite well. A number of members of this house were members of the lower house at a time when she served. That has loomed in the minds of a number of members in ensuring that the offer was made to have this condolence motion and an appropriate period of adjournment to mark that.

Ms Overington was born in Ballarat on 16 November 1951 to Charlie and Maureen Brown. She was educated at Sacred Heart College in Ballarat, and spent much of her life — in fact I think most of her adult life — in Ballarat undertaking activity in the wider community.

In December 1970 she married Brian Overington, and they ran a successful trucking business in the town. They had two children, Brett and Shae, and as well as carrying out the usual responsibilities of bringing up a family, like many in political life, she became increasingly involved in community and charitable activities.

Her first steps into politics began in the 1970s. She joined a community group to campaign for more resources for children's education, being involved in the set-up of playgroups and kindergartens in Sebastopol, and she was also active in the campaign of a former member for Ballarat South, Frank Sheehan. She was a young mother who worked in an electorate office from 1984 to 1992 and as a welfare worker with Outreach from 1994 to 1999. I understand she joined the Australian Labor Party in 1982 and held various offices in that organisation, including central office positions.

She stood successfully for election in 1982 for the Sebastopol Borough Council and remained a councillor there for 12 years. I understand she was mayor in that period and was regarded very well. Sebastopol Borough was amalgamated with several other councils to create the new Ballarat City Council. Ms Overington stood for election to the new Ballarat council in 1996 and was successful, serving until 1999. She was active; she was the chairman of the Ballarat Begonia Festival and encouraged that popular event, with which the city has become closely associated.

In 1999 at the state election she was elected to Ballarat West, becoming the first woman to represent that seat. She held that seat at two subsequent elections — indeed she increased her margin. She therefore was in the fortunate situation during her time in the Victorian Parliament of always serving on the government side of the house, and as I understand it she contributed within the Labor Party to the tasks that are involved in government. She was a diligent local member, and in her first speech in Parliament she drew attention to equality and social justice as important issues. She maintained a set of compassionate values throughout her time in Parliament, chairing the Ministerial Advisory Committee on Women's Housing. She also was prominent in encouraging women to stand for elected office.

Karen was active in the establishment of the Wendouree West community renewal program, which was designed to rebuild a disconnected community and improve the sense of community confidence and pride in local residents. She was certainly a strong advocate for the Ballarat Base Hospital and for public transport in the local area. She had a number of significant personal challenges and became steadily more ill as time went on. She was diagnosed with cancer. She fought bravely against the illness; however, the illness took its toll, and she decided to retire at the 2010 election.

The Ballarat media paid tribute to Ms Overington as somebody who has contributed strongly to public life. I know she is survived by family members who are very proud of her, both children and grandchildren. The house, right across the chamber, expresses its deepest sympathy to Karen's immediate and extended family and to her friends, whom she represented in Ballarat and beyond.

Mr LENDERS (Southern Metropolitan) — On behalf of the Labor Party I support the condolence motion moved by Mr David Davis for the late Karen Overington. It is interesting that when we look at the parliamentary library's 'Re-Member' website we see a few paragraphs about a person's life that try to sum up what that person was. For those of us on this side of the

house, and certainly for myself and others of the class of 1999, Karen was someone with whom we embarked on a journey when we were elected to government. Her passing at the age of 59, which in the 21st century is a very young age, is something we all reflect upon with sorrow at the lost opportunities for her and the lost opportunities for her family in Ballarat.

On 11 August, the day Karen died, we held a gathering of Labor Party members. People were very sorrowful when her passing was announced. We were not shocked, because we all knew that Karen had been in poor health for a number of years. As Mr Davis said, that was the reason for her not seeking re-election. In a sense there was no surprise at Karen's passing, but there was sorrow and much reflection about what Karen had contributed and what she had done. We discussed some of the things that were quintessentially Karen. Mr Davis mentioned the begonia festival. When you spoke to Karen, you had to talk about Ballarat, you had to talk about Labor and there were certainly other things you had to talk about, and the begonia festival was one of them.

We also discussed some of Karen's great loves. Clearly family was a love, gardening was a love, Ballarat was a love and Labor was a love. We talked a bit about her pets and a range of other things. There is another thing we talked about. How can I delicately put this? I will go to the Latin: her taurus excretum barometer. She could detect spin and hyperbole from 100 miles away. She was one of those down-to-earth people who just saw things as they were and called things as they were. There was no fuss and no nonsense — that was Karen. We reflected a fair bit on Karen. To anybody who knew her, there was her love of family. Her children, Brett and Shae, their spouses and her grandchildren were all so important to Karen, as was her late husband, Brian. Many have said that Karen actually died of a broken heart, following Brian's death. Karen nursed him in his later years. In many ways it appeared that she had lost a lot of her spark once Brian, who was her childhood sweetheart, predeceased her.

Karen was someone who saw herself as the absolute battler with a job to do. She went through school, worked in factories and got herself elected to the Sebastopol council. Mr Davis mentioned the council. That was of critical importance to Karen. Sebastopol was her local community, and she was elected to its council. I suspect that her proudest political achievement was more being the mayor of Sebastopol than it was being a member of this Parliament, although being a member of this Parliament and helping her fellow Ballarat Labor member, Steve Bracks, get elected — I again mention Ballarat and Labor in the same breath — was probably as much of a highlight for her as what she achieved by being elected the member for Ballarat West. Her pride in being the mayor of Sebastopol was incredibly strong. It is interesting that at the memorial service the week after she died the one prominent image of her on the brochure was a photo of her as mayor of Sebastopol rather than any other office she had held. She was a member of the Sebastopol council as well as its mayor. When the council was abolished she bided her time, ran and got elected to the new City of Ballarat and stayed there until she was elected to the state Parliament.

I first met Karen in the late 1980s when she was an electorate officer for Frank Sheehan, a member for Ballarat South. Later she was elected to the Labor Party's administrative committee for a two-year term. As I have said, what you saw was what you got with Karen. She was down to earth and, strangely for an MP, she had very little ambition. That sounds like a contradiction in terms. Her ambition was to look after her constituents and to get Labor elected, but she did not necessarily have ambitions in regard to personal office.

It is interesting to note that when we look at Karen's achievements in this place there is no mention of any membership of a parliamentary committee or of her being a parliamentary secretary, committee chair or any of that sort of stuff. Her focus was helping Steve Bracks remain Premier, being part of the Labor Party and delivering to her constituents in Ballarat West. That was consistent in her time as a Sebastopol councillor, a Ballarat councillor and the member for Ballarat West. There were tales at her funeral of constituents in trouble who had utility bills paid for or groceries delivered to the doorstep without acknowledgement that it came from Karen Overington. That was what she was. Her job was to be an advocate for her community, and she battled for her community and saw that as an important role. That was Karen: no fuss and no nonsense.

She ran for Parliament as the Labor candidate for Ballarat West in 1992 and was unsuccessful. She ran again in 1999 and, as Mr David Davis said, was re-elected on two occasions after that. When we talk about Karen and what she stood for we can go through the Re-Member profile that lists a few things about her, but what we need to remember about Karen is her absolute loyalty her family, to the Labor Party and to her community.

If there was one thing about Karen that probably summed her up better than anything else, it was the Wendouree West urban renewal program. For those of you who do not know Wendouree West, it was part of

the Olympic building program back in 1956, and the facilities had not really been renewed or replenished since it was originally built. Karen saw the lost opportunities for a whole generation of people in Wendouree West who did not have access to decent education, decent services and decent facilities and she understood the intergenerational harm that lack of opportunities and chances could cause.

As for Karen being a champion of her community, to see that clearly you just need to think of Wendouree West and what she hoped to achieve and managed to achieve. Her greatest pride in her years as a member in this place was being part of the team that delivered the Wendouree West project. The project provided opportunities — and you can go right through the coordination of churches and community groups and agencies at the municipal, state and federal levels — but most of all it empowered people to take control of their own lives and make a difference. Karen's greatest pride in her time in this place was being part of a Labor government that delivered Wendouree West, and that is what Steve Bracks in his eulogy at her funeral very eloquently referred to.

I will not say much more. I think Karen would appreciate succinct contributions without hyperbole in this place. She was a true battler who made good. She gave back to her community, and she was incredibly proud that a girl from Ballarat could work her way through the factory, on to the council, become a member of Parliament and make a difference to her community. A tribute to Karen, a great battler and a friend to us all.

Ms HARTLAND (Western Metropolitan) — On behalf of the Greens I also wish to join in this condolence motion for Karen Marie Overington. What was just expressed by Mr Lenders is exactly the impression I had of Karen. While I did not know her well, the few times I dealt with her my impression was that she was direct and she was passionate, and you had a feeling that if you got in her way, you might get headbutted out of the way until you did what you should do. She was someone I would have liked to have known better, because I thought she had a really good sense of who she was and what was good for her community. With those few words, the Greens also join in this condolence motion.

Hon. P. R. HALL (Minister for Higher Education and Skills) — My colleagues from The Nationals and I also join others in this chamber in recording our sincere condolences on the passing of Karen Overington. It happens that on the night of 11 August I was staying overnight in Ballarat. I awoke the next morning to read in the local paper, the *Courier*, of the sad passing of Karen Overington. It was reported in that newspaper as a front-page story and there were several pages inside the publication as well as a significant editorial.

Karen Overington was a person I did not know very well. It is interesting that the Leader of the Opposition in the Council indicated that she had no record of serving on parliamentary committees and was totally dedicated to making sure that the concerns of her electorate in Ballarat West were well catered for.

One of the ways in which you often meet members of Parliament from the other chamber is by serving on parliamentary committees. During her time of service in Parliament, on the occasions when I came across Karen — whether it be on a matter of mutual interest or on a social occasion — from the experiences I had in our mutual association I always found she was a very genuine woman.

More instructive to me have been some of the comments made by local people as reported by the *Courier* of 12 August under the headline, 'Voice for the people — passionate advocate for the community', which says:

> Karen Overington, the first woman to serve the Ballarat West electorate, died at home yesterday after a long illness.

It goes on to talk about Karen's political career spanning just over 30 years, having started working in electorate offices and then progressively having a career in local government as well as serving in state Parliament. The editorial in the Ballarat *Courier* of that date, headed 'Overington a champion for the battlers of Ballarat', says:

> Ballarat yesterday lost a true battler and advocate for our city.

The editorial also speaks about:

> … memories of a tenacious woman who possessed a unique attitude and focus on getting her job done.

I could cite again some of the tributes to the life of Karen Overington given in the article by the many people she represented and served. One of the hallmarks of respect for many of us is earning the respect of the electorate and those we serve, and if we can do that, it is a great tribute and something we should all aspire to.

I echo the words of the Leader of the Opposition, who said that Karen Overington had a focus, obviously, on the Labor Party but more importantly on the people she represented in this Parliament. She did a magnificent job, and her political life of over 30 years deserves the

mark of respect of all of us. I am pleased that I, on behalf of The Nationals, had the chance today to record our support for this motion to mark the life of Karen and also to pass on our condolences to her children and their families.

Mr JENNINGS (South Eastern Metropolitan) — A little over a week ago I returned to the very place where I said my goodbyes to the mortal remains of my mother and father. I took that opportunity to clasp some rose petals and drop them to the ground. It was a crisp, still, windless morning in Ballarat, and the rose petals fell, straight and true, directly onto the casket of my dearly departed friend, Karen Overington. 'Straight and true' was a measure of the woman for whom hundreds of people gathered that day to show their respect. She was someone who was described on many occasions as 'a battler' and as a 'true blue', in this case Labor, person, and she was somebody who was very clear about what she was committed to delivering — and she spent every second of her life delivering that.

For those of us who are part of the labour movement, it was our great pleasure and privilege to share some of that journey and commitment with her. The extraordinary thing is that I grew up in basically the same time frame and region that Karen Overington grew up in, in and around Ballarat. I did not know her until we arrived here, having been elected on the same day.

The extraordinary thing about Karen is that she was able to convey very simply, in a very direct fashion, what she was about, and her inaugural speech clearly demonstrated that. She gave great credit to the family that raised her and that she owed a great debt to in relation to the framing of her political life. I refer briefly to an extract from her inaugural speech, in which she said:

> I grew up in a household where issues of equality and social justice were part of regular discussions. It was not unusual for me to wake up and find at the kitchen table a homeless man, a conscientious objector discussing the obscenities of the Vietnam War or a patient from Lakeside Hospital brought home for Sunday lunch by my dad, who was a psychiatric nurse.
>
> From an early age I was encouraged to recognise social injustice and empowered to go about setting things right.

The reason that is a very telling quote about Karen is that she understood her personal journey — that is, a personal journey of empowerment — and how, as part of a community, she was committed to delivering those outcomes.

It is totally unsurprising that in all the things that she contributed to in her public life the redevelopment and renewal program at Wendouree West is the thing that she is most closely associated with, the thing that the Bracks government at the time was committed to doing to try to stop intergenerational disadvantage and isolation and develop some sense of connectedness and empowerment of a community. It was an essential building block of our framework for A Fairer Victoria, which was a very important frame for our government. On the occasion we announced our A Fairer Victoria framework in connection with our budget, ministers were sent out far and wide across Victoria to simultaneously make the announcement about what A Fairer Victoria was going to mean to local communities. I had the great pleasure and privilege of going to Ballarat to announce the A Fairer Victoria package and how it related to the community of Ballarat, and the central element, the building blocks, of that commitment was the Wendouree West renewal project.

Only this morning did I realise how significant that event was for me, because I looked at the small photo I have on my Twitter account, which was taken there on that occasion. It was obviously an occasion on which I felt pretty good about myself, because there are not many images of me in public life that I like, but I have retained this one and am reminded of that event every time I look at my Twitter account. I may be the only person in the whole hemisphere who does look at it, but I am aware of what it means to me, and I am aware of what it meant to Karen Overington.

I am also mindful of the fact that Karen Overington was probably not the type of politician who had many photographs of herself or cared much about photographs of herself, but already today we have heard about one photo. That photo, which was prominent at her funeral, was of her in full regalia as mayor of Sebastopol. I think that might have taken pride of place in the household — I have a sneaking suspicion that it did — but another beauty was shown at the funeral. It was a photo of her wonderful family, Brian and Brett and Shae and their partners and children, joined by Shrek for a picnic. That photo was extremely prominent at the funeral ceremony. It said much about how well-grounded and well-connected to family and how real Karen Overington was.

We are blessed to have the memories of what we have achieved and worked on together. We can quite often measure ordinary people who go off and do extraordinary things as if they are almost mutually exclusive propositions. I want to say that because of what she was, Karen certainly had the great common

touch. She certainly called a spade a spade; there is no doubt about that. But in fact she was by all measures an extraordinary ordinary woman, and she will be remembered with great fondness and deep respect.

Honourable members — Hear, hear!

Mr KOCH (Western Victoria) — As a member for Western Victoria Region I rise to speak on the condolence motion for the immediate past member for Ballarat West in the other place. As members may be aware, Karen Overington was born on 16 November 1951 to Charlie and Maureen Brown in Ballarat, where she was raised, educated and later worked. Karen was brought up in a working-class household where politics was part of her everyday life and indeed was regularly discussed around the family kitchen table. Karen married her husband Brian in 1972, and that partnership of nearly 39 years brought children Brett and Shae into their close-knit family.

Karen's time in the workforce prior to entering the Victorian Parliament always took into account the welfare of those less fortunate around her. She saw herself as an advocate and voice for the people and, to that end, worked for many years with the Outreach organisation in Ballarat, caring for many in the community whom she recognised as having had a rough trot on so many occasions. To this day Karen is remembered for her tireless efforts in that capacity, and she has been described by her peers as always a grassroots person, an excellent communicator and always very passionate towards those she assisted.

Karen's political life came into its own after she joined the ALP in 1982. In the same year she was also elected as a councillor for the former Borough of Sebastopol. Karen remained a councillor up until 1994, when local government was restructured. She was the borough's mayor during 1990 and 1991.

After the restructure of local government Karen again pursued life in local government and was a councillor with the new City of Ballarat from 1996 until 1999. It was at this point that Karen successfully nominated for the lower house electorate of Ballarat West. At that time Karen went down in history as the first ALP member to represent that seat and, just as importantly, she was also the first woman to do so.

For those who knew Karen, she will be remembered as a tireless advocate for her seat of Ballarat West where she maintained a strong supporter group that made sure she was always aware of what was going on around her.

Sadly, Karen lost Brian, her husband of nearly 39 years, when he passed away on 24 October 2009 — in actual fact that is the anniversary of my own birth date, although it was some years earlier.

We all acknowledge that Karen was a very sincere person. Sadly, she passed away after a long illness on Thursday, 11 August 2011, in Ballarat, which was her home town and the area she represented continuously from 1999 until the 2010 election.

I extend my condolences to both her children, son Brett and daughter Shae, and their families at this sad time.

Ms BROAD (Northern Victoria) — I also wish to make some remarks in support of this condolence motion for Karen Overington. Firstly, in expressing my condolences to Karen's family, I want to acknowledge that just a couple of short years before Karen passed away, her deeply loved husband, Brian, passed away. It is a very heavy burden for any family to bear the loss of both parents and grandparents in such a short time. That needs to be particularly remembered, as it was remembered at the funeral and wonderful commemoration of Karen's many contributions to Ballarat.

I want to particularly focus my remarks today on Karen's contribution during the period that I was the minister responsible for housing in the Bracks government. A great deal has been said about Karen's love of family and her love of the Labor Party. Right up there along with that was her love of the community and, in particular, her love of the Wendouree West community.

I think it is fair to say that when the Bracks government adopted Growing Victoria Together, the 10-year plan to make sure that as Victoria grew, along with it opportunities grew for all Victorians, no matter who you were or where you lived or what your background or family circumstances might have been, Karen's eyes well and truly lit up as she saw even further opportunities to advocate for and work for a particularly disadvantaged part of her electorate, being Wendouree West.

Not content with advocacy or making a contribution to policy, Karen rolled up her sleeves and took on the job of chairing committees, attending numerous meetings and advocating to other people that they should similarly join committees and participate in the considerable task ahead of them to make the Wendouree community an even better place and safer community with better access to housing, better schools and all the things that Victorians have every right to

expect from their community, no matter who they are or where they live.

Karen was not at all fussed by the fact that jumping right in and chairing those committees and facing up to all of those tasks made her much more accountable for what happened through that Wendouree West renewal project. She absolutely relished the opportunity to jump in there, take on the additional responsibilities and be held accountable along with everyone else who participated in that extraordinary project.

Not content with making those contributions directly to the Wendouree West community, Karen, together with many others from the Wendouree West community, embarked on something of a roadshow around Victoria when it came to persuading other communities to join in with similar projects down the track. There was nothing more persuasive than having Karen, Brian, Kevin Waugh and many others from Ballarat, particularly from the Wendouree West community, showing up, whether in Shepparton, Geelong or many other places around Victoria, and talking about what it meant to be part of a neighbourhood renewal process, what could be achieved through it and what a great thing it was, particularly for Wendouree West.

I think Karen was one of the first to understand that it was necessary for government to get alongside and get behind communities not for just a short time — not just through a grant that might go for a year or two or three. She understood a much longer term commitment was required on the part of government agencies and all levels of government working together to achieve the outcomes we all aspired to achieve through these programs. She was certainly one of those who very early on advocated for the program to be extended — as it was — to ensure that community members were well and truly ready to take over responsibility for leading their own community when the time came for community agencies and government representatives to take a step back and make sure the community was well and truly making all the decisions, exercising leadership and moving forward as it wished.

Those are the main things I wanted to say to the house about Karen today. It is always a great thing when as a minister you have a Premier who is very committed to a place such as Ballarat, as Steve Bracks was, and who takes a very strong interest in a community, as Steve Bracks did in Wendouree West. He took a very keen interest in the progress that was made in that community and what was happening to the considerable resources committed to the neighbourhood renewal program there. It was even more powerful, however, to have Karen, as the local member, together with the Premier when it came time for me as minister to stand up and advocate for resources for these programs. I think there was no better advocate than Karen. Budget processes are necessarily competitive ones. In the life of any government there are always very important programs and causes that communities, elected representatives and ministers all advocate for, and in that process it was great to know that Karen was out there not only advocating for but leading and working for those programs and ensuring their great success. It was terrific to see such a strong contingent from Wendouree West at Karen's funeral. I certainly would have expected nothing less.

Ms PULFORD (Western Victoria) — I would also like to pay tribute to Karen Overington, a former member for Ballarat West in the Assembly. Karen passed away at home on 11 August this year, only nine months after she retired due to ill health. Retired MPs often have a wonderful, relaxed look about them. Some of them even start to look a little younger, unencumbered by the responsibilities of the office they have held and enjoying their retirement. Karen sadly did not enjoy a long retirement. Karen had wanted to serve one more term. She told me there were unfinished projects. She had some things she wanted to see through and projects to complete. Perhaps, most of all, this included the Ballarat cancer centre. Karen would have dearly loved to have served in the 57th Parliament, but her health was no match for the physical demands of this job.

I spent a good deal of time with Karen from 2006 onwards. When I moved to Ballarat she became my local member. For me, Karen was a source of much local history and information and, very importantly, a great deal of local gossip. Many people in Ballarat speak of a parliamentary representative and before that a local councillor who was always prepared to stand up for them. Local Labor Party members speak of someone who was a vigorous defender of her community and her people. Former Premier Steve Bracks gave a eulogy at Karen's funeral and described her as a stalwart of the Labor Party and a champion of those who lived in her electorate. You could not walk five steps in any direction in Ballarat without bumping into someone Karen knew — and everyone knew Karen. We worked together to achieve many things, be they projects or assisting people in the electorate of Ballarat West, the community she lived in and that I continue to live in. It was my great pleasure to know Karen and to work with her in these endeavours.

I would like to highlight two projects. A project that Karen will not see completed is the $55 million cancer centre. The centre will enable local people to access

treatment that they previously had to travel for. Karen played a critical role in obtaining Victorian government support, which was in turn critical to attaining federal government support for this significant project. Karen, with Catherine King, our federal member for Ballarat, will have created something truly wonderful for our community, and I hope that when the new Victorian Minister for Health unveils the final plaque fitting recognition is paid to Karen's role in achieving this.

As it would happen, last Sunday the *Age* featured a series of photographs depicting life in Wendouree West. Members may have seen this article, in which Peter Munro said:

> People here are poor and almost exclusively white, out of work and out of luck. But there's something confounding about this place they call home.
>
> Social dysfunction stalks the streets and with it crime, busted-up families, mental illness and substance abuse. And yet the streets are named for flowers and the footpaths lined with pink blossoms in bloom. Kids play on scooters on the roads.

This was under the headline 'Nothing comes easy in Wendouree West. But beyond the hardship is a community with a strong and beating heart'. The transformation under way in Wendouree West, which is also referred to in the article, has to be seen to be believed. Karen's legacy in championing the Wendouree West community renewal project will probably not be fully understood for decades because of the transformative nature of this work. Tackling intergenerational unemployment and disadvantage is no easy thing, but Karen was determined to give that community and many others within her electorate every opportunity.

One of the last, if not the last, public event that Karen attended was a presentation to her by the children at Yuille Park P–8 Community College. This is a new school that is a central part of the work under way in Wendouree West. While it was difficult for Karen to be there due to her failing health, the presentation by the schoolchildren was a poignant memory. Members might like to read the eight-year report on this community renewal project, because it serves to remind us of the value of this work and of the importance of the consistent policy approach that is needed from successive governments to continue this transformation.

There are countless other achievements. The thing is, Karen was probably the MP least likely to be chasing the media with a press release, to be angling for a good spot in a photo, to bombard electors with glossy leaflets or to trumpet her achievements. I think for Karen the only achievements that really mattered were things like a better education or job for those kids at Yuille Park and others in the electorate. That was the only kind of recognition that ever really mattered to her. In any event it will be the impressions she left, the lives she changed and the people whom she helped that will be her real legacy.

Karen was a true champion for Ballarat and its people. She was a great defender of Labor traditions and somebody from whom I took a great deal. She will be missed by the thousands of people in our community who knew her. My fond memories of her will include those chats about the family trip north — I think that is where the Shrek photo that was mentioned earlier was taken — when Brian was very unwell; the great love story that was her relationship with Brian, including many trips to watch whales and the like; her beloved dogs; the phone calls I would get when she was too unwell to always make it to Parliament asking if I could convey the library books and other things back and forth up the highway; and the great pride she had in her family and the love and affection that she had for Shae, Brad, their partners and her grandchildren, who were very much the light of her life. She will be greatly missed.

Motion agreed to in silence, honourable members showing unanimous agreement by standing in their places.

Hon. D. M. DAVIS (Minister for Health) — I move:

> That, as a further mark of respect to the memory of the late Karen Marie Overington, the sitting be suspended for 1 hour.

Motion agreed to.

Sitting suspended 2.48 p.m. until 3.51 p.m.

GOVERNOR'S SPEECH

Address-in-reply

The PRESIDENT — Order! The Office of the Governor has advised that the Governor will be pleased to receive the President and members of the Legislative Council at Government House on Friday, 2 September 2011, at 10.00 a.m. for the presentation of the address-in-reply. I would be glad if as many members as possible will accompany me at that time.

I ask that ministers indicate if they intend to go and advise the availability of cars to take some other members from Parliament House to Government House.

ROYAL ASSENT

Message read advising royal assent on 23 August to:

Consumer Acts Amendment Act 2011
Parliamentary Salaries and Superannuation Amendment Act 2011.
Transport Legislation Amendment (Port of Hastings Development Authority) Act 2011

QUESTIONS WITHOUT NOTICE

Ombudsman: document management system recommendation

Hon. M. P. PAKULA (Western Metropolitan) — My question is to the Minister for Housing. The Ombudsman has recommended to the Premier that a central document management system be installed in his office to allow for the search and location of documents based on a variety of categories, including author, recipient and subject. My question is: does the minister's office contain a central document management system to allow a search consistent with the Ombudsman's recommendations?

Hon. W. A. LOVELL (Minister for Housing) — I will take that question on notice because I am not completely familiar with the Ombudsman's requirements under that central document search system. I will get back to the shadow minister.

Supplementary question

Hon. M. P. PAKULA (Western Metropolitan) — President, in asking the supplementary question I seek your guidance. I can table for the benefit of the minister the relevant part of the Ombudsman's correspondence, but I seek your guidance as to whether that is appropriate. It might assist the minister in answering the supplementary question.

The PRESIDENT — Order! The member cannot table it, but he can make it available.

Hon. M. P. PAKULA — I am happy to make it available.

The PRESIDENT — Order! That will be conveyed to the minister. Is there a particular paragraph that is relevant?

Hon. M. P. PAKULA — It is marked. It is the bottom paragraph, which clearly indicates the Ombudsman's recommendations. I simply ask: will the minister now undertake to ensure that the systems in her office comply with the Ombudsman's recommendations?

Hon. W. A. LOVELL (Minister for Housing) — This is a letter to the Premier, but I will take the shadow minister's question on notice and get back to him.

Vocational education and training: funding

Mr DRUM (Northern Victoria) — My question is to the Minister for Higher Education and Skills, Mr Hall. I ask: can the minister advise the house on the funding provided for vocational training education programs in Victorian schools?

Hon. P. R. HALL (Minister for Higher Education and Skills) — I thank my colleague Mr Drum for the question. It is particularly relevant as it gives me the opportunity to comment on some recent media reporting on vocational education and training (VET) programs in schools.

First of all, I want to say that in respect of vocational training in schools this government has a commitment to ensure that the level of vocational training programs is maintained and funded to meet growth in demand for those programs. The VET in Schools program, for example, is a very popular program which has been in place for quite some time now, and it will see a budget increase in the 2011–12 budget of in excess of $2 million in funding, which is a 10.2 per cent increase. In the VCAL (Victorian certificate of applied learning) program area the funding increase is over $10 million, representing a 9.5 per cent increase. There is a significant investment in vocational training programs in schools, and it is a commitment of this government to ensure that funding for those programs is maintained.

In a climate in which the 2011–12 budget saw a $1 billion increase in terms of new output initiatives, as promised by the coalition at the election, a budget outcome of an increase of 3 per cent was achieved, while still implementing over $1 billion worth of new output initiatives. To make the budget balance, the cloth had to be trimmed from some programs in areas where funding was lapsing or where there were savings required, and we reluctantly identified VCAL coordination as one of those areas.

It is a fact that VCAL coordination will not be provided in schools from 2012. By way of background to that, the coordination was funded by a special payment which was made when VCAL programs were first introduced in Victorian schools in 2003. The purpose of that additional payment was to assist with the implementation of those programs. We have now seen

in the eight years since VCAL has been running in schools that those programs have become well embedded and well accepted by students. We have around 18 000 students currently enrolled in VCAL programs.

In respect of VCE and the VET in Schools programs — both senior program areas — there are no special coordination payments made, but invariably schools have a VCE coordinator and a VET coordinator funded from the program funding provided for both VCE and VET. There is a strong argument to suggest that the same can be done with VCAL, particularly when we have got local learning and employment networks and now, under a national partnership agreement with the federal government, we have got learning workplace coordinators. All those resources are able to assist schools with the implementation of VCAL programs.

Finally, we appreciate that VCAL has been a very successful program and will continue to be. I am prepared to monitor the implementation of this particular saving measure to make sure that it does not have an adverse impact on program delivery in schools, but I repeat: there are no cuts to any program funding for VCAL.

Questions interrupted.

DISTINGUISHED VISITORS

The PRESIDENT — Order! I take this opportunity to acknowledge Mr Noel Maughan, a former member of the other place.

An honourable member — A very good man!

An honourable member — Exceptional!

The PRESIDENT — Order! He certainly looks exceptionally fit and well.

QUESTIONS WITHOUT NOTICE

Questions resumed.

Ombudsman: document management system recommendation

Hon. M. P. PAKULA (Western Metropolitan) — My question is to the Minister responsible for the Teaching Profession, who is also the Minister for Higher Education and Skills. I am reluctant to ask the minister the same question as I asked of the Minister for Housing — and I note that in regard to her office she took the question on notice — but the fact is, as the Minister for Housing now knows, the Ombudsman recommended to the Premier that a central document management system be installed in his office to allow for the search and location of documents based on a variety of categories, including author, recipient and subject. As far as I am aware, the minister is a coordinating minister in his department, so I ask this minister whether his office contains a central document management system that allows a search consistent with the Ombudsman's recommendations.

Hon. P. R. HALL (Minister responsible for the Teaching Profession) — The response I give to this question is that I do not attempt to answer a question when I do not know the answer. I say to the member that I will take that on notice and furnish him with an answer to the question within the next 24 hours.

Supplementary question

Hon. M. P. PAKULA (Western Metropolitan) — I appreciate the minister's honesty and transparency in saying that he will not attempt to answer a question he does not know the answer to. The question is about what the situation is in his office now. I ask him a supplementary question: if his investigation determines that his current systems do not comply with the Ombudsman's recommendations, will he ensure that they are changed so that they do comply with the Ombudsman's recommendations?

Hon. P. R. HALL (Minister responsible for the Teaching Profession) — In response to the member's questions, my department and I certainly take seriously the recommendations made by the Ombudsman, and I see no reason why we would not accept those recommendations from the Ombudsman. Again, I will furnish the member with an answer to his questions and, if need be, I will supplement the answer to his original question with further information that may well address his supplementary question.

Ambulance services: government initiatives

Mr O'BRIEN (Western Victoria) — My question is to the Minister for Health, who is also the Minister for Ageing, the Honourable David Davis. Can the minister inform the house of the decisive action the Baillieu government is taking to turn around Labor's 11 years of mismanagement of ambulance services in Victoria?

Hon. D. M. DAVIS (Minister for Health) — I thank the member for his question and for his concern about ambulance services in Victoria, a matter which I

discussed with him at length last night. I am pleased to answer this question.

The Auditor-General reported on ambulance services in Victoria late last year, and that was a report that is of great significance to our community. It pointed to a deterioration in performance at Ambulance Victoria over a number of years. It is clear that Ambulance Victoria has had financial challenges over a number of years. It is also clear that Ambulance Victoria has seen a decline in performance over a number of years. The previous government did not manage the merger of the Metropolitan Ambulance Service, Rural Ambulance Victoria and the Alexandra District Ambulance Service in the 2008 period after it forced the unplanned merger of those ambulance services. It did not resource the merger properly, it did not plan the merger properly and significant trouble was caused across the state during that period.

I am aware that Ambulance Victoria needed a new start. It needed a strong board — a board that is able to work with health services and a board that is able to put in place the steps that are required to turn around the mismanagement of the previous government and the previous Minister for Health. I am certainly committed to working with the board of Ambulance Victoria across the next period. The government has obviously put in place a number of packages to assist Ambulance Victoria. It has a financial package for more ambulance officers and more mobile intensive care ambulance support. There is a membership scheme to make it very clear that the cost of ambulance subscription will be lower for Victorian families, and that will ease the cost to Victorian families. This is an important step in making ambulance services more accessible to Victorians.

Mr Jennings — Accessibility is not the problem!

Hon. D. M. DAVIS — It is for some Victorians. It is actually a cost you made, Mr Jennings, not understanding the cost pressures on some Victorian families. You may not understand the cost pressures, and that is one reason your government lost the last election. You do not care about families, and you are not concerned about the cost pressures that Victorian families face. You ramped up electricity costs and you ramped up water costs, and Victorian families copped it.

The PRESIDENT — Order! Through the Chair!

Hon. D. M. DAVIS — Ambulance costs are one way the new government has been prepared to help ease the costs for families. It is a decisive new start with a strong new board that is able to set the path for Ambulance Victoria, and there are new government programs in place.

It will take some time to turn around the damage that has been left by the previous government and the previous failed health minister, who forced the merger of the metropolitan and rural ambulance services and did that in an unplanned way. This is an opportunity for Victorians and for the new board of Ambulance Victoria to work with paramedics. Victorians are very supportive of the work done by paramedics. They are a highly skilled group of men and women across the state, in the country and in the city, who do their very best to provide the best services for all Victorians.

The new board, under Professor Just Stoelwinder, will be in a position to go forward, to put in place a better outcome for Victorians and do that in a way that turns around the damage done by Labor over 11 years.

Victorian certificate of applied learning: funding

Mr ELASMAR (Northern Metropolitan) — My question is to the Minister for Higher Education and Skills, who is also the Minister responsible for the Teaching Profession, Peter Hall. I note the minister's justification for his decision to cut $50 million from the Victorian certificate of applied learning (VCAL) program. I ask: will the minister guarantee that all students who want to do VCAL next year will be able to and that the retention rates will not go down?

Hon. P. R. HALL (Minister for Higher Education and Skills) — I thank Mr Elasmar for his question. He will recall that when I answered a question from Mr Drum I said that funding for Victorian certificate of applied learning programs is not only maintained in this budget but it also provides for growth and an increase in the number of students who are wishing to undertake VCAL programs. That is a growth estimate based on experience. There has been a 9.5 per cent increase in funding to deliver VCAL programs. Therefore it is my expectation that there should be no disadvantage for students wishing to undertake VCAL programs, because program funding for every single student, including new enrolments, is provided for in this year's budget.

Supplementary question

Mr ELASMAR (Northern Metropolitan) — Can the minister guarantee that no student wanting to do VCAL will have to pay additional fees as a result of these cuts?

Hon. P. R. HALL (Minister for Higher Education and Skills) — As in certain other subjects in schools, some VCAL programs attract a materials fee. If a VCAL program attracts a materials fee, then that will be applied in the same way. Fees will not be increased, because this government's policy, like the policy of the previous government, is that you do not charge fees for instruction. There will be no fees charged for instruction, so there will be no fee rise.

Mr Lenders interjected.

Hon. P. R. HALL — The fees will not rise. The only fees that are paid are materials fees, and in 2012 they will be applied in exactly the same way as they were applied by the previous government.

Manufacturing: government policy

Mr RAMSAY (Western Victoria) — My question without notice is to the Minister for Manufacturing, Exports and Trade, Mr Dalla-Riva. I ask: can the minister outline to the house policy developments in relation to Victoria's manufacturing industry?

Hon. R. A. DALLA-RIVA (Minister for Manufacturing, Exports and Trade) — I thank the member for his question and for his understanding of the importance of a manufacturing policy. Victoria is the leading manufacturing state. Under the Baillieu government, Victoria is also leading the nation when it comes to finding ways to improve the competitiveness of our manufacturers in a very tough and unforgiving global economy. This government is committed to strengthening our manufacturing sector so it continues to attract investment and innovation and to generate high-value jobs. When those opposite were in power they treated the manufacturing sector with neglect and indifference for over a decade.

Mr Lenders — On a point of order, President, Mr Dalla-Riva was asked a question about government policy and he is now commenting on policies of other parties in a past era. I ask you to draw him back to government administration.

The PRESIDENT — Order! As I have indicated, I am tolerant of members making a passing editorial comment in response to a question but certainly not of developing it as a theme. I accept the point of order in the context that I do not want to see ministers developing an argument against previous governments or opposition policies as such, but certainly in my view the minister is entitled to make a comment along the lines of what he has already done. In other words, I do not think at this point he has trespassed upon my tolerance, but I hope that the house is to be informed of this government's policies in respect of the answer to the question posed.

Hon. R. A. DALLA-RIVA — If we just reflect back — and I know opposition members do not want to hear it — but we are in the serious business of policy development. Their policy development was putting together a glossy brochure full of stunts, slogans and spelling mistakes. That is Labor's dismal record on manufacturing. In fact today we also heard the federal trade minister, Craig Emerson, tell the *Australian Financial Review* that he sees no future in large-scale manufacturing in Australia. That sounds like his colleague Nick Sherry, who said in June that bookshops will cease to exist. This is the extent of the vision of those opposite. They talk about a patchwork economy — it is more like Labor's tumbleweed economy.

In contrast, this government has committed to reinvigorating manufacturing. That is why we committed VCEC, the Victorian Competition and Efficiency Commission, to inquire into the future of Victorian manufacturing. In Victoria today we are doing the hard yards of serious policy review and reform. I say to those opposite that we are being watched by the rest of the country. On 17 August officials from governments across the nation gathered for what is known as the Australian manufacturing network. Guess what? They met right here in Melbourne. Guess what? They met right here in my department.

Mr Lenders interjected.

Hon. R. A. DALLA-RIVA — You may not want to hear this, Mr Lenders, but the Labor governments of South Australia and Tasmania sent delegates and so did the commonwealth. I am advised that they were very interested to hear some of the research and policy analysis into the future of manufacturing.

What is occurring here in Victoria is the most detailed, extensive and rigorous review of the manufacturing industry of anywhere in the country, and it will serve as the basis for framing strong and effective policy responses to the challenges facing manufacturing in this state. This government will work with businesses to find opportunities to strengthen, compete and ensure that we expand even in the most difficult circumstances, with the aim that they can emerge from the current cycle better prepared to compete successfully in global and domestic markets.

What we are doing here in Victoria is showing some real policy leadership. It is serious policy development, and the other states, including the Labor states, are watching closely. Let us not have anyone in the Labor Party come into this house and pretend they have answers on anything to do with jobs in the manufacturing sector. Labor's ranks are in utter disarray on these issues. My federal counterpart Senator Carr said today he saw no need for an inquiry into manufacturing. He has a point, because, as I said, a forensic review of manufacturing policy is already under way right here in Victoria, commissioned by the Baillieu government. That is what is happening here.

Victorian certificate of applied learning: funding

Ms TIERNEY (Western Victoria) — My question is to the Minister for Higher Education and Skills, Peter Hall. Did the department provide advice or modelling on the impact that the cuts to the number of VCAL (Victorian certificate of applied learning) coordinators would have on schools and students before the minister implemented these cuts, and if so, what was the advice?

Hon. P. R. HALL (Minister for Higher Education and Skills) — I thank the member for her question. Again it gives me the opportunity to explain the exact nature of this additional funding, which has been traditionally supplied in addition to the program funding for the VCAL program. The funding provided is for coordination purposes. It is not for positions of coordinators in schools.

Traditionally what is done in schools is that schools give teachers a time allowance for the task of coordinating these programs and they use the coordination payment for that purpose. It is not as if one could go around and indicate exactly the number of positions, because it is not funding for positions per se. It is funding for the role of coordination.

Supplementary question

Ms TIERNEY (Western Victoria) — Regardless of that, why was this decision to cut the number of VCAL coordinators not discussed with the minister's consultation and reference groups over the last six months?

Hon. P. R. HALL (Minister for Higher Education and Skills) — As I said in my answer to the substantive question, it is not a cut of coordinator positions. It is the removal of a payment for coordination purposes. This is a decision that was taken in order to fund the implementation of over $1 billion in new output initiatives that were part of the 2011–12 budget.

Information and communications technology: employment

Mr FINN (Western Metropolitan) — My question without notice is directed to the Minister for Technology, who is also the Assistant Treasurer. Can the minister inform the house of any new employment developments in the technology sector?

Hon. G. K. RICH-PHILLIPS (Minister for Technology) — I thank Mr Finn for his question and his interest in employment in the technology sector. Technology is an important sector for the Victorian economy. The ICT field employs around 145 000 Victorians across the entire economy, turns over $29 billion and produces around $2.5 billion in exports. Importantly, employment in the ICT sphere in Victoria has been growing at around double the national average — that is, at around 5 per cent.

I am pleased to inform the house that there is further good news in employment in ICT here in Victoria. Last week I had the great pleasure of opening the new Victorian headquarters for Juniper Networks, which is a $4 billion major global player in computer networking. It is the third-largest networking firm in the world, with a turnover of around $4 billion. It has opened a new headquarters here at Southbank and currently employs around 50 Victorians at that site.

Hon. D. M. Davis interjected.

Hon. G. K. RICH-PHILLIPS — Around 50 are currently employed, Mr Davis. Importantly, it has announced that it will be creating a further 50 jobs at that new headquarters at Southbank. I was also very pleased last week to open the new Australian headquarters for DB Results. DB Results is an extraordinarily strong Victorian success story. This is a company that undertakes ICT consulting primarily to the utility sector. It is a company that was formed with two people just seven years ago in Victoria. Two people, seven years ago, started this business, and it now turns over around $14 million a year and employs 80 people. It has had extraordinary growth in a short seven years, and importantly, in opening the new headquarters last week, DB Results was pleased to announce that it plans to employ an additional 100 Victorians in the next two to three years. This is another major commitment by a private sector technology company to growing employment in this state.

Victoria has had very strong performance in ICT employment, and I am delighted that we are seeing further confidence among major Victorian employers in this sector. We look forward to these additional 150 jobs at these two companies coming to fruition in the technology sector in the next two to three years.

Victorian certificate of applied learning: funding

Mr LENDERS (Southern Metropolitan) — My question is also directed to the Minister for Higher Education and Skills, Mr Hall. In the minister's responses to Mr Elasmar, Ms Tierney and Mr Drum he said that there was more money coming into the system and that essentially these cuts to VCAL (Victorian certificate of applied learning) coordinators would not make a difference. The question I put to the minister is: by cutting $12 million a year out of secondary schools, what effect will that have on schools, particularly if the coordination allocation of an existing teacher is taken away? What effect will that have on the link between students being shown the pathway to VCAL and a void remaining?

Hon. P. R. HALL (Minister for Higher Education and Skills) — The first thing I want to do is make sure that Mr Lenders is not putting words into my mouth. I did not, in answer to any of the three questions I have received on this today, suggest that this would not make a difference. They are not words that I have used. What I have said in respect of this matter is that there is no cut in program funding, but I said I appreciate the fact that the withdrawal of a payment for coordination would require schools to rethink the way in which they implement a coordination role.

As I also said in response to one question, there is no special coordination payment made for VCE (Victorian certificate of education) program funding and there is no special coordination payment made for VET (Vocational education and training) in Schools funding, yet most schools that have VCE or VET in Schools programs would nominate a person and give them a time allowance for coordination of those programs, and they would fund that position from within program funding. Schools may do the same with VCAL. It is purely up to them to see whether they believe that a coordination allowance might be funded from program funding.

I have also said that in addition to this schools can now utilise some other mechanisms to help coordinate that important role between VCAL programs in schools and workplace experience, and the local learning employment networks are ideally positioned to undertake that role, and indeed in many instances they do so. Local learning employment networks — learning and employment — are there to link those two together, and they provide many opportunities to put learning programs in schools in contact with employment opportunities in the workplace.

Also, since the introduction of VCAL under a national partnership agreement there is now in place in every region in Victoria what is called a workplace learning coordinator. Again they are persons who are able to assist schools in coordinating learning programs in schools with practical work placements.

In response to Mr Lenders I say this: not for 1 minute do I believe schools will not be impacted on by this decision. Of course they will be impacted on to some extent — because it is a withdrawal of some funding, which varies according to the enrolment figures in these programs. But in the same way that coordination is provided for in other senior school programs and with the utilisation of some of the external resources to which I have referred, I believe schools will be able to find a way in which to effectively coordinate their programs. I also say on top of this that this is an important program, and I am prepared to monitor the impact of it and just see what happens in practice in 2012.

Supplementary question

Mr LENDERS (Southern Metropolitan) — I thank the minister for his answer and note that at a Public Accounts and Estimates Committee hearing the Minister for Education and the acting secretary of the department conceded that there were $481 million of savings required out of the department. With $481 million of savings required from the department, as acknowledged by the minister at PAEC, and $12 million here especially for VCAL coordination, I ask: can the minister guarantee that there will not be any jobs lost — jobs of either teachers or specifically employed coordinators — as a result of this $12 million cut?

Hon. P. R. HALL (Minister for Higher Education and Skills) — I repeat, as I have said a number of times in response to questions on this matter: the payments made for coordination purposes were not paid for specific jobs in schools. They were not a payment for a coordinator position; they were paid for coordination purposes, and schools had the flexibility to decide how they would use that coordination payment. The program funding that is provided for VCAL programs in schools has grown in this budget for the third time by 9.5 per cent. As such, the teachers involved in VCAL

programs will be well employed in schools, and I do not expect that there will be any job cuts.

Planning: retail zoning

Mr P. DAVIS (Eastern Victoria) — I direct a question without notice to the Minister for Planning, the Honourable Matthew Guy, and I am sorry to ambush him. Will the minister inform the house what action the Baillieu government has taken to ensure growth in Victoria's retail industry through reform of the planning system?

Hon. M. J. GUY (Minister for Planning) — It is indeed a real honour to be part of a government that takes job generation seriously and one that is going to use the planning system in this state as an incentive for job growth in Victoria rather than as a disincentive to it. It is, as I said, a pleasure to be part of a government that has acted on retail zone reform within nine months. It took the previous government four years of review to even come up with a point of view on retail zones, which was then promptly popped in the drawer and put away in case an election might come along, and nothing was acted upon.

I am proud to inform the house that the Baillieu government has moved swiftly to review and make direct amendments to the planning system for retail zoning. We will not be banning bulky goods retailing in industrial areas. We will be removing floor space requirements on restricted retail centres and, as the President would know very well from his long history of contact with business and business growth in this state, we will also be amending the definition of 'restrictive retail' to ensure that business can continue to grow in those bulky goods centres around Victoria.

This is not an announcement that has been greeted lightly amongst the bulky goods sector in Victoria. Ms Philippa Kelly, the CEO of the Bulky Goods Retailers Association has said that the state government's reforms will lead to hundreds of millions of dollars of investment in Victoria. She also said that it will provide thousands of jobs over time, and that is exactly how the state government can use the planning system as an incentive for job growth in Victoria. That is why after nine months we have acted on retail zones to get real outcomes to ensure that this government delivers on job growth.

It is amazing that overnight we will go from being the most restrictive place in Australia to do business for bulky goods to the best place in Australia to do business for bulky goods, backed up by the retailers association, the industry minister and others who know that this announcement will create hundreds of jobs in metropolitan Melbourne and, as Mr Philip Davis knows, in important regional centres like the Latrobe Valley and Sale and other areas around Victoria.

It is quite an odd situation that until the Baillieu government's reforms, in certain zones if you had 500 square metres of space, you could sell lights, but if you had 499 square metres of retail space, you could not sell a light — bizarre. That is why the coalition government will liberalise — —

Hon. M. P. Pakula interjected.

Hon. M. J. GUY — Mr Pakula can take it lightly, but that is precisely, as Mr Dalla-Riva said before, why his party is in opposition. He may not take job growth seriously, but the Baillieu government does. We have acted on it. We are not picking winners. We are reforming retail zones. We are about action, not words, and this is the proof of the pudding — that the Baillieu government means business on job growth in Victoria.

QUESTIONS ON NOTICE

Answers

Hon. D. M. DAVIS (Minister for Health) — I have answers to the following questions on notice: 218 and 586.

Mr Barber — On a point of order, President, standing order 8.12(4) says:

> Immediately it is apparent to a minister that it will be difficult to provide an answer to a question within 30 days he or she should advise the member accordingly.

That is, if you like, the flip side of subsection (8), which says that members should first approach a minister about the answer to a question before raising it in the house.

In the last sitting week, the week beginning Tuesday, 16 August, I received a number of answers to questions put on notice to ministers. The answers were signed and dated by the ministers. The dates on some of the answers were 19 April, 21 June, 22 June and, in a couple of cases, 26 and 27 June. None of those answers was provided to me during the sitting week of 28 to 30 June, meaning we had another six weeks before 16 August when I received the answers.

I understand that what is going on is that ministers have to answer the questions and then send them over to Mr Baillieu's office's spin unit — —

The PRESIDENT — Order! Mr Barber has raised this issue in the context of a point of order, which I understand. Mr Barber will know from his encyclopaedic knowledge of standing orders that he is not allowed to debate a point of order. I would suggest that the material he was putting to me at the point at which I got to my feet just now was conjecture and involved debating the point of order. I ask Mr Barber to please come back to the specific point of order. I will then seek an explanation from the minister.

Mr Barber — As I was following the correct procedure under the standing orders at least one of those minister's offices told me that the answer concerned had gone to the Premier's office and therefore was out of their hands. That means the standing orders clauses do not work any more. I seek your assistance in enforcing those standing orders so that we can go ahead with the relevant business of the house properly and under the standing orders, as we are doing at the end of every question time now, and so that we can obtain answers under the methodology envisaged by the standing orders as opposed to having what is apparently some new procedure set up by the government.

Hon. D. M. Davis — On the point of order, President, the government and ministers do their very best to respond to answers and seek to convey answers to members of the house on all sides as quickly as they can. It is worthwhile putting on record that there has been an avalanche of questions on notice this year, many of them identical in most respects. The Legislative Council fact sheet published on the Parliament's website says that the most questions on notice in recent history was 2878, asked in 2005–06. Since the Parliament met on 21 December 2010, 3577 questions on notice have already been asked. In the last three sitting days — 16 to 18 August alone — 1151 questions were put on notice in the Legislative Council, predominantly by the opposition but in a few cases by Mr Barber and the Greens. I think it is important to note the scale of the avalanche of questions and the government's genuine attempts to respond to these — even if not always precisely in the time period Mr Barber or others would like. I note, as I said, that most of the questions that have been put on notice have been put by the opposition.

I make the point that members of the house are entitled to put — —

The PRESIDENT — Order! I remind Mr Davis we are not debating; we are on a point of order.

Hon. D. M. Davis — Thank you, President.

Mr Lenders — On the point of order, President, Mr Barber's point of order was quite explicit. It had nothing to do with volume but was in relation to a series of questions Mr Barber had asked. The answers had been dated earlier this year, but their delivery had been delayed by some weeks. Mr Barber was seeking some clarity as to why, for instance, if a minister had signed one such question in April, it had taken until August to get to Mr Barber. It was quite a specific procedural point of order and had nothing to do with volume. The point of order is quite specific to a range of Mr Barber's questions and not a general opportunity for the minister to have a debate on whether he thinks transparency is good or bad.

Hon. D. M. Davis — On the point of order, President, the scale and volume of the questions put on notice by the opposition is relevant. Ministers seek to comply as well as they can. There may be occasions when longer is taken than is ideal, but the scale is relevant.

Mr Barber — Further on the point of order, if I can be of assistance, President, I was raising a specific example involving ministers who, against the odds, have managed to find an answer, sign it and date it. It was not really a question of whether it was burdensome for them to do so; rather, it was about them having done that but the answer then disappearing for months, or in some cases weeks, between their desk, if you like, and it being provided in the house. That is the specific difficulty with which I am seeking your assistance.

The PRESIDENT — Order! I indicate that in my position as President I share Mr Barber's concern about what appear to be undue delays in the supply of answers to members when it is apparent that they have been signed off as answers some weeks before they come to this Parliament. I am mindful of the fact that all of the references under standing order 8.12 are to the obligations of ministers and, as I read this series of standing orders, to the ministers who have actually been asked the question. In other words there is no expectation or provision in the standing orders that some other party will intervene, audit, consider, redraft or seek to vary the response to members in any way. It is implicit in the standing orders under which we operate that a minister who has received a question will respond.

I am obviously not in a position to advise the government on how it should manage these things. In many respects the management processes clearly become areas for potential criticism if they are not managed efficiently and in accordance with the rules of either of the houses of Parliament and, therefore, with

the expectations of the members of those houses. However, in the context of the dates that Mr Barber gave and when those responses were delivered, it is difficult for me to imagine that those answers may not have been provided at an earlier date, given that ministers had been able to respond and had signed off on answers.

Mr Barber asked me if I can provide some assistance in making changes to this procedure. I am mindful of the fact that under governments of both sides of the house it has been somewhat difficult to achieve the intent of the clauses under standing order 8.12, in part because we rely to some extent on ministers in the other house to furnish answers and in part perhaps because of the resources available to ministers or other matters in terms of ministers being able to furnish a satisfactory response to members within what is a relatively short time frame — although many would argue that it is a reasonable time frame. At some point in time, when this standing order was drafted, clearly the members associated with that did see that 30 days was a reasonable period of time for an answer. I am obviously not in a position to demand answers from ministers or to direct them in the way they answer, as members would be aware. I think we as members of this house rely to a large extent on the goodwill of the government and ministers to comply with this standing order.

Mr Barber in his remarks made comments to the effect of questioning whether or not this standing order was actually working, given his experience of the way in which answers were furnished to him within a time frame that he considered to be outside what is provided for in the standing orders. Therefore what I would propose to do, certainly as an initial step, is to send this matter to the Procedure Committee for some further consideration in respect of the adequacy of this standing order and whether or not it meets the expectations of members, whether or not there is any way to achieve greater support from ministers for members' questions and whether or not there is that opportunity under the standing order at the moment.

Ms TIERNEY (Western Victoria) — I am still seeking answers to a number of questions. For Minister Dalla-Riva there are 5 questions: 627, 636, 637, 654 and 650. For Minister Davis there are 4 outstanding questions: 652, 630, 644 and 668. For Minister Guy there are 6 questions: 635, 634, 652, 656, 660, 682. For Minister Hall there are 2: 632 and 638. There are 53 outstanding questions for Minister Lovell: 663, 634, 646, 666 and 1092–1139. There are 2 for Minister Rich-Phillips: 628 and 642.

Mr TARLAMIS (South Eastern Metropolitan) — I am also seeking answers to 19 questions from Minister Lovell, which number from 856 to 874. These are still outstanding.

Ms BROAD (Northern Victoria) — I wish to raise for the Leader of the Government's attention questions on notice 615 and 617. I do not believe either of those were on the short list of responses today. These were asked on notice on 7 April and were due on 7 May. I have previously drawn them to the Leader of the Government's attention. I raised the issue of their lateness in this house on 1 June, 16 June and 18 August. On 16 June the Leader of the Government advised me that he had followed up those questions and had been informed that the responses were on their way. I am seeking from the Leader of the Government further information on when these responses, about which he was advised on 16 June, might make their way to this house and by that passage to me.

Ms PULFORD (Western Victoria) — I have some 51 outstanding questions on notice. I particularly seek an explanation in relation to a number that are well past their due date. Of the 51, there are a number that are only 32 days outstanding; however, there are a couple that I would particularly like to mention — although I seek answers to them all.

Question 619 for the Minister for Police and Emergency Services is now 89 days past due. Question 181 for the Minister for Environment and Climate Change is 130 days past due. Questions 217 and 222 for the Premier are 129 days past due. Question 622 for the Minister for Environment and Climate Change is 89 days past due, and for a number of those questions the responsible minister in this house is the Leader of the Government.

Question 156 for the Minister for Water, notice of which was given on 3 March, is 150 days past the deadline provided for in the standing orders. Of the 51, that is the one that holds the record for being the latest. There are a number of questions to the Minister for Finance. I will be seeking a response from Mr Rich-Phillips to questions 223, 227, 228, 229 and 230, which are 129 days past due. I also seek a response to the many others that are not quite so overdue but are still well past what I think is a reasonable period in which to provide an answer.

Hon. D. M. DAVIS (Minister for Health) — The lists of questions on notice to which answers are due has been raised with me by Ms Broad, Ms Tierney, Mr Tarlamis and Ms Pulford. I will follow those through, as I have done on a number of occasions.

I think it is important to reinforce the statistics that I have put on record before. The 2878 questions asked in 2005–06 were a record for this house. Since 21 December the new record is 3577 questions on notice, and these have already been asked. I make the point that the scale of the avalanche of questions is significant.

In terms of the period for which these answers have been outstanding, nothing compares to question 351 of the last Parliament, which has some sort of record attached to it. If you look at edition 43 of the unanswered questions on notice list at 31 October 2010, question 351 was well over 1200 days overdue, which is a massive length of time. Any finger pointing at this government pales into insignificance compared to the achievements of the previous government in its approach to not answering questions on notice — ever. In the circumstances of the avalanche that has descended on this government, we are doing our very best to respond.

I take up one further point made by Mr Barber earlier on. I know that occasionally questions are signed off earlier. I have done this myself; I have signed off a question and then asked for a final check to be done of statistics or facts. Sometimes there can be a delay due to that process.

Hon. M. P. Pakula interjected.

Hon. D. M. DAVIS — No, I check, and I will just ask somebody to — —

Hon. M. P. Pakula interjected.

Hon. D. M. DAVIS — No. I am just telling you that there have been occasions on which I have asked somebody to go back and do a second check before the answer is sent anywhere and before it is moved. On the matter of assurance, I have asked occasionally for a second check to make sure that the matters are entirely accurate when they come to the house. I also make the point very clearly to the chamber today that between 16 and 18 August there were 1151 questions put on notice in the Legislative Council — most by the opposition and a few by the Greens.

Mr Lenders interjected.

Hon. D. M. DAVIS — No. I make it very clear that the government is prepared to answer questions. Indeed it is keen to answer questions and prepared to be responsive, but it is important that the context be understood and it is important that the record of the previous government, with its massive three and four-year delays in answering questions, be counterpoised.

Mr VINEY (Eastern Victoria) — I move:

That the Council take note of the minister's explanation.

In doing so, we have heard a litany of excuses. That the dog ate my homework pales into insignificance in light of the performance of the Leader of the Government this afternoon. The Leader of the Government has demonstrated by his response and his explanations today that he has no respect whatsoever for the procedures of this Parliament.

The PRESIDENT — Order! Mr Viney is giving notice that the minister's comments be taken into account on the next day of meeting.

Mr VINEY — No. It is a forthwith motion.

The PRESIDENT — Order! Forthwith! All right.

Mr VINEY — President, as I was saying, what we have had from the Leader of the Government is a complete litany of excuses starting with previous governments being responsible for his government not answering the questions before it now. It is like the dog ate my homework. It is everybody else's fault. It is Dolly's fault. It is the carbon tax, Nicola Roxon, the previous health minister and the ambulance board. We get nothing but excuses from the Leader of the Government. When members of this house do what it is appropriate for members of this house to do, and that is to ask for an explanation as to why the answers to their questions have not been provided — and the Greens have quite rightly sought an explanation as to why on earth a minister would sign off a letter in April when it does not appear to the member who asked the question until some time around August–September — we hear a litany of excuses.

What has been exposed today is a government that just wants to offer up a litany of excuses, avoid scrutiny, avoid the processes of the Parliament and the disciplines required when one is in government. I say to the Leader of the Government, through you, President, that when you are in government you have a responsibility to fulfil the role, including answering questions properly directed to you through the processes of the Parliament, and to pay respect to the Parliament by providing answers in the due time. To be suggesting that an answer can be given to the Parliament, and to the member via the Parliament, some three to six months after the minister has signed it is a nonsense.

What was required today was an explanation from the Leader of the Government as to why some answers to questions are up to 120 days past the due date for answers.

Ms Pulford interjected.

Mr VINEY — Ms Pulford tells me it is 150 days. That is what was required today, and the Leader of the Government has failed to do it. He had the opportunity to come to this house and give an explanation and, if he had the courage, perhaps to say, 'I am sorry; we will lift our game'. This is about the integrity of this place, and it is about scrutiny. It comes from a man who, as Leader of the Opposition, thundered about scrutiny day after day and week after week in this place, and used every opportunity to accuse the previous government of all sorts of dastardly deeds day after day.

In my view he used the Parliament in a very partisan and political way by coming in here and suggesting that the failure of the government to answer questions properly directed to it is entirely the responsibility of the previous government or is the opposition's fault for asking too many questions. That is what he has proposed. It is either the last government's fault or the opposition's fault because it has asked too many questions of the ministers here. I am sorry, but when the government took the white cars of office, when it took the extra pay, when its parliamentary secretaries and chairs of committees double dipped — —

Hon. M. P. Pakula interjected.

Mr VINEY — Mr Pakula tells me they quadruple dipped! All that requires doing some work. It requires the government to be accountable to the Parliament. It requires stepping up and taking responsibility for your office, taking responsibility for what you swore to do and taking responsibility for what you committed to the Victorian people to do, and that was to raise the standards. We heard about that — raising the standards of this place.

Yet we have a government that is paying absolutely no respect whatsoever to the simple proposition that when a member asks a question, that member, through the Parliament, ought to be able to get the answer to that question within a reasonable time frame. What was required of the Leader of the Government today was to meet the commitments that he gave, to meet the standard that he set as Leader of the Opposition, to actually step up and accept responsibility for his position as the Leader of the Government in this place and to pay due respect to the processes of this Parliament. He has failed to do so.

Mr BARBER (Northern Metropolitan) — It may or may not be true that the opposition has put in thousands of questions relating to someone's lunch bill, but the tables have turned, because it is certainly true that the last Parliament saw a very thick notice paper of unanswered questions, with thousands and thousands of questions often looking very similar in relation to particular expenditure amounts in particular departments.

It may be a sore point for the Leader of the Government that the opposition is doing the same thing that the previous opposition used to do. That is not really my concern. My concern is with the questions that the Greens have lodged, and without being able to update the figures for the recent couple of weeks I have in front of me a copy of the questions that were unanswered and lodged as at 31 May. All these questions were asked prior to or during the week of 31 May. Regardless of the volume, value, veracity or anything else of the opposition's questions, I would like to put forward that my questions are important matters of public debate, in many cases matters that are moving along quite quickly, which the government may continue to legislate on and on which the Parliament itself needs to be quite well informed before it decides how to proceed.

Ms Pennicuik, for example, on 2 March asked the Minister for Employment and Industrial Relations, representing the Minister for Police and Emergency Services, whether a comprehensive review had been undertaken to ascertain the number of cells and interview rooms in Victorian police stations still operating without closed-circuit televisions, arising out of recommendations of various reports over the years, and the cost of the manufacture, rollout and design of the expected new police uniform.

I asked a question about police operations conducted at Broadmeadows station on the day of the Broadmeadows by-election. I remember it was that day because as I was coming home, rather sunburnt and a bit footsore, I noticed a major police operation at Broadmeadows station which was occurring under the Control of Weapons Act 1990. I asked the Minister for Police and Emergency Services about the amount of police resources that had been put into those operations, and I am yet to receive an answer as to whether that particular policing priority and the resources provided is bearing fruit.

Ms Pennicuik also asked questions in relation to duck hunting and dingo baiting. Ms Hartland, who may get up in a minute, asked about wheelchair access on trains,

which is an ongoing problem that we see every day when we use the public transport system.

I have also asked the Minister for Environment and Climate Change, through the Minister for Health, about permits issued to destroy native wildlife — not just kangaroos but other types of fauna — which in past years have been disclosed by the previous government. I am sure the former climate change minister would remember disclosing some of that information in about 2008, but nothing has been disclosed since. I am asking the government to tell us a bit more about that, because that is a matter of great interest at the moment. Some constituents have made representations to me on that matter, and on their behalf I have undertaken to find out more. Information about this matter has been disclosed in the past on the departmental website, and in my view it should be again. In any case I have had to ask a question on notice, as I did on 3 May, but to date I have still not received an answer.

Ms Pennicuik also asked the Minister for Corrections, through the Minister for Employment and Industrial Relations, whether prisoners in Victoria's prisons are participating in educational programs in order to reduce reoffending and what the rates of participation in those programs are. Ms Pennicuik has also raised a question on the new output measure of recidivism, which is listed in the budget, asking which programs will support that budget measure and what funding is allocated to it. These are questions we wanted answers to in advance of the budget being brought down, but we were not able to get them.

Ms Pennicuik has also asked questions in relation to the enforcement of correctional orders relating to sexual assaults against both male and female prisoners in Victorian prisons and about the FReeZACentral mentoring program, which relates to live music for young people. She asked the Minister for Youth Affairs, through the Minister for Housing, about funding for music equipment grants, and she asked the Minister for Education, through the minister for Higher Education and Skills — and we know they are good buddies and that they work in tandem harness every day, so I would be surprised if both ministers could not answer this question with equal ability — a question about matters in relation to special religious instruction, which I am sure both ministers are turning their minds to at the moment, as well as a series of questions about how many state government schools are running the program, how many hours are being provided by ACCESS ministries and so forth.

Without labouring the point and reading out every single one of our 30 or 40 questions that are still unanswered, having been asked as long ago as May, I would say that if the government's main complaint is that the opposition is asking too many questions that the government sees as annoying and trivial, it could run some sort of triage operation. I suggest that the small number of politically potent questions that the Greens are asking on issues that are very much matters of live public debate — not to mention questions that relate to legislation the government is bringing before the Parliament and which it is asking us to form a position on — be answered first. Maybe there could be a sort of tiger team put together to deal with questions on a first-in, first-out basis — or any sort of system whatsoever so that the government can put forward some more sensible answers when we raise with individual ministers and the Leader of the Government the matter of when we are likely to get answers.

Hon. M. J. GUY (Minister for Planning) — I do not think that we on the government side intend to go on with this debate for any length of time, given that there is a bit to go on with on the notice paper today. It is pretty clear from our side that the Australian Labor Party has just decided to discover hypocrisy of the highest order.

Mr Finn interjected.

Hon. M. J. GUY — You're quite right, Mr Finn; they did work it out years ago.

Here we are, looking at the previous Parliament's notice paper from 20 September 2007, which I had questions on that were never answered. There were questions from Mr Koch on 23 May 2007 as well, and there were even questions from Mr Barber, who has decided to raise this as an issue against the coalition government, from 5 May 2010. Now we have the opposition raising the issue of unanswered questions.

The government acknowledges that a large number of questions have been put on the notice paper, and we will answer all of those in full. What I can guarantee is that we will have a better record than the complete mess left by the Labor Party in the previous Parliament, because there it is — about 176 pages of questions left unanswered when the Parliament rose. For the Australian Labor Party to get up and move a take-note motion in relation to the response of the Leader of the Government after just nine months in office, when after four years in the previous Parliament we had hundreds of unanswered questions going back more than three years, it simply comes across as what it is: a hypocritical cry for relevance from a couple of opposition members who are either trying to get some speaking time up in the Parliament and trying to assert

themselves because they have been forgotten in the opposition's leadership debate or simply have not realised that they are hypocrites of the highest order.

Ms BROAD (Northern Victoria) — The explanation I sought from the Leader of the Government earlier today concerns questions on notice which I placed on the notice paper in April regarding flood damage to areas of my electorate of Northern Victoria Region. These are matters of significant concern to local communities. Answers to those questions on notice were due in May. The Leader of the Government had previously advised me, when I raised them on a number of occasions in this place, that answers to those questions on notice were on their way.

When an explanation is sought by a member like myself in these circumstances, it is perfectly in order and perfectly open to the Leader of the Government to stand up and say, as I have certainly said when I have been on the other side of the house on previous occasions, that he will do his best to seek responses from the responsible minister at the earliest opportunity, and leave it at that. However, when a member is simply seeking an explanation as to when they might expect an answer to a question on notice on a matter that is of significant concern and importance to the communities they represent, it is not in order for the Leader of the Government to take the opportunity provided by the member to sledge the opposition for having the temerity to ask for an answer that is months overdue. That is the reason I am taking the opportunity to speak on this take-note motion now.

The Leader of the Government needs to understand that there is a difference between simply indicating to members who are seeking an explanation that he will do his level best to get an answer from a minister in another house — we understand that he cannot actually demand that they answer questions in a timely way and that all he can do is use his considerable — —

Mr Leane — Charm.

Ms BROAD — Thank you. All he can do is use his considerable charm, his office and his resources to exhort his colleagues to do the right thing and to provide questions to answers on notice. That is all that we ask and all that is expected, and that would be perfectly reasonable in all of the circumstances. What is not acceptable — and what I, as a member, will continue to take exception to — is the Leader of the Government in these circumstances sledging the opposition for having the temerity to raise the matter.

Ms HARTLAND (Western Metropolitan) — I rise to speak to this as well, because I do not think the Greens are being hypocritical and because the government is the government. I do not really care what happened in the previous Parliament. I do not care what happened — —

Mr P. Davis — Double standards!

Ms HARTLAND — Excuse me? One of the things the government, when in opposition, complained about bitterly was the fact that questions were not answered — that the former government was not transparent — yet somehow it seems that it is now acceptable for the current government to behave in exactly the same way. I find that quite interesting.

I have a number of questions on notice regarding things such as wheelchair access on Metro trains and a whole series of questions on regional rail that were put on the notice paper on 24 May. That project has come and gone and I have not been able to supply the information required to the community. If the government thinks it is acceptable to behave in this way, I do not quite understand that. Government members complained all the time when they were in opposition. They are in government now; they have a responsibility to answer these questions. The Greens do not put an excessive number of questions on the notice paper; we put a reasonable number of questions on the notice paper that should be answered, and I do not understand why it is that they cannot be answered. All my questions that have not been answered are now for the Minister for Public Transport, Mr Mulder. Presumably the minister is having difficulties with his ministry and cannot actually supply the information required to the community.

Motion agreed to.

PETITIONS

Following petitions presented to house:

Children: Take a Break program

To the Legislative Council of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council that funding for the Take a Break occasional child-care program, which is provided at more than 220 neighbourhood houses and community centres across Victoria, will cease after 31 December 2011.

The Take a Break occasional child-care program allows parents and guardians to participate in activities including employment, study, recreational classes and voluntary

community activities while their children socialise and interact with other children in an early learning environment.

Full funding for the program was provided by the previous state Labor government but will not be continued by the Baillieu government beyond December 2011.

The cut to funding will mean that families across Victoria will be unable to access affordable, community-based occasional child care to undertake tasks that benefit the family and allow them to take a break.

The petitioners therefore request that the Baillieu government reinstate funding for the Take a Break occasional child-care program.

By Mr TARLAMIS (South Eastern Metropolitan) (22 signatures).

Laid on table.

Rail: Laburnum service

To the Legislative Council of Victoria:

The petition of certain citizens of the state of Victoria draws the attention of the Legislative Council to implications of the new train timetable on the Belgrave and Lilydale lines that has dramatically reduced the services at Laburnum station with fewer services to the city from 7.30–9.00 a.m. as more trains run express through the station. This is causing inconvenience to commuters.

The petitioners therefore request the reintroduction of express services that stop at Laburnum station.

By Mr LEANE (Eastern Metropolitan) (48 signatures).

Laid on table.

Ouyen P–12 College: funding

To the Legislative Council of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council the concerns of the Ouyen and district community regarding the failure of the state government to fund the final stage of building to enable Ouyen P–12 college to operate on one site.

In 2007 the Ouyen community was promised new buildings if they agreed to the merger of the primary and secondary schools. The new school was to be built in one stage; however, the funding made available to date has seen only half of the project proceed.

In 2010 the community was encouraged to sign over its entitlement to BER funding (which would have meant new primary school buildings) but because the new school was to be funded as part of the state government Building Futures program this did not eventuate.

The petitioners therefore request that the Legislative Council support the allocation of funds in the 2012–13 state budget for the completion of Ouyen P–12 college.

By Ms BROAD (Northern Victoria) (10 signatures).

Laid on table.

Buses: Kinglake service

To the Legislative Council of Victoria:

The petition of certain citizens of the state of Victoria calls on the Baillieu government to reinstate the important Whittlesea–Kinglake shuttle bus, which was removed without warning and consultation with commuters.

In particular, we note:

1. the shuttle bus was originally funded to enable bushfire survivors in the Kinglake area to access services in Whittlesea, Greensborough and beyond;

2. the only bus service remaining for Kinglake residents to Whittlesea is the single 562 service at 7.05 a.m. with a return at 4.47 p.m., meaning that it is almost of no use to people who need to commute for work or study purposes;

3. the cancellation is causing great distress to local residents, who use this bus service to access employment, shopping, health and educational services; and

4. the cancellation of this service shows a callous disregard for bushfire survivors, many of whom are still doing it tough financially, including some who are still yet to complete the rebuilding of their homes.

The petitioners therefore request that the Legislative Council of Victoria urges the Baillieu government to work with the Kinglake community to reinstate this important service.

By Ms BROAD (Northern Victoria) (173 signatures).

Laid on table.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 9

Mr O'DONOHUE (Eastern Victoria) presented *Alert Digest* No. 9 of 2011, including appendices.

Laid on table.

Ordered to be printed.

PRODUCTION OF DOCUMENTS

The Acting Clerk — I have received a letter from the Attorney-General, Robert Clark, MP, headed 'Production of documents'.

Letter at page 98

Ordered to be considered next day for Ms PENNICUIK (Southern Metropolitan) on motion of Mr Barber.

PAPERS

Laid on table by Acting Clerk:

Auditor-General's Office — Report, 2010–11.

Education and Training Reform Act 2006 — Notice of the decision of the Victorian Registration and Qualifications Authority to approve the Melbourne College of Divinity to operate as a university.

Linking Melbourne Authority — Report, 2010–11.

Ombudsman — Report on Prisoner Access to Health Care, August 2011.

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

Campaspe Planning Scheme — Amendment C77.

Casey Planning Scheme — Amendment C125.

Frankston Planning Scheme — Amendment C80.

Greater Shepparton Planning Scheme — Amendment C138.

Hobsons Bay Planning Scheme — Amendment C67.

Melbourne Planning Scheme — Amendment C163.

Moira Planning Scheme — Amendments C57 and C58.

Mornington Peninsula Planning Scheme — Amendments C74 Part 2 and C157.

Moyne Planning Scheme — Amendment C25.

Nillumbik Planning Scheme — Amendment C65.

Port Phillip Planning Scheme — Amendment C105.

Southern Grampians Planning Scheme — Amendment C20.

Whittlesea Planning Scheme — Amendment C99.

Rolling Stock (VL-1) Pty Ltd — Minister's report of receipt of 2010–11 report.

Rolling Stock (VL-2) Pty Ltd — Minister's report of receipt of 2010–11 report.

Rolling Stock (VL-3) Pty Ltd — Minister's report of receipt of 2010–11 report.

Rolling Stock Holdings (Victoria) Pty Ltd — Report, 2010–11.

Rolling Stock Holdings (Victoria-VL) Pty Ltd — Report, 2010–11.

Statutory Rules under the following Acts of Parliament:

County Court Act 1958 — Nos. 81 and 82.

Estate Agents Act 1980 — No. 84.

Residential Tenancies Act 1997— No. 83.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule Nos. 69, 77, 78, 83 and 84.

Keno Technical Standard made under the Gambling Regulation Act 2003 and related documents under section 16B.

Victorian Rail Track — Report, 2010–11.

Victorian Regional Channels Authority — Report, 2010–11.

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

Consumer Affairs Legislation Amendment (Reform) Act 2010 — remaining provisions Part 5 — 17 August 2011 (Gazette No. S265, 16 August 2011).

Family Violence Protection Amendment (Safety Notices) Act 2011 — 5 September 2011 (Gazette No. S271, 23 August 2011).

Multicultural Victoria Act 2011 — 1 September 2011 (Gazette No. S271, 23 August 2011).

Personal Safety Intervention Orders Act 2010 — remaining provisions — 5 September 2011 (Gazette No. S271, 23 August 2011).

Residential Tenancies Amendment Act 2010 — except section 76 and Part 6 — 1 September 2011 (Gazette No. S265, 16 August 2011).

BUSINESS OF THE HOUSE

General business

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

That precedence be given to the following general business on Wednesday, 31 August 2011:

1. notice of motion 152, standing in the name of Mr Viney, relating to the referral of a matter to the Privileges Committee;

2. notice of motion 145, standing in the name of Mr Barber, relating to the production of documents relating to the myki ticketing system;

3. notice of motion 140, standing in the name of Mr Tee, relating to the Melbourne green wedges;

4. notice of motion 143, standing in the name of Ms Hartland, relating to the end-of-life medical treatment and patient choices in aid in dying;

5. notice of motion 131, standing in the name of Mr Pakula, relating to government accountability;

6. notice of motion 151 standing in the name of Mr Barber relating to the production of documents relating to the impacts of carbon pricing on employment in Victoria; and

7. order of the day 15 relating to Australian Grand Prix Corporation documents.

Motion agreed to.

MEMBERS STATEMENTS

Zonta International

Ms PULFORD (Western Victoria) — Zonta International is a global organisation that seeks to advance the status of women worldwide through service and advocacy. Zonta is actually a Sioux word meaning 'honest and trustworthy'.

At the annual Zonta Young Women in Public Affairs Award ceremony in Ballarat last week I met 10 exceptional young women: Alice Bongers, Shani Cain, Bethany Davey, Ellan Hyde, Olivia Johnstone, Amy Leviston, Delaney Martin, Georgia McCormick, Arunditi Sharma and Nicole Thomas. These young women, who are Victorian certificate of education students from schools across Ballarat, were all nominees for the award. I would like to congratulate all of them on their nomination, particularly Ballarat South Community Learning Precinct College captain Shani Cain, who received the Zonta Club of Ballarat Young Women in Public Affairs Award.

I would like to thank president Stella Coffey, secretary Rachel Nuttall and the committee for hosting such a wonderful evening. While listening to the achievements of these young women, all present were struck by the potential of the nominees as future leaders and their considerable achievements at such a young age. These are names to remember. These women will surely make a positive contribution to the world over the coming years.

I was particularly struck by the emphasis on education at the event. Whilst speaking with some of these young women, I noticed how most credited a supporting teacher with helping them to achieve their goals. While we cannot put a price on the positive influence of a good teacher, we can certainly support teachers, remunerate them well and celebrate excellence in teaching in order to retain teachers and to attract inspirational leaders to the teaching profession.

Joan Reid

Mrs PEULICH (South Eastern Metropolitan) — It is with great sympathy that I rise today to pay tribute to Joan Reid, who passed away peacefully on 24 August 2011, aged 92. Joan was a respected member of the Cranbourne community and wife to Len Reid, a former state member for Dandenong between 1958 and 1969 and the federal member for Holt from 1969 to 1972. He passed away in April 2003. Joan was an icon of the Cranbourne branch of the Liberal Party and the Liberal Party broadly, providing advice, support and guidance for many Liberal Party members in the region. She was a tireless worker and organiser and a person of influence who used her immense skills and networks not to bring benefit to herself but because the values and philosophy of the Liberal Party she held so high were central to her involvement in the Cranbourne community.

Amongst her many titles Joan was an esteemed foundation member of the Cranbourne Ambulance Auxiliary and provided continual dedicated service and support. Joan Reid was also the foundation chair and a life member of the board of Casey Grammar School. The Cranbourne community can thank Joan Reid for her vision of this school in the city of Casey and for her work in bringing it to fruition. A member of the Cranbourne swimming pool committee that made the dream of an indoor pool a reality in Cranbourne in 1979, Joan was sad to see the Sladen Street complex close but welcomed the new Casey Recreation and Aquatic Centre in Cranbourne East. Joan and her husband Len were instrumental in the establishment of the Society for Those Who Have Less in 1962, providing one-to-one support to help the poor. Joan continued her community service work, assisting with the Red Cross appeal.

Joan will certainly be missed, not only by the Liberal Party but by the extended Cranbourne community. Our sympathies to son, Roger; daughter, Virginia; son-in-law, Alan; and the extended family. Following her funeral today, which sadly I was not able to attend but sent a staff member, Joan is now at rest.

Egypt: national day celebrations

Mr ELASMAR (Northern Metropolitan) — On 4 August I attended a reception in Queen's Hall to celebrate Egypt's national day. I was very honoured to represent the Leader of the Opposition, Daniel Andrews. Nicholas Kotsiras, the Minister for Multicultural Affairs and Citizenship, officiated at the ceremony. I was delighted to wish His Excellency Mohamed Khairat, Consul General of the Arab Republic of Egypt, and members of the Australian-Egyptian community salutations on their celebrations of the national day of Egypt.

City of Moreland: arts and culture strategy

Mr ELASMAR — On another matter, on 9 August I attended the launch of Moreland council's arts and culture strategy for 2011–16. This strategy is most impressive and seeks to foster and promote cultural diversity by providing the means for artists from all sectors to develop and display their talents. I say well done to the Moreland council for bringing this important initiative to the people of Moreland.

Ramadan: Iftar dinners

Mr ELASMAR — On another matter, on Saturday 6 August I was invited to attend the Melrose reception centre in Tullamarine to celebrate a Harmony Iftar. In attendance were many state and federal parliamentary colleagues, together with His Excellency the Consul General of Turkey and members of the Australian-Turkish Islamic organisations. I would like to take this opportunity, Acting President, to wish you and our Islamic brothers and sisters all around the world a very happy Ramadan.

Autism: program funding

Ms HARTLAND (Western Metropolitan) — I have received many emails in the last few days in regard to funding cuts to the IDEA (innovative developments in the education of children with autism) program by this government. I have a letter from parent Nadu Dove, and I would like to read an edited extract from it:

> Imagine your child, or yourself when you were a child if you aren't blessed to be a parent.
>
> Now imagine you were told this child is gifted and special and unique; not hard to believe.
>
> Okay now the catch — the many talents and the brilliance can only be accessed with appropriate support and without this support these gifts and talents will be lost and misunderstood.
>
> This is okay when the right support is around: tireless (superhero) parents and dedicated, skilled staff — the combination of which we find at the IDEA program in a little government school in Fawkner delivering world's best practice for inclusive education for children on the autism spectrum.
>
> Now what is not okay is this program will be stopped at the end of this academic year and our kids have no suitable alternatives.
>
> Is this okay?
>
> Please listen, there are more and more children being diagnosed with some form of autism every day and many are being failed by an education system which refuses to adapt.
>
> In fact the IDEA program costs less per child than if we have to send our kids to special schools.
>
> We will be on the steps of Parliament on Thursday, please join us …

I urge the minister to join these parents at this rally and to talk to them about why the IDEA program is so important to them and why it should not be cut.

Kokoda Trail: Isurava battle memorial service

Mr KOCH (Western Victoria) — Last Sunday morning I had the pleasure of attending the Geelong and district National Servicemen's Association of Australia fourth annual memorial service. The service was held on the front lawn of Osborne House, North Geelong, and commemorated the 69th anniversary of the battles of Isurava and Kokoda. This event is the initiative of Neville Lewis, chairman of the Kokoda memorial project and immediate past president of the Geelong branch of the National Servicemen's Association of Australia. Neville is also a past mayor of the former shire of Corio.

Neville welcomed those present, including diggers from the various campaigns of the Battle for Australia and the many widows of those who fought in Papua New Guinea. A plaque recording the 39th battalion's battle near the village of Isurava in August 1942 was unveiled by George Cops of Ocean Grove. I had the good fortune of sitting beside Mr Cops who, now in his 90th year, is as energetic as someone many years his junior. Mr Cops, aged just 19 years, left from Sydney on Boxing Day 1941 aboard the four-funnel *Aquitania*, one of the largest troop carriers of the day. Shortly afterwards he was involved in the Battle of Isurava, and on the second day of his six months on the Kokoda Track he celebrated his 20th birthday on 27 July 1942. Of the 1450 soldiers in the campaign there were 403 casualties, of whom 153 paid the supreme sacrifice. Mr Cops is one of 70 surviving members of the 39th battalion, and it was a delight to meet him on such an important occasion.

Legacy Week

Mr TARLAMIS (South Eastern Metropolitan) — Legacy Week, which commenced on Sunday and runs through until Saturday 3 September, is the annual national appeal to raise awareness and funds for the families of our deceased veterans, and has been run by Legacy Australia since 1942. Legacy was established by a group of ex-servicemen in 1923 after a World War I digger made a promise to a dying mate that he would 'look after the missus and the kids'.

The funds raised from this year's Legacy Week appeal will help Legacy Australia continue its vital role in assisting over 100 000 widows and 1900 children and people with disabilities Australia wide. Without public help it would not be possible for Legacy to provide the services it does, which include but are not limited to counselling, special housing, medical assistance, advocacy and social support. With thousands of Australian Defence Force personnel currently deployed overseas, Legacy Australia is available to assist their families should the worst happen. I urge everyone to help keep the promise by supporting the important work of Legacy.

Silverton Primary School: science award

Mr TARLAMIS — I congratulate Silverton Primary School on winning a $10 000 regional Victorian science and mathematics education excellence award for its campaign against deforestation of palm oil plantations. This award recognises innovative partnerships between government schools and industry that support science and mathematics education. Silverton Primary School, in partnership with Microsoft Australia, won the southern metropolitan region award.

The Silverton Primary School environmental science project was undertaken by students in grades 3, 4, 5 and 6 and included students corresponding with pupils in other countries, teaching workshops, making films and writing letters to politicians. Their project was so successful that, as a result of lobbying by students in grades 3 and 4, the canteen has taken products containing environmentally unfriendly palm oil off the menu.

Ray Carroll

Mr DRUM (Northern Victoria) — On Sunday, 28 August, I had the privilege of joining thousands of current and former students of Assumption College, Kilmore, to honour the 53-year contribution of Ray Carroll to ACK as a teacher, sports coordinator and coach of both the 1st XI cricket team and the 1st XVIII football team.

At the conclusion of his last game as coach of the 1st XVIII against Sacred Heart College from Adelaide, a crowd of well-wishers gathered to thank Ray Carroll for his incredible service. I was able to pass on a gift to Mr Carroll from the Prime Minister of Australia, Julia Gillard, along with her best wishes. I was also able to read out a heartfelt letter of acknowledgement from the Premier of Victoria, the Honourable Ted Baillieu. The framed letter from the Premier not only highlighted Mr Ray Carroll's achievements but also acknowledged the contribution that former students from ACK are now making in the state of Victoria and indeed throughout Australia. It was also pointed out how important Ray Carroll's influence has been on the overall development of the students. The Premier's contribution was warmly received.

As a former student and as a member of the Victorian government, I also had the pleasure of announcing that in conjunction with Mitchell Shire Council and Assumption College, Kilmore, the state government will contribute to the building of a statue bust in the likeness of Mr Ray Carroll, which will be located in a prominent position within the surrounds of Carroll oval, the school's main oval. We are hopeful that this bust will perpetuate the magnificent contribution of this great Victorian and ensure that his achievements are on show so that present and future generations can acknowledge this man as the great Victorian he is.

Victorian certificate of applied learning: funding

Ms BROAD (Northern Victoria) — On 18 August, schools learnt that the Baillieu-Ryan government is cutting $12 million per year from the budget for coordination of the Victorian certificate of applied learning (VCAL) program. Since that announcement schools in my electorate of Northern Victoria Region have been expressing their concern that this cut will result in fewer options and pathways for students, with fewer students completing school and fewer civic and business community links leading to local jobs for students in hospitality, agriculture, horticulture, building and construction, and engineering, to name but a few.

School communities in Mildura, Wallan, Broadford and Seymour have expressed their view that this funding cut is a short-sighted political decision that flies in the face of common sense and undermines a program that attracts students because it links them to training and jobs. In rural and regional Victoria this cut is

particularly unfair and unjust because students already face greater hurdles to completing school, finding jobs and accessing further education and training opportunities.

On behalf of the school communities in Northern Victoria Region, I call on the Baillieu-Ryan government to do the right thing and reinstate funding for the VCAL program so that students are provided with the important hands-on training they need to get into the workforce and to undertake further education and training.

Ramadan Iftar dinners

Mr EIDEH (Western Metropolitan) — Each and every member in this house has been privileged to be invited to Iftar dinners during the Islamic holy month of Ramadan. In the spirit of peace and friendship and to promote harmony and greater understanding between one and all, an Iftar dinner organised by people of goodwill took place at Monash University on 23 August. It was a fantastic evening, and I thank the university for paying its respects to the Islamic faith.

The event symbolised a coming together of people of all backgrounds and religions. This was particularly true when a former Governor-General of Australia, Anglican Archbishop Peter Hollingworth, like many others who attended, paid his respects to the tradition, and I thank him for that. I extend my thanks to our host for the evening, vice-chancellor Professor Ed Byrne, and Professor Greg Barton, who moderated a panel on empowering women of faith. I acknowledge the member for Caulfield in the other place, Mr David Southwick, for attending the evening and Dr Nizar Farjou, from the office of the deputy vice-chancellor.

Interfaith dialogue is critical to living in a state where we understand how significant social inclusion is to our constituents. That is something that not only we on this side of the house believe in passionately but I believe we also share with all other members. The Iftar dinner was an experience in the direction of a better integrated Victoria. It is also pleasing that Monash University has a Centre for Islam and the Modern World, a place where students from any culture or religion can learn more about the peace and harmony that is the Islamic faith.

I would like to send my best wishes to the Australian Muslim community for the festival of purification after completing the fasting month; Eid-ul-Fitr signifies the end of the holy month of Ramadan.

ENVIRONMENT PROTECTION AMENDMENT (BEVERAGE CONTAINER DEPOSIT AND RECOVERY SCHEME) BILL 2011

Referral to committee

Hon. D. M. DAVIS (Minister for Health) — I move:

> That the Environment Protection Amendment (Beverage Container Deposit and Recovery Scheme) Bill 2011 be referred to the Environment and Planning Legislation Committee for inquiry, consideration and report within six months of the passing of this resolution, and, in particular, the committee is to give consideration to proposals for nationally consistent or uniform approaches to waste recycling and disposal and the potential impact passage of the bill in its current form may have on such options and make recommendations on Victoria's engagement in national recycling initiatives and to include in the report an examination of environmental benefits and to further examine any cost of living impacts.

This is a motion that seeks to enable the Environment and Planning Legislation Committee to look at this important bill on container deposit legislation (CDL). The chamber dealt with this issue in the last Parliament through a bill presented by Ms Hartland at the time and re-presented by Ms Hartland on this occasion. The ground has moved forward somewhat. There are certainly some significant discussions at a national level about CDL schemes.

The government is prepared to look at this again to determine what is the best scheme and the best set of arrangements that can be put in place for Victoria. The option of a stand-alone scheme in Victoria is one; the option of a national approach is another. The issue of product stewardship in the broadest context is important also. We will certainly support greater efforts in that regard. I am very happy to say that Ms Hartland's bill can be considered fully through this process of the legislation committee, ably chaired by Mrs Peulich. Ms Hartland has made a number of points to me, which I am quite happy to refer to in this brief contribution. I note also that Mrs Peulich will move a short amendment to the motion, which I think has the support of Ms Hartland, and I am not sure that it would in any way gain any disfavour with opposition members. We would welcome their support for this matter.

It seems to me that the legislation committee is well placed to look at the viability of stand-alone Victorian schemes; the context of a national approach and how that might be implemented; the financial impact, if any, on Victoria of setting up container deposit schemes in advance of a national scheme; the impact of a recycling

industry on employment in Victoria; the passage of the bill or alternate bills; and the potential for the national scheme to be seen in the context of broader product stewardship approaches.

Certainly the CDL approach is very popular with the community. If the right scheme is in place, it has the capacity to provide support for community organisations. It is an approach that the Liberal Party supported strongly in 2006, and we were prepared to look at national approaches in the lead-up to the 2010 election. This approach is consistent with both the points put earlier, and it takes into account movements that are occurring at a national level. I understand that environment ministers are discussing these matters. I know the former environment minister has strong views on CDL; indeed I think he was a strong advocate against CDL. I am not trying to be inflammatory at this point. There is just a range of views, and this is an opportunity for the committee to look at the benefits and so forth of this.

I imagine that the committee will conduct public hearings and take submissions. I imagine that environment groups would have strong views on these matters, knowing that groups such as the Boomerang Alliance and others have a well-developed understanding of how CDL can fit within product stewardship or enhanced producer responsibility regimes that might operate nationally. I imagine also that there will be public hearings that will enable industry to have its say. I think it is important that whatever approach the committee comes back with, ultimately it looks at the financial impacts on the state and the cost-of-living impacts.

I do not want to say much more other than that the proposal is a sensible step. It will enable the legislation committee to look at this bill fully in the broadest context.

Mr JENNINGS (South Eastern Metropolitan) — On behalf of the opposition, I indicate that we are prepared to support this motion, primarily as a matter of principle. We support it because we consider it appropriate for legislation to be referred to the relevant committees for further scrutiny. On a number of occasions in the past nine months, during the term of this government, opposition members have proposed that. Indeed the Greens have proposed this course of action on a number of pieces of legislation. The disappointing thing from the perspective of members on the opposition benches and the Greens is that on the occasions when we on this side of the house have tried to move legislation off for it to have the proposed degree of scrutiny, that has been rejected by the government.

Mr Lenders — Every time.

Mr JENNINGS — 'Every time' is the interjection of my leader. On 26 May the Labor Party moved to have the Family Violence Protection Amendment (Safety Notices) Bill 2011 referred, on 2 June we moved to have the Public Holidays Amendment Bill 2011 referred, on 24 March the Greens moved to have the police regulation legislation considered, on 3 May it was moved that the justice legislation bill be referred and on 5 May it was moved that the Country Fire Authority amendment bill be referred. On at least five occasions when members on this side of the house have tried to employ the device that the government is using today, the government has chosen to reject that.

We would be very disappointed if the government saw merit in using this process for only its own legislation and purposes. I think members of the chamber would be very disappointed if this continued to be the approach of the government. If government members consider this to be a precedent for referring pieces of legislation for further scrutiny, that will be a good thing — but we will not be holding our breath, so to speak, for that principle to be followed by the government. In fact I think it is pretty self-serving and self-interested in its application of principle and procedures in the chamber.

Having dealt with the matter of principle and the reason why opposition members will support the motion and are happy about the bill being further considered, I will discuss the relative merits of the policy and the legislation. When push comes to shove, the only people who are clear about this legislation, the motion and the foreshadowed amendment to it are members of the Labor Party. I say that because I think there is a bit of duplicity, if not an absolutely forked-tongue presentation, on the part of the government on this matter. Members should have no doubt about that. Government members are trying to give the impression that they are supportive of the merits of this legislation, but in fact the referral of it to the committee is in order to comprehensively kill off the bill in the name of national consistency.

Members should have no doubt that this is completely duplicitous — that is, the container deposit legislation (CDL) is in fact coalition duplicity legislation. There is absolutely no intention on the part of the government to introduce the proposed legislation or a national scheme. Opposition members are calling it today. If I ever have

to apologise to the chamber and to the community when this government introduces this legislation, then I will be the first to rise to my feet and say, 'I'm sorry that I falsely accused the government of setting this process in train just to kill the proposal'. I do not think I will be called upon to come back and confront that.

On the other hand, until today I would have thought, on bona fides, that Ms Hartland, even though she and I have been protagonists in this debate, has been pretty consistent in her approach.

Mrs Peulich — She has been the protagonist, and you have been the antagonist.

Mr JENNINGS — No. The amendment to the government motion that Ms Hartland has circulated indicates to me that she has had a conversion, because the effect of the amendment she intends to move in the debate today, if the criteria of what she will be seeking in terms of the scrutiny of the legislation committee are satisfied — —

Ms Hartland interjected.

Mr JENNINGS — Ms Hartland is not moving it?

Mrs Peulich — I am moving it.

Mr JENNINGS — Mrs Peulich is moving it. This assists with getting to the heart of the matter. Ms Hartland is probably aware that the net effect of the amendment that has been circulated in her name but that she now will not move would have been to kill off the proposal. Members should have no doubt that the scrutiny that would be applied through the cumulative effective of the analysis would be to ask: would this scheme fail, because it would be costly, onerous and not consistent with a national framework, and would it have an adverse impact on recycling rates and employment opportunities? The net effect of the analysis that is being sought by this motion would kill off the proposal. It would demonstrate that the cost structures that underpin a container deposit legislation (CDL) proposal vastly inflate the cost of recycling initiatives, and the proposal would be killed off.

At one level I am pleased that Ms Hartland has not fallen into that trap. She is not going to move an amendment that adds the financial costs, the regulatory burden issue and the industry investment strategies to the analysis. All those amendments are now going to be moved by the government, and this reinforces my point. The government is now going to try to kill this proposal through two routes. One is the fact that the national scheme is onerous, overly costly and inefficient, and it would not be supported by other jurisdictions across the country. If that political process fails to kill off this legislation, then you can kill it off by having a detailed assessment on how dysfunctional and costly a stand-alone state scheme may be.

There is no doubt that the government has taken a belts and braces approach to this referral motion today. Its intention of referring it to a committee is to kill it by a thousand cuts. It will give the community the impression that it considered the matter and that it has done all the required analysis. The government says it would like to introduce the scheme. It thinks it would be good for scouts and other community organisations. It is going to give a chop out to the scouts; it is going to be fantastic for local community neighbourhood collections, with threepence halfpenny going back to all those community organisations. It thinks that will be great, but then it says it has worked out that it will be about 50 times the cost of the current recycling regime. It is very sorry, but it is too costly and too inefficient to run a state-based scheme that runs against the national framework. It acquits itself as a cynical duplicitous government, but nonetheless it wriggles out of the commitment that it pretends it made to the Victorian people.

The government gets everything. Ms Hartland — thanks to the fact that Mrs Peulich is now going to move those amendments — can maintain her street cred because she has been consistently supportive of better recycling and better industry development for recycling. Ms Hartland and I have been protagonists because we do not necessarily have the same faith in the cost structures and the effectiveness and the efficiency of a CDL scheme. When CDL has been considered by the national environment ministers they have discovered that the cost structures can be as much as 50 times higher than the current costs of kerbside recycling proposals. That is quite an extraordinary cost, which the basically weak-kneed environment ministers have not been prepared to acknowledge. That is basically what it boils down to. In fact common sense dictates that this is a desirable approach.

People get very nostalgic about CDL. They think the community is going to support it. They think it is going to have an effect, and they just jump on the bandwagon. Once they are on the bandwagon it is very hard to get off, and this government is going to get off through the vehicle of this committee. It is going to kill this proposal absolutely stone dead by applying the analysis that is set out in the motion.

Mr Barber interjected.

Mr JENNINGS — Mr Barber is encouraging me to respond even though he is not quite in his seat; he is only 180 degrees out. Nonetheless, he says scrutiny is helpful. I agree that scrutiny can be helpful for a whole variety of reasons. In fact I believe the scrutiny will support the position on this occasion. If this scrutiny is applied properly, as I believe is the intention of the amendments that are going to be put about the effectiveness and the efficiency of this scheme and whether it is going to apply as a national scheme or a state-based scheme, how can those elements of jurisdictional alignment be harmonised? They are going to fail the test. A complete whiz will need to work for that committee for it to be able to get through the eye of the needle. It is not going to be able to satisfy the rigour of the reference and come up trumps. It is going to be bumped off.

An honourable member interjected.

Mr JENNINGS — If the committee does its job, the proposal will not survive. That is my assertion, and in fact I think that is the government's profound hope. It may not be Ms Hartland's hope, but I think it is the government's hope.

Mrs Petrovich interjected.

Mr JENNINGS — I do not have to have a hope about it. It is the government's responsibility to enact these things. It is not a matter of whether or not I have a hope; that is not relevant. It is the government's hope that it can go through this facade of a reference. It will be a complete joke, and in fact it will end up knifing the proposal. That is my best guess, and if I have to come back and say that my best guess was not on the money, then I shall do so. I will recognise that the process has been used for another purpose. However, I do not think I am likely to be coming back under that scenario. What we will discover is that this is a sleight of hand by the government, which has paid lip-service to and pretended that it is interested in this scheme. But when push comes to shove, it will kill it in the committee.

Let us see whether that is the outcome. The opposition will not oppose this reference as a matter of principle, because we are happy for the scrutiny to be brought to bear on this legislation. We are happy for this scrutiny and this discipline to be applied to other pieces of legislation.

We hope the government will be prepared to do what it has not been prepared to do up until now — that is, to accept and support the opposition and the Greens wanting to send pieces of legislation off for the scrutiny of a committee, as a matter of principle. We hope that in the remainder of its term the government will find the principle it has been unable to find in the last nine months and support — —

An honourable member interjected.

Mr JENNINGS — Have no doubt about that; in fact that is going to be the spirit of this week. There is going to be another discussion tomorrow on another motion. Ms Hartland is actually on message this week: she is interested in legislation dying with dignity! I think that is going to happen today, and I think it is going to happen tomorrow. Regardless of the outcome, if we can maintain some dignity, good on us. That is the theme, though, and I think this week Ms Hartland is lined up to be associated with a couple of pieces of legislation where her intent will not survive the political process. If I am wrong, then whether or not I am happy about it will be 50-50, but I would anticipate that two out of two this week will be a bad result for Ms Hartland. Nonetheless, we are happy to support this motion as it stands and given what I anticipate will be the additional scrutiny that Mrs Peulich wants to bring to the motion in her foreshadowed amendment.

Mrs PEULICH (South Eastern Metropolitan) — I would like to speak about the motion and at the same time move my amendment. I move:

> That all the words after 'benefits' be omitted with a view of inserting in their place ', financial costs and benefits, any cost of living impacts and any other matter the committee considers is relevant thereto.'.

I will speak about the motion and the amendment as the chair of the committee to which this legislation is being referred — that is, the Environment and Planning Legislation Committee. I am very pleased to see this occur and to see Ms Hartland accommodate it. I think it is going to be a very good use of a new initiative of the Parliament — that is, the committee doing work before the substantive debate is had. I note, however, that we had the debate last time Ms Hartland introduced this legislation, when it passed this chamber and was defeated by the Brumby Labor government in the Assembly.

I thought Mr Jennings's contribution was interesting, very entertaining and almost comedic. He demonstrated not only an expertise in forked tongue but also the ability to gaze into crystal balls and deliver quite a disingenuous contribution. I would have thought that with all his ministerial experience and his experience in this chamber Mr Jennings would refrain from maligning a process that this chamber is involved in

and refrain from reflecting on the proceedings of this house in his contribution.

I think this will be a good process. I think the amendment will mean that the terms of reference will be more complete but will not skew them one way or another. Mr Jennings claimed we were somehow going to skew or bias the process, but quite clearly we cannot anticipate what information is going to be received by the committee. I have already engaged with the executive officer and developed a work plan for this — —

Hon. M. P. Pakula — I think we are suggesting you have already made up your mind.

Mrs PEULICH — No. You have obviously made up your mind, because you voted the legislation down the last time. The policy debate will be had following this process. This will be a very good use of the new structure, and it is very appropriate. Clearly we have argued in the past that a preferable method of delivery of container deposit legislation would involve national consistency, but we will canvass all those issues. Ideologically speaking, this is consistent with good environmental practice and is generally popular.

For Mr Jennings to try to say that this is a precedent we must use in relation to other legislation is also disingenuous. Mr Jennings and the Labor opposition have wanted to refer to legislation committees legislation predicated on election promises on which Victorians voted on 27 November 2010, in favour, obviously, with us being elected to office, meaning that there is an expectation that those promises will be delivered. Labor has wanted to refer to legislation committees those pieces of legislation which clearly the bigger legislation committee, the Victorian electorate and its voters, have already had an opportunity to cast their vote on. Mr Jennings also fails to accept — and the Labor Party finds this very hard to accept — that in some areas there will be very clear policy distinctions and that referring some legislation to a legislation committee will not be productive because of those distinctions and because of the policy commitments we took to the election.

As chair of the committee I welcome this motion, I reject the aspersions blatantly cast on the process by Mr Jennings and I look forward to the committee being involved in some productive work on behalf of this chamber.

Ms HARTLAND (Western Metropolitan) — I am pleased to see this bill being referred to the Environment and Planning Legislation Committee, obviously not just because it is legislation that I have worked on but because it is a sign that the government understands it must start using the Parliament's committees to scrutinise bills. This is a very important process. It opens the doors of Parliament to public discussion of legislation, and it can lead to some useful recommendations. It works well in the Senate, and the Greens see it as a way of modernising state Parliament and making it more transparent.

I have always said that the 10-cent deposit system has the potential to unite Parliament across party lines as it did in the Northern Territory, although Mr Jennings may not quite agree with me on that. The environment committee is made up of members of the coalition, Labor and the Greens. The legislation is based on the most successful models around the world, and I believe it is robust. I have every confidence that my bill will survive the most detailed scrutiny.

I am very happy that Mr Davis has made a change to his original motion, which has been moved as an amendment by Mrs Peulich. If the committee is allowed to examine all appropriate evidence, it will produce a better report for the Parliament. Members might also be surprised to hear that I do support a motion that calls for a committee to look at whether my bill would stand in the way of a future national container deposit system.

When I introduced the legislation on 15 June the Victorian government made it clear that, even though it went to the election promising to support 10-cent deposit legislation, it was not ready to support my bill for a Victorian scheme, because its policy is to prefer a national scheme. As frustrating as this may be for us, it is fair enough for a new environment minister to pursue his own policy. I decided not to bring my bill for debate in the Parliament until he had had a reasonable amount of time to see what he could achieve at a national level, and I offered the minister my support. I also prefer a national scheme, but I do not want to grow old waiting for that to happen. I am already going grey enough in this Parliament!

Sadly the discussions at a national level are going very badly. Seventeen Boomerang Alliance pro-recycling environment groups have withdrawn from the process, as they see the situation as hopeless. National recycling campaigners say that the only way to loosen the rust at a national level is for a big state like Victoria to take an interest in commencing a state-based scheme. If the environment minister is successful in working towards a national scheme in this context, then it will be a credit to him.

Regardless of what the committee thinks of my bill, I want it to report on useful things, like whether the manufacture of reverse vending machines could happen in Victoria or whether sports teams could do clean-up days as fundraisers. The committee should be open to submissions from the recycling industry about jobs or from the operator of a local tip as to how many drink containers it would pull out of plastic bags from rubbish bins. Whatever the committee thinks of my bill, this will be useful information to inform the public debate.

Greens policies are sometimes criticised for being uncosted. When I tabled the bill I also tabled a report on financial, social and environmental impacts. I am asking the committee to examine my bill with a fine-toothed comb. I will be very interested to read the submissions, and I hope the committee enjoys what should be a very practical and unique reference.

Amendment agreed to.

Amended motion agreed to.

JUSTICE LEGISLATION AMENDMENT (PROTECTIVE SERVICES OFFICERS) BILL 2011

Second reading

Debate resumed from 18 August; motion of Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations).

Hon. M. P. PAKULA (Western Metropolitan) — It is good to see that the Justice Legislation Amendment (Protective Services Officers) Bill 2011 will be debated on Tuesday rather than in the wee hours of Wednesday morning. I congratulate the government on bringing it up the order, but it would have been appreciated if we had known a little sooner that it would happen. The opposition will not be opposing this bill. When we get to the committee stage the opposition will be moving an amendment in the same terms as the amendment that was moved unsuccessfully in the Legislative Assembly to subject the act, as it will then be, to the scrutiny of a parliamentary committee — namely, the Drugs and Crime Prevention Committee — 12 months after it has come into operation. This is a brand-new concept. The powers of protective services officers (PSOs) will be significantly enhanced through this bill, and the opposition thinks it is appropriate for that to be examined after one year of operation.

At this point it is worth indicating that the opposition believes, particularly given government members' comments on the previous motion when they suggested that another bill be subjected to parliamentary scrutiny before it comes into operation — and I note Mrs Peulich's comments about the fact that pieces of legislation that the government brings forward have been subjected to the electoral process — —

Mrs Peulich interjected.

Hon. M. P. PAKULA — As Mrs Peulich indicates, it was an election commitment, and I make that point. That is why I think that in these circumstances it should not cause the government any difficulty whatsoever to allow this to be subjected to some review after it has been in operation for one year. We are not in any way trying to impinge on the mandate that the government believes it has in this regard.

Today in large part I will say much of what I said during the second-reading debate on the Police Regulation Amendment (Protective Services Officers) Bill 2010, which was debated some months ago, and that is that the government has a broad mandate in regard to the PSOs policy. It was a matter of significant contention during the election campaign, quite unlike a number of other government election commitments that were dropped by media release in the last 72 or 96 hours of the campaign. I am sure that as 2011 goes on we will have some significant debate in here about how much exposure some of those policies had to public discussion before 27 November. However, there was quite a degree of debate and contention about the political and policy parameters of the then opposition's PSOs policy. The coalition won the election, so we say that this has a mandate beyond many of the other policy initiatives for which the government claims to have a mandate.

In many respects this bill is an attempt to remedy the calamitous dog's breakfast of an implementation program that we have seen in regard to this policy so far. The government brought in its initial bill without having given any real detailed consideration to many of the potential pitfalls and problems. Many of those contradictions and much of the lack of thought were borne out during the committee stage of the previous bill. A lot of the contradictions and lack of thought have been borne out in a range of other forums since then — in the Public Accounts and Estimates Committee, in the media and in a range of public comments by ministers — and that has made it absolutely clear that the government put politics above policy when it brought this policy forward. It had not properly thought through many of the implications and complications that its PSOs policy would engender.

This bill is an attempt to remedy some of that, and it does remedy some of it, but only some of it. There is a whole raft of unresolved issues, ongoing concerns and questions that the government still needs to answer before the opposition and the community more generally can have any confidence that this proposal can be brought to fruition in a way that does not create a whole set of other unintended consequences and in a way that means it actually meets its principal policy objective of providing more safety and security.

I will just recap some of the problems, contradictions and unresolved queries that we have seen so far. In the committee stage of the police regulation bill the opposition questioned the government at length about what the PSOs who were stationed at some of the remote railway stations without full facilities would do if they needed a toilet break sometime between 6.00 p.m. and the last train. We had the spectacle at that time of the minister at the table, Mr Dalla-Riva, indicating that perhaps a divvy van would come and pick them up and drive them to a comfort station and then deposit them back. Then we had the spectacle of both the police minister and the Premier metaphorically slapping Mr Dalla-Riva down in the media in the days after that faux pas, if you like, in the Parliament.

We have seen that almost no consideration was given to the question of shelter or amenity for PSOs at a whole range of stations where they would be required on a wet and windy night to be standing out in the elements. Again, I do not think any of those questions have been resolved by the piece of legislation that is before the Parliament tonight.

During questioning at the Public Accounts and Estimates Committee of the police minister and then chief commissioner, Simon Overland, it became apparent that by the end of 2011 the intent was to have some 90 protective service officers stationed at some points of the network. The end of 2011 is only four months away, so quite apart from the question of whether even that target will be reached is the mathematical fact that more than one-quarter of the way through the government's term it will have delivered less than 10 per cent of the total number of PSOs that it says it can deliver by November 2014, which is 940. So even on its own best estimate the government will be well behind the eight ball by the end of 2011.

We have seen the spectacle of weeks and weeks of the government insisting that eight weeks training was enough to enable PSOs to carry out this work on our 200 plus metropolitan railway stations plus a range of regional stations. Then, after weeks of controversy, there was the admission that in fact it was not going to be enough and that 12 weeks training would be provided to PSOs.

Of almost as much concern — in fact probably in some respects of more concern, certainly for the electors — is the fact that the government now assiduously refuses to repeat its commitment that two PSOs will be put on every metropolitan railway station by November 2014. This is not just about whether the government is now trying to be cute; this was actually pointed out over and over again before the election. Before the election the Premier let the cat out of the bag when he said, 'Well, where they are deployed will be a matter for the chief commissioner'. Then there were days of comment by media organisations, by me as Minister for Public Transport at the time and ultimately by Mr Mulder, who is now the Minister for Public Transport, where the now government went on the record and reconfirmed that, despite the fact that it was a matter for the Chief Commissioner of Police as to where officers are deployed, the coalition was giving an absolute commitment that two PSOs would be deployed on every railway station on the metropolitan network.

Since the election the government has used every device it can to avoid repeating that commitment. Now it is a matter for the chief commissioner. Now it is about operational deployment. Before the election not only was it about two PSOs on every station on the network but it was said that those two PSOs would, in the words of Minister Mulder, 'walk your daughter to her car'. Again I have not heard that commitment repeated and I am sure if it was put to Minister Mulder or indeed Minister Ryan we would not see or hear that commitment repeated.

We also have the fact that at the Public Accounts and Estimates Committee hearings it was revealed by the then chief commissioner and the Minister for Police and Emergency Services that in fact where these PSOs would be rolled out initially would be on a range of stations in the inner city. Some of the localities that were mentioned by the then chief commissioner were city loop stations. I think most of us would agree that these stations — including Richmond and North Melbourne — are staffed at the moment by a range of Metro staff, authorised officers and others. In other words these are places where people are generally getting on the train at night to go home rather than getting off. Of course people come into the city as well, but these stations are to a large extent already staffed.

Rather than deploy the first tranche of PSOs to where you would think they would be most needed — that is, at some of those stations in our outlying areas where

there has been a history of attacks and problems — it is effectively the low-hanging fruit which is being plucked first. PSOs are being deployed in the initial stage to those stations in the inner city that are already staffed.

We have also seen the jettisoning of the premium station upgrade program. Members might recall that in last year's budget there was an allocation — this was not an election promise, this was actually a budget allocation — for an additional 20 stations to be upgraded to premium status and to be fully staffed from first to last train. Again the incoming government is well within its rights to have a different set of policy priorities, and it is true that whilst it was a budgeted measure of the previous government the incoming government did not make it a specific election commitment. The fact of the matter is that this is not an election promise of the Labor Party versus an election promise of the coalition; this was a commitment for which funds had been allocated in last year's budget.

If you are going to cancel an already budgeted program, you have an obligation to make that clear to the electors before the election. Two days before the election it was specifically put to the now Minister for Public Transport that one of the savings targets in the then opposition's election costings might be the scrapping of the premium station program, which had been in the 2010 budget. It was specifically denied by the member for Polwarth in the Assembly, now the Minister for Public Transport. Then, having dragged it out of him in a Public Accounts and Estimates Committee hearing with a rant about how 'we won and you lost', it became clear that what the government had done was to seek to hide the fact that it was cancelling the premium station program in the budget papers.

I go to budget paper 4, page 103, which is headed 'Victorian rail track (VicTrack)'. Under 'Existing projects', the total estimated investment for 'Public transport safety (metro various)' is $54.914 million. Coincidentally it is exactly the same dollar amount as the premium station upgrade project in last year's budget, but it has had its name changed to 'Public transport safety (metro various)'. Footnote (c) to that table says:

> Project will be influenced by rollout plans for the protective services officers initiative.

In other words, a budgeted program which the government concedes is an existing project with $54.914 million attached to it will be 'influenced' — in other words, cancelled — as a result of the PSOs project. Rather than calling it the same thing it was called in last year's budget, the government gives it a new name and then puts a spear in it. Not only did the government cancel the premium station upgrade project but it also lied about it before the election and tried to hide the fact in the budget papers after the election.

Then we have the fact that this PSOs policy is, on the government's own figures, already suffering from an $85 million blow-out. What reason does the government give for the $85 million blow-out? It does not concede there has been a blow-out; rather, it says, 'That is a bring forward. We were going to have all the PSOs out on the network by June 2015. Now we will have them out on the network by November 2014', as if somehow that seven months is a reason for it to cost an extra $85 million. Do any members recall that before the election the government said it would have the PSOs out by June 2015? That was a date created by the government after the election. Before the election the commitment was always that there would be 940 PSOs on the network during this term of government. After the election the government created a bogus date of June 2015 and said that bringing it back to November 2014 somehow explains why it is costing $85 million more than it originally said it would. That is a bit of the potted history of this initiative and the absolute dog's breakfast that its implementation has been so far.

This new bill is now before the Parliament, and it is probably worth going to the purposes of the bill as expressed within it — that is, to provide PSOs on duty at designated places with appropriate powers in order for those officers to be effective in combating crime and antisocial behaviour occurring in those public places and to increase safety on the rail network, thereby addressing commuter concerns about travel on the network, particularly at night. They are noble objectives and ones that the opposition is very pleased to see outlined in the bill. The questions, of course, are whether the provisions of this piece of legislation will actually deliver on those objectives, whether this legislation deals with all of the concerns that existed before this bill entered the chamber and whether we are going to need to see a third bill to deal with all the continuing unresolved issues.

I will now go to some of the things that this bill does. It creates new statutory powers for 940 new PSOs to be recruited, trained and deployed to metropolitan and certain regional railway stations in Victoria from 6 o'clock until last train, seven days a week. It is a bill that amends 13 existing acts.

Some of the powers that protective services officers will now have as a consequence of this bill include being able to arrest a person released on bail for actual or anticipated breach of bail conditions; arrest a person,

including a minor, who refuses to provide his or her name and address for actual or anticipated consumption of liquor; execute a warrant directed to a named member of the force; and arrest a person found drunk or drunk and disorderly in a public place, with a corresponding requirement to lodge that person in safe custody. It creates a power for PSOs to arrest a person who has or may be suspected of committing a graffiti-related offence; apprehend a person who appears to be mentally ill where grounds exist to believe that the person has or may be likely to attempt harm to himself, herself or another, and that power only applies where the risk is ongoing; and apprehend a minor who is inhaling or may have inhaled a volatile substance where the risk of harm continues.

Any person arrested or detained on the grounds I have just referred to has to be handed over to the police for custody, and in the event that there is an apparent mental illness, that person has to be handed to a mental health practitioner, or to a parent or guardian in some circumstances, as soon as practicable. So all of the powers I have just referred to that will be given to protective services officers will then, in a consequential way, create flow-on work for the police and for mental health practitioners, or a parent or guardian will be involved.

The bill also provides PSOs with the power to detain a person for as long as is reasonably necessary to conduct a search of a person or property. Again that raises the question of what method protective services officers will be expected to engage in in order to detain people in that way. Will they be provided with handcuffs, or will they be provided with a lockable room in which to place people? The power is created, but the way in which the power can be exercised in a practical way by protective services officers is not made clear. They will be given the power to search persons, property and things that are in that person's possession or control for weapons, volatile substances and related instruments and prescribed graffiti implements.

PSOs will be given the power to remove a person and their property from public transport vehicles and premises upon reasonable belief of an offence. Again that raises the issue of whether protective services officers will in effect become mobile inasmuch as whether they will be able to board a train in a similar way to transit police if the boarding of the train is for the purpose of removing a person and their property from public transport vehicles. They will have the power to prevent a person from driving a vehicle or entering a vehicle, including by use of reasonable force, when a lawful direction is not followed. They will also have the power to direct a person to move on for breach of the peace or likely breach of the peace; remove offenders who are presenting a danger or annoyance to the public or hindrance to police or any authorised officer or employee of a transport company; and seize property et cetera.

These are quite an extensive range of powers.

Sitting suspended 6.29 p.m. until 8.02 p.m.

Hon. M. P. PAKULA — Before the dinner break I had briefly gone through the expansion of protective services officers powers that are provided for in the bill. As I indicated, there is a reasonably significant increase in the powers PSOs, particularly PSOs on railway stations, will be provided with in order to carry out their duties. I imagine that is the principal reason for the government determining that their training should be increased to 12 weeks.

However, the bill does a bit more than simply provide for increased powers. It also creates the concept of a designated place and says that the new powers will be exercisable by protective services officers who are on duty in a designated place, but importantly, the bill itself does not define what a designated place is. Neither was 'designated place' defined in the first bill that came before this place. The bill says that the concept of a designated place will be determined by regulation. Despite the fact that the bill is ostensibly about the public transport network, it is left open to the extent that one would assume a designated place could be any place that the minister determines it should be by regulation. Designated places might be areas which are adjacent to railway stations. They might include private car parks, public car parks, bus stops, taxi ranks, level crossings, underpasses, overpasses — the list goes on. What we do know is that that has not been determined at this time, and I will come back in a little while to the reason that particular part of the bill is causing some concern to the Police Association.

The bill also provides that the powers can be used in the vicinity of designated places, so not just in those designated places — whatever they might be once the regulations are gazetted — but in the vicinity of those designated places. The police minister has already conceded that the term 'in the vicinity' can be interpreted quite broadly by the courts, so what you have in effect is a potentially broad designation of a designated place and an even broader designation of 'in the vicinity of' a designated place. Those powers will be able to be exercised depending on the nature of the apparent breach or the offence that has taken place or that may take place.

That really means that to some extent the Parliament and the Victorian community more generally are being asked to buy a pig in a poke, because nobody — no member of the government and certainly no member of the opposition — can say with any surety exactly where these new powers will be able to be exercised by the 940 new PSOs. It might well be that ultimately the question of what is designated and what is in the vicinity of the designation might prove to be entirely appropriate and entirely within the bounds of the government's policy, but I would have thought, particularly given that the government has had months since the first bill, that it could have made clear in bringing this bill to the house where these powers can be exercised, rather than leaving it for the Parliament to pass the legislation and then the minister designating areas in which these powers can be exercised some time later.

It has got to be remembered that this is all occurring in an environment where the Police Association is engaged in a fairly protracted industrial dispute with the government. This dispute has been brought about because all the commitments that were made to the Police Association prior to the election about what kind of conditions they could expect to enjoy under a Baillieu government have in effect been reneged on by the government.

For months and months what we have seen is negotiations going nowhere and nobody from the government participating in those negotiations, despite month after month of Brian Rix, Greg Davies and the officers of the Police Association pleading with the government to get involved. This is in an environment where the substantive matter that is still outstanding is pay, which force command cannot make a determination on. Only the government can resolve that, and the government will not get involved.

The very real concern that is being expressed, and one which the opposition absolutely understands, is that creating a whole new suite of powers for 1000 or more protective services officers might be used by the government as leverage in those enterprise bargaining agreement negotiations. In an environment where you have an ongoing industrial dispute about the terms and conditions of not just Victoria Police officers but also protective services officers themselves, the opposition can well understand why there would be concern about creating a whole new class of officers — 940 plus the existing PSOs — with a whole new range of powers. One can understand why the Police Association is nervous about how that might be deployed in an environment where there is significant industrial disputation.

Frankly the concern is not unlike the concern that existed in the UK, where in effect by stealth a whole new tier of policing was created. The government is within its rights to create another tier of policing if it would like to, but it should not do so surreptitiously. It should not do so by ostensibly telling the community it is creating powers for the protection of railway stations but then leaving the bill so broad that in fact these powers could be exercised at a whole range of other places that the minister can determine by regulation.

There are a range of other things that are also not cleared up with this bill. For instance, in regard to additional training and existing protective services officers, will existing PSOs be able to serve on railway stations if they do the additional training that the government has now provided? Will they be able to serve on railway stations with their current training and experience, or will it simply be the case that they will not be deployed to railway stations? That is another matter that is not cleared up by this bill in any way. There has also been a matter raised about whether unsuccessful applicants to Victoria Police will be accepted into this railway station program. Again no clarity has been provided by the minister on that question.

In regard to the general expectations of consultation, we have a situation where officers who exercise these powers at railway stations will potentially be detaining and holding people who appear to be suffering from a mental illness, yet in the bill briefing process the department confirmed that absolutely no mental health stakeholders had been consulted in any way in the preparation of this bill. In regard to the other organisations that members would have expected to have an absolute interest in the content of the bill — namely, the Police Association and the Rail, Tram and Bus Union (RTBU), which represents Metro staff and authorised officers on the public transport system — whilst they were made aware of the bill, they were not engaged in any iterative process around the bill whatsoever, particularly in regard to the new powers and where those powers would be exercised.

I go back to the point I made at the outset. There has been a litany of contradictions, unanswered questions and implementation problems with this policy from the moment the Baillieu government took power, ranging from issues of cost, deployment and the premium station backflip to whether or not PSOs will be provided with toilet facilities, shelter, warmth or any other kind of amenity. There are queries about how guns will be stored before and after the shift, and there is the fact that the deployment is already way behind schedule if the government really intends to have

940 PSOs on the network by November 2014. There is the government's refusal to recommit to the pre-election promise of having two PSOs on every station on the network. A whole raft of implementation problems have been identified — not just by the opposition but also by other stakeholders, including the RTBU, the media and the Police Association — since this policy was announced.

What this bill provides is a resolution of just a fraction of those concerns. The only thing that will really be resolved by this bill is what powers PSOs will exercise, but the bill does not address those other queries about exactly where that will occur or exactly how that will occur and none of the other issues that have been raised since the first piece of legislation passed this Parliament. I understand the question of where that will occur will be resolved by regulation, as unsatisfactory as that process is, but there are a whole range of other queries that quite clearly will not be resolved by regulation and have not been resolved by this bill. We may yet see a third PSOs bill come before the Parliament when the government figures out the answers to all of those questions.

The opposition will pursue answers to a range of those questions in the committee stage of the bill. We will also pursue our amendment during the committee stage. As I have said, given that this is an entirely new space for the government to occupy and that, as we have indicated in this debate tonight, there is still a huge number of unanswered questions and a huge question mark over a whole range of implementation issues, we think it is not unreasonable for the relevant parliamentary committee to look at the bill one year after it comes into force to see how it has been progressing, what issues might remain outstanding and what might have been resolved. I would have thought that that was a perfectly reasonable amendment for a government with an apparent commitment to openness, transparency and accountability. We are not seeking to frustrate the government's mandate. We are not seeking to send this bill off to a committee now. We are not seeking to oppose it. We will do none of those things.

The government has a mandate for the introduction of this policy. The bill will almost certainly be passed in this place on the numbers tonight. However, the opposition maintains that it is appropriate for the relevant parliamentary committee to look at the operation of this bill one year from the date it comes into effect. I have to say that none of the arguments put forward previously by the government about why it has not referred other bills to parliamentary committees stand on this occasion. We are not trying to delay the bill. We are not trying to frustrate the mandate. We are not trying to interrogate the bill itself. We are simply suggesting that this would be an appropriate way for the Parliament to examine the operation of this policy after it has been in place for 12 months. We will be pursuing that amendment in the committee along with other questions.

With that contribution — I would say 'with those few words', but I know it has been more than a few — the opposition will not oppose the bill, but there are some serious ongoing questions that it will be pursuing in the committee stage.

Ms PENNICUIK (Southern Metropolitan) — The Greens will not be supporting the Justice Legislation Amendment (Protective Services Officers) Bill 2011 for the same reasons that we did not support the earlier Regulation Amendment (Protective Services Officers) Bill 2010 which was debated in this place on 24 March. The earlier bill was a simple bill. It lifted the limit that had been in place since 1987 on the number of protective services officers (PSOs) that could be deployed under the command of the Chief Commissioner of Police, removed limitations on the role of the PSOs and limitations on the places to which they could be deployed — that is, at Parliament House, the courts, the Shrine of Remembrance and Government House. In 1987 there was a wide-ranging report that recommended that PSOs be put in place. They were put in place at the commonwealth level and in the other states and territories. I will turn to that later.

I will just go back to the original argument about what the PSOs role is envisaged to be. Their role is not to be quasi-police officers; it is to be security officers or protective services officers under the command of the Chief Commissioner of Police. If they are meant to be police officers, then they should be sworn police officers and trained as such. In saying that I repeat what I said during the debate on the earlier bill, that during the time I have been in Parliament I have admired the work of the PSOs who work here, protecting and patrolling Parliament House. I have also seen them working at the courts. They are very professional and carry out their job in an excellent manner. I note that the secretary of the Victoria Police Association has also mentioned that they have an exemplary record. I agree with that.

The earlier bill that was passed on 24 March raised a lot of issues. Mr Pakula talked about issues contained in the bill before us tonight. He said the bill does nothing to clarify the problems of the earlier bill. My view is that this bill only exacerbates and adds to the problems of the first bill. It is a flawed piece of public policy that we cannot support. A great number of Victorians have

opposed this policy. People who work in the legal and justice system do not support the bill. There have been many letters, comments and submissions about this bill in the public arena and addressed to MPs pointing out the problems with it. It is a pity that the government has not been listening to those comments and submissions because I think this bill is going to cause more problems than it solves.

Mr Pakula also said he was concerned that the government was walking away or backing off from its commitment to deploy 940 PSOs — two at each railway station every night, every day of the week. If that is what is happening, I think that is a good thing. It would be good if government members were to say, 'We made that promise before the election, but we have thought about it, we have listened to what people have said and we realise there is no evidence of the need to do that'. I hope the government listened to comments made during the debate on the first bill, such as the practical problems involved in PSOs carrying out their role at railway stations where there are no amenities, no supervision and where it is difficult to get help or assistance, as well as issues relating to the duties of PSOs which crossover with the duties of transit police, authorised officers or station staff where they exist at railway stations in metropolitan Melbourne, not to mention regional stations.

This bill significantly adds to the existing powers of protective services officers. Clause 4 of the bill basically extends to PSOs most of the powers held by sworn police officers if the PSOs are operating in what is called a 'designated place'. That is quite a sweeping power, and it does not occur in any other state.

I am sure members have availed themselves of the parliamentary library's research brief, no. 9 of 2011 on the Justice Legislation Amendment (Protective Services Officers) Bill 2011. It looks in some detail at what happens in other parts of Australia with regard to deployment of security on public transport systems. None of the other states have anything like what is being proposed by this bill. Most have transit police, similar to what we have in Victoria — that is, sworn members of the police force who operate on the public transport system. They also have various versions of our authorised officers or ticket inspectors with certain powers under various transport regulations. None of them have protective services officers wielding the types of powers that this bill will now extend to an unlimited number of protective services officers in Victoria.

The commonwealth protective service officers division has similar powers to those that our protective services officers had prior to the introduction of the earlier bill and the bill that we have before us now. For example, protective service officers under the Australian Federal Police act are stationed at locations such as diplomatic and consular missions; official establishments such as Parliament House, the Lodge, Government House, Kirribilli House and Admiralty House; nominated Australian Defence Force sites; and the Australian Nuclear Science and Technology Organisation. Protective service officers at a commonwealth level have the same sorts of roles as our PSOs had up until now, and that is because that is how the PSOs role was envisaged. I am sure many, if not all, of the PSOs that are currently employed were attracted to the job because of the places they would be deployed and the clear limitations on their role, their powers and what was expected of them. The bill before us throws all that to the wind and without any caution.

Mr Pakula, the government and Mr Merlino, the member for Monbulk in the other house, referred many times to the government's mandate. They said the government has a mandate to introduce 940 PSOs on railway stations. I would agree that is something the government pledged to do before the election, but I do not believe that the government has a mandate on every single thing it said before the election in terms of that trumping the mandate to govern responsibly.

This is not a responsible bill. It is unnecessary, it is inefficient, it will be ineffective, it is packed with practical difficulties, it is unsustainable and it is potentially hazardous, both for members of the public and protective services officers themselves.

I have looked around and I am struggling to find a country in the world where there are armed guards present on every railway station every night. Mrs Peulich might be able to help me on that one, as she is often referring to countries behind the Iron Curtain. Perhaps that is where they were, but that is not Australia. There is no evidence that there is a need for an armed officer on every railway station in Melbourne. Melbourne is not having a crime wave. The Auditor-General's report last year found that crime on the railway system is in fact decreasing, but the Auditor-General — and I spoke about this in my previous contribution on the earlier bill — urged the Department of Transport, the government and police to do something about the perception of members of the public that Melbourne's public transport system was unsafe. The Auditor-General found it was not unsafe: 33 incidents per million trips does not reflect an unsafe system. Obviously incidents occur, but we also know that most of the incidents, 45 per cent, occur on 10 railway stations.

Mrs Peulich — Name them.

Ms PENNICUIK — I will — Flinders Street, Dandenong, Broadmeadows, Footscray, St Albans, Ringwood, Bayswater, Frankston, Southern Cross and Thomastown. In 2009 there were 116 stations that had not had an incident at all. Greg Davies is reported as saying that some of them have not had an incident in a decade or more. What we need in the state of Victoria is policy based on evidence and policy based on what is needed.

As parliamentarians we should always be careful when conferring powers on people. Be they protective services officers, police officers, the Office of Police Integrity (OPI) or authorised officers, there needs to be good evidence for conferring powers on people, particularly the powers that are conferred under this bill which infringe on people's human rights.

We do not have a problem in Melbourne that warrants this type of reaction. I would be pleased to hear government members say, 'We have thought about the practical implications of this bill, the human rights implications of this bill and the potentially dangerous situations that could arise from having armed officers on railway stations, and we think perhaps we do not need to go that far'. There would be nothing wrong with that. There is nothing wrong with the government coming to a different view about something it pledged before the election if it is well explained to the public.

This bill raises serious concerns for public safety and human rights. The purpose of the bill is to provide protective services officers who are on duty at certain public places — that is, designated places — with additional powers in order for those officers to be effective in combating crime and antisocial behaviour occurring at those places. It also extends the provisions of division 2 of part VA of the Police Regulation Act 1958 to protective services officers — that is, it extends the provisions to PSOs in the same way as they apply to police. The bill also amends 12 other acts in order to extend certain powers currently exercisable by members of the police force under those acts to protective services officers who are on duty at designated places.

Mr Pakula went on at some length about the designated places issue. That has been one of our concerns with not only this bill but also the previous bill, because the previous bill changed the places where protective services officers could be deployed, which were mainly the courts, Parliament and the shrine, to certain places where the public needs protection — or words to that effect. However, the government did not promise that. The government made the promise that it would deploy PSOs on railway stations, and that is not what that bill does.

Now this bill comes before us and talks about significantly extending the powers. This bill has very wide-ranging potential impacts. It significantly extends the powers of protective services officers at places called 'designated places' to be described in the regulations and not, as the second-reading speech says, on the rail network. The second-reading speech says:

> This government was elected with a mandate —

I have talked about that —

> to introduce protective services officers … on the rail network to protect the community against violence and other antisocial behaviours which had made travel on the network, particularly at night, an unacceptable risk for many in the community.

I do not agree with that, but that is what the minister maintains. The next paragraph goes on to say:

> This government is committed to the deployment of 940 PSOs on the rail network by the end of its first term in office.

This bill amends more than 11 acts, as well as the Police Regulation Act 1958, and confers sweeping powers on PSOs, and yet the second-reading speech is two pages long. It really is a woeful speech. It does not mention what the bill does at all, but it goes on to say, at the top of the second page:

> These powers have been selected carefully to ensure PSOs will have the necessary powers to support their community safety role on the rail network.

Then if members go to the fourth-last paragraph it says:

> The operation of the PSOs is purposely constrained to the execution of these new powers while on duty, at or in the vicinity of rail stations.

That is what the second-reading speech says in four places, but it is not what the bill says. The bill says at designated places to be prescribed by regulations.

I do not support this bill. I do not support conferring extra powers on the PSOs without some solid evidence that that is what is required and with all the practical implications that have been spoken about in terms of the bill we debated some months ago.

Greens amendments circulated by Ms PENNICUIK (Southern Metropolitan) pursuant to standing orders.

Ms PENNICUIK — My first amendment is to clause 4(3) of the bill, which would change the definition of a 'designated place' to a 'railway station or its immediate vicinity' because that is what the second-reading speech tells us the bill is about.

Mr Drum interjected.

Ms PENNICUIK — That could be prescribed by regulations. I am narrowing it down to railway stations, which is what the second-reading speech says this bill is about. This bill is not an honest bill in that it does not even do what the second-reading speech says it will do, and it does not do what the government said it would do.

In the second-reading speech the government says that:

> The policy intention of this bill is to increase safety on the rail network addressing commuter concerns about travel on the network, particularly at night.

As I said in another speech, community concern is not the only basis on which to make legislation. Obviously community concern would come into it, but other evidence is also needed.

The ACTING PRESIDENT (**Mr Tarlamis**) — Order! Could Ms Pennicuik clarify that the amendment she is circulating is the amendment she wishes to circulate during the committee stage, or is it the reasoned amendment?

Ms PENNICUIK — I have not yet got to the reasoned amendment. I will work it in after these amendments to the bill.

That is a good intention, but I do not think this bill is going to fulfil that intention. We agree that we need a rail system that is safe, one on which people feel safe and one that is modern, comfortable, pleasant, well maintained and staffed. The first thing that can be done to improve railway safety is to staff all stations and open up toilets so that people can go to the toilet. Many people who rely on our public transport system, such as elderly people, schoolchildren and mothers with children, get to the railway station and find there is no toilet. They cannot go to the toilet, they cannot buy a ticket and they cannot speak to anybody. There are no staff at most of our railway stations apart from those that are called premium stations, which of course means the others are not premium.

The previous government failed to do this, but I say that this government should look at the railway system and make sure that all railway stations are safe places for people to be. They should have somewhere to sit and not be out in the rain. There should be staff available so that they can buy a ticket, ask advice and feel as if there is somebody around. They should be able to sit in some comfort. In that regard, many of our railway stations are well below par. It is going to cost $212 million over four years to deploy these PSOs around the system — that is, if that ever happens, because the chances are it will be very difficult to recruit and retain people to do this job. Being stationed for 6 hours at, for example, Officer railway station on the Dandenong line, where there are no amenities is not quite the same as being a protective services officer at Parliament House or in the courts.

The minister talks about 'at night' quite a lot, and 'dark stations', but why are they dark? They are dark because they are not lit up. They should be lit up. We should have railway stations that are well lit, by solar lights in fact. It could easily be done. There is solar street lighting and there could be solar lights at the railway stations. The stations could be ecostations, collecting water on the roofs that provide cover so that people do not have to stand in the rain. The water could be recycled as well as the stations being safe and pleasant places to be.

Mr Pakula mentioned that the bill confers significant powers on PSOs, including the power to detain people who may have a mental health issue. That has raised a lot of concerns, particularly through the Mental Health Legal Centre. Mr Pakula mentioned that neither the chief psychiatrist nor health bodies were consulted on this bill. As no-one has been consulted on the bill, I thought I would hold a forum on the bill. It was held on 23 August at Parliament House, and all MPs were invited. Speaking at that forum were Professor Spencer Zifcak, the president of Liberty Victoria; Tiffany Overall, the co-director of Youthlaw; Catherine Leslie, a lawyer and policy officer at the Mental Health Legal Centre; Caroline Counsel, the president of the Law Institute of Victoria; and Michelle McDonnell, a policy officer at the Federation of Community Legal Centres. They kindly came to the forum to outline some of their concerns with the bill.

Spencer Zifcak from Liberty Victoria spoke about the bill being deeply flawed and potentially dangerous. His main concern was the lack of training. We note that now the PSOs will receive 12 weeks training rather than 9 weeks. I am concerned, as is Liberty Victoria, that that still will not be enough training, in that PSOs, with very little training, will be involved in conflict resolution and dealing with vulnerable people. They will have all the weapons that police have, but they will not have the same level of training. Police officers have three times as much training as PSOs will have — that is, 33 weeks as opposed to 12 weeks. New police

officers are on 12 months probation, and usually they are accompanied by a more senior officer. These are matters that I will be putting to the minister during the committee stage.

Liberty Victoria is concerned that the sweeping powers provided by the bill could be likely to provoke and worsen relationships between PSOs and young people. Tiffany Overall from Youthlaw asked, 'Where is the evidence that there are not better ways to address whatever the problem is?'. The perception of community safety — and in some cases real community safety — appears to be the problem. Where is the evidence that staffing the stations, making them better lit and making the amenity better will address the problem? We will also have an extra 100 transit police. That will mean there will be 350 transit police, and that is comparable with any state or territory in Australia in terms of the number of transit police and authorised officers. If members look at the brief prepared by the parliamentary library and add our authorised officers and transit police, they will see that the numbers are similar to those in any other state. However, the government is proposing to introduce PSOs as well.

Mr Ondarchie interjected.

Ms PENNICUIK — There is no rail system in Hobart, Mr Ondarchie.

Youthlaw is concerned about an escalation in issues between PSOs and youth and that the bill will mean there will be an untested presence on the rail system. They raised the problems of detaining people. Several clauses of the bill allow PSOs to detain people and deliver them into the custody of the police as soon as practicable. It could be several hours before a police officer or a police divisional van is able to attend — for example, if they are already attending a traffic accident.

Mrs Petrovich interjected.

Ms PENNICUIK — Police often take a while to attend. They have to prioritise what they have to attend. I am concerned about how PSOs will detain people on railway stations. Will they handcuff them to a railway seat? What will they do? I hope the minister will be able to answer that. There are no checks and balances in the bill.

Catherine Leslie from the Mental Health Legal Centre said that the amendments to the Mental Health Act 1986 have not been thought out. She said that PSOs will be less well trained and have less supervision than sworn police. There are already problems with sworn police dealing with people with mental health issues. During the last sitting week I mentioned in my statement on the report of the Office of Police Integrity (OPI) that in the last short while we have had three shootings by police of people with mental health issues, and yet police are ostensibly better trained than PSOs will be.

The last report of the OPI, published in 2010, states that review after review shows that police are not trained well enough to deal with people with mental health issues. That is why the Mental Health Act 1986 has strict protocols for dealing with people with mental health issues that police have to comply with. As I said, police are ostensibly better trained than PSOs will be, so this is a very big issue that concerns people who work in that area. It concerns me also that people with mental health issues will clash with PSOs who may not necessarily know exactly how to deal well with those people.

Caroline Counsel from the Law Institute of Victoria suggested that the deployment of protective services officers should be stalled until the findings of the coroner's inquest into the death of Tyler Cassidy, which are due soon, are released. That is a tragic event which members know I have followed very closely. I know from listening to testimony and from speaking to people that some things were not done well that night. They were sworn police who were dealing with that young person. I am concerned that across the rail network we will have PSOs who will not be well trained but will be armed with firearms and that we could end up with a similar situation. On other systems that have armed officers people have been killed, so there is the potential for similar incidents to occur.

Caroline Counsel made the point that the danger of such an incident occurring outweighs any benefit of the deployment of PSOs on railway stations as is envisaged by this bill. PSOs will be in contact with a much wider range of people than they are currently, when they are in a much more contained situation. They should not be equipped with firearms, and they need much more training on how to diffuse a situation and not make it worse.

The last speaker at the forum was Michelle McDonnell. She showed us some closed-circuit television footage of armed transit officers in San Francisco Bay who had used their firearms against commuters — one was running away because he had not paid for a $2 ticket and another had a mental health issue — just by way of pointing out what can go wrong. We need to be very aware of what can go wrong.

With regard to training, on 16 August I received an answer to a question I put to the police minister about

the training of protective services officers. I put the question before we found out that PSOs would receive 12 weeks instead of 9 weeks training. The last question out of three questions I put on this particular issue was: 'What training will new police officers undertake that the new protective services officers will not undertake?'. In other words, what is the difference between the 12 and the 33 weeks, so in the extra training that sworn police officers receive, what training do they receive that PSOs will not?

The answer to that was that Victoria Police currently receive 33 weeks of training in a range of activities with a focus on the law and policing procedures. That is a very curt answer to the question, but it does state that there is a focus on the law and policing procedures. That raises questions about the powers that are going to be conferred on protective services officers under this bill, which are quite sweeping new powers to detain people; to arrest people under the Bail Act 1977; to arrest people under the Crimes Act 1958; to detain people under the Drugs, Poisons and Controlled Substances Act 1981; to arrest people under the Environment Protection Act 1970 to do with litter; to arrest people under the amendment to the Graffiti Prevention Act 2007; to arrest people for being drunk and disorderly under the Liquor Control Reform Act 1998; to arrest people without a warrant under an amendment to the Magistrates' Court Act 1989 — I wonder how PSOs, if they are not trained in the law, will be able to carry out that duty effectively — to be able to use reasonable force under the Mental Health Act 1986 to apprehend a person who the PSO reasonably believes is mentally ill and is likely to attempt suicide or cause grievous bodily harm or injury to themselves or others; to arrest people and search vehicles under the Road Safety Act 1986; to search people and direct them to move on under the Summary Offences Act 1966, and under the Crimes Control of Weapons Act 1990, and also to arrest people under the transport act.

As I said, these are sweeping powers, and I cannot see how PSOs are going to be trained in using them in 13 weeks. I do not want to see PSOs who have an exemplary record in their current deployment getting themselves into strife because they are not well trained and have been put by this government into situations that they should not have been placed in.

I have a reasoned amendment also to this bill.

The ACTING PRESIDENT (**Mr Tarlamis**) — Order! Is Ms Pennicuik formally moving that amendment?

Ms PENNICUIK — Yes. 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 a full, independent, public review of the Police Regulation Act 1958 is undertaken.'.

The ACTING PRESIDENT (**Mr Tarlamis**) — Order! Now the house is on the question that the bill be read a second time and on the reasoned amendment.

Ms PENNICUIK — During the last parliamentary session there was a Police Regulation Amendment Bill which did not pass but was on the notice paper, correct me if I am wrong, from about August 2008 until the end of the last session.

Mrs Peulich interjected.

Ms PENNICUIK — Mrs Peulich says it was because it caused it to be split. It was not only that; there were big problems with the amendments that the bill proposed to make to the act, but there are also acknowledged problems with the Police Regulation Act 1958, which at that time was 50 years old and is now 53 years old.

This bill confers powers, responsibilities and roles upon PSOs under that act, which we all acknowledge needs reforming, and the current government, then the opposition, and the Greens were in agreement on most of these issues.

Mrs Peulich interjected.

Ms PENNICUIK — After it was split, there were still problems with the bill in terms of its proposed amendments to the Police Regulation Act 1958, but there were also the acknowledged problems with the Police Regulation Act 1958 that are still there — disciplinary problems, problems with vicarious liability, and many other problems that I will not go into because we are not mentioning them here. Suffice to say that the act needs to be reviewed, and it needs to be reviewed before we start adding other people or officers to be regulated under it.

During the debate on the Police Regulation Amendment Bill 2007 I made the point that in New South Wales and New Zealand very thorough, comprehensive public reviews of their police regulation acts had taken place: submissions were taken from a range of organisations where hearings were held, draft bills were circulated, and more hearings and consultations were held. In fact I made the point that the cabinet documents with regard to the review of the New Zealand police regulation act were put on the website, so it was very open and public. I think we need

to do that before we start making these amendments to the act that are going to regulate PSOs and give them many more powers than they have ever had before, and because there are concerns about how they are going to be trained and supervised in the deployment of those powers.

My reasoned amendment proposes that we should do that first and include the public and the Police Association, the Law Institute of Victoria and other legal bodies, members of the public and people in the mental health, law and health areas in the review of the Police Regulation Act. That should happen before we add another class of officers to be regulated under that act. The government has received this reasoned amendment; I circulated it last week.

Mr Ondarchie interjected.

Ms PENNICUIK — I am not. Members talk about how much time is being taken in my contribution, but this a bill that will give significant powers to protective services officers that they do not at present have, that I do not believe they are going to be trained enough for, and I think it is going to put them and other people in harm's way. It needs to be talked about. I am sorry if it is taking up members' time.

I presume the government has not indicated it will support my reasoned amendment. Presuming that the government does not support it, at the end of the second-reading debate I will also move that this bill be referred to the Legal and Social Issues Legislation Committee for inquiry, consideration and report by 30 November this year. Given that the commencement date of this legislation is 1 July 2012, the committee would have three months to look at the bill and to receive submissions from the various community members and stakeholders who have expressed quite serious reservations about the possible negative impacts on the community of this bill.

This could occur despite everyone agreeing that safety on our railway system is paramount — never mind the rest of the transport system in metropolitan Melbourne, including the tram system, which is completely left out of safety concerns and is not covered by this bill. Greens policy is that we should bring conductors back onto the trams to make them safe and to also make them — —

Mrs Peulich interjected.

Ms PENNICUIK — I am saying there is another part of the public transport system besides the rail system.

Just today the government moved to send the bill of my colleague Ms Hartland on container deposit legislation to the Environment and Planning Legislation Committee, which is chaired by Mrs Peulich and of which I am a member, and we will be happy to receive it and look at it. I can see no reason why the same should not apply to this bill, which is, by any stretch of the imagination, a very important bill. This legislation will confer wide-ranging powers on a class of officers who may or may not be well-trained enough for those powers — and we will ask more questions about that — and it could have negative impacts on the community. It has also raised a lot of controversy and concerns in the community.

As I have said before, I think all bills that will have a wide impact on the community should go to a legislation committee to be examined, and the committee should report back to the Parliament as to whether the bills need to be amended and whether they should be proceeded with or not. As I have also said before, that is what happens in the Australian Senate pretty well every day of the week. Bills go immediately to the Senate committees, and very often they come back with government amendments — that is, amendments put forward by government members after they have taken the time to research the bill. The date I have on my referral will not hold up the bill. It allows for plenty of time between now and the commencement date of 1 July 2012.

My amendments would have been circulated earlier. I have another amendment, to clause 10. That clause amends the Control of Weapons Act 1990, enabling PSOs to search people. My amendment would ensure that if such a search were conducted, it would be monitored by closed-circuit television and that if the person were under 18 years of age, the guardian of the person, a responsible adult or an independent person would be present. This would be so that when minors were being searched by a PSO on a railway station in whatever circumstances, their rights would be protected and they could not be searched arbitrarily by a PSO in the absence of someone to advocate on their behalf. This is an amendment that I feel is very important in order to protect the rights of minors in terms of their dealings with PSOs, who are going to be given the power, under this bill's amendment to the Control of Weapons Act 1990, to search minors in a designated area. That area could be any area; the government is suggesting it is only railway stations even though that is not what this amending bill provides for.

With those remarks, I note that I look forward to the committee stage, to moving my amendments and to asking the minister to answer the many questions we

have about the implementation of this bill — not just practical questions but questions that engage with the human rights of the citizens of Victoria.

Mr DRUM (Northern Victoria) — I am delighted to rise to contribute to the debate on the Justice Legislation Amendment (Protective Services Officers) Bill 2011. It is worthwhile going back over a little bit of the history of PSOs. The Police Regulation (Protective Services) Act 1987 provided for up to 150 protective services officers (PSOs) to be deployed to certain places of public importance. That role currently extends to places such as Parliament House, the courts, Government House and the Shrine of Remembrance.

PSOs have been armed since at least 1997; it is understood that they were armed prior to this time also. PSOs undergo the same operational tactics training, including training in the use of firearms and other defensive equipment, as do operational police members. They are required to requalify every six months, exactly as Victoria Police members are. The attack on the PSOs by both Labor and the Greens is clearly uncalled for, and a little more respect has to be shown to the PSOs for the work they do.

The Police Regulation Amendment (Protective Services Officers) Act 2011 was enacted earlier this year, and its role was to remove that cap of 150 PSOs to enable the government to introduce its pre-election commitment of 940 PSOs. The limit was removed earlier this year, and we are now in a situation where we can introduce 940 PSOs, which we said we would do. We also said we would bring in initial legislation, bring in a secondary piece of legislation and then bring in regulations after that.

This bill will introduce quite a few additional powers for PSOs. It will bring in the term ‘designated place’, referring to the place in which the PSOs will have the ability to do their duties. It will also bring in the term ‘in the vicinity’ of that location, and I will go into some detail later as to why it is important that we use those terms. It is important that we have some flexibility in the way this bill is framed, because we understand that in the application of their duties these officers will need flexibility to do their work properly.

Mr Pakula went through some of the powers of the PSOs. They will be able to make arrests under the Bail Act 1977. They will be able to enforce breaches of the Control of Weapons Act 1990 in terms of offences concerning prohibited weapons, controlled weapons or dangerous articles. They will have the opportunity to exercise the same power as any member of the police force to arrest a person reasonably believed to have committed an indictable offence. There will also be an opportunity to respond to young people under the age of 18 years who may be in possession of and/or under the influence of controlled substances. Like police, PSOs will have the power to search young people, and they will be able to do that without a warrant if they believe there is enough suspicion to justify that.

PSOs will be able to enforce litter offences under the Environment Protection Act 1970, and they will be able to serve an infringement notice on people under the age of 18 who are found to be in possession of graffiti implements. They will also be able to seize liquor from people under the age of 18. They will be able to apprehend a person under section 10 of the Mental Health Act 1986 if they are believed to be at risk of self-harm or of harming others. Under section 62 of the Road Safety Act 1986 they will be able to prevent a person from getting into their car if they are incapable of driving. They will be able to direct a person to move on if they believe them to be in danger of harming themselves. There are many common-sense requirements within the legislation that we are simply putting in place.

We need to be aware of why we are introducing this bill. Members should make no mistake: this concept was backed by the Labor Party six years ago. It had an opportunity in government to come forward and deliver on its philosophies and policies, but the fact is that it did not do it. It had all the time in the world, but it did not do it. It was about six months before the last election when the now Deputy Premier, Peter Ryan, came out and announced that as part of our policy we would recruit, employee and deploy 940 protective services officers on the rail system.

The social environment that led to that significant announcement was one of increasing violence. Do the Labor Party and the Greens expect us to in effect do nothing? We were living in an environment back then — and not much has changed — when every second day we would wake up and there would have been another attack on a railway station platform at night. It was not just assaults. Ms Pennicuik was saying that there have been only 40 or 50 attacks in certain areas, but what about vandalism and graffiti? These incidents may go unreported. No-one ever gets found out for having committed these crimes, but nevertheless they are crimes. What about all the acts of intimidation that stop people using the public transport system but that do not get reported? This was the environment that led the coalition in opposition to make this significant announcement. That was the environment we were living in.

Former Premier John Brumby took to ridiculing the role of PSOs in his response to the now Deputy Premier's announcement. His response was along the lines of asking, 'What are these PSOs going to do when they see a crime being committed? Are they going to call the cops?'. We need to give more respect to the role we are creating for PSOs, with renewed powers, increased powers and increased training to give them the skills they need to handle the powers the community asks that PSOs have.

Clause 3 of the bill will broaden the purposes for which protective services officers can be used. They will have the arrest powers we spoke about earlier, and whenever they arrest somebody the legislation provides for them to hand over the arrested person to a police officer as soon as possible. When we hear Labor and the Greens talk about issues surrounding violence on our rail network, they talk about us needing to change the public's perception of violence and what is happening on the rail network. To me that sounds like an awful lot of spin. It sounds like we would not necessarily stop the violence but just change the perception about the violence. The government would rather look at ways to actually make a difference.

Yes, it is a big step and a big investment. It is a huge investment of this government to employ 940 people, and we will have to spend an enormous amount of money to make this work. However, we have judged that it is worthwhile and work we have to do. We cannot just sit back and do nothing. We cannot let the crime — the assaults, graffiti and vandalism — and all the damage that is happening to our social fabric to continue. We cannot say that the problem is too expensive or, because we do not know which station the next crime will be committed at, we will not patrol any of them. We have had to take the enormous step of saying we will patrol all of them. That is what we have had to do.

Clause 4 defines a 'designated place' as a place where PSOs can work and within which they can operate. It enables PSOs to work within the rail system and within the vicinity of railway stations. It is important that we use the term 'in the vicinity'. As a clear example, a protective services officer may be chasing someone suspected of committing a crime who runs out of the station, out of the car park and beyond the immediate street. Are we expecting a protective services officer to give up the chase? This shows the flaw in Ms Pennicuik's proposed amendment with which she wants to define the place where PSOs can operate as being 'in the immediate vicinity' of the railway station. In order to do their job it may be totally necessary for a PSO to move slightly outside of the immediate vicinity. They may have to run two streets away from the railway station to apprehend somebody who has committed a serious crime.

Ms Pennicuik interjected.

Mr DRUM — That is why there needs to be flexibility within the legislation. On the concept of entering a train, we understand that PSOs will not spend the vast majority of their time on the trains. However, they will have the opportunity, if somebody suspected of committing a crime has not alighted from a train, to get on the train as it is about to depart.

Clauses 11 and 12 deal with search powers, which will be very similar to the search powers currently used by members of Victoria Police. We understand that whenever a search takes place without a search warrant the Chief Commissioner of Police will need to make a report on that search.

Apart from assisting the general public in keeping a peaceful environment on and around our railway stations PSOs will also be able to detain people who are in real danger of self harm. This is another important job that the PSOs will be given. It would not be right for us just to let people who are clearly not able to look after themselves, either because they are intoxicated or suffering from a mental illness and in danger of suicide or harming others, wander around train stations. Here is an opportunity for trained people to apprehend and look after these people for their own good. It is another significant step in making railway stations much safer.

The total number of PSOs will be extended to 940. We acknowledge that the opposition has accepted that the government does have a mandate to implement this policy. We have been accused of playing politics with this issue, but I would suggest that the only politics we are playing is listening to the people of Victoria and attempting to deal with the growing level of violence around the rail system.

This bill stipulates that PSOs will be trained for 12 weeks and that their training will include firearm training. They will be able to conduct a whole range of seizures in relation to graffiti, liquor and keys to stop people who are incapable of driving from jumping in their cars.

This is a major policy announcement which is now being implemented by the government in accordance with its pre-election commitments. It will give Victorians travelling on Melbourne's railway network and four major regional stations the peace of mind and confidence they need to start using the rail system as opposed to being too scared to venture out at night.

This is especially the case when it comes to parents having the confidence to allow their children to use the rail system at night.

This is the second piece of legislation the government has brought in following on from the Police Regulation Amendment (Protective Services Officers) Act 2010.

The definition of 'in the vicinity' needs to be broad so that we can ensure the practicality of the role of the PSOs. That is something we need to understand. The opposition wants us to try to definitively say where it is exactly that PSOs can operate, but that simply would not allow these people to do their jobs; we need to be aware of that.

The Labor Party would like to oppose this bill, but it realises it had better not. Ms Pennicuik's contribution really hedged around the issue but could largely be summarised, unfortunately, as being soft on any crime. 'Irrespective of the crime, we do not want to do anything to try to stop it. This is too much; this is too big and therefore we would just rather do nothing, as opposed to moving in this direction'.

It is a huge commitment — —

The ACTING PRESIDENT (**Mr Ramsay**) — Order! Mr Drum's time has expired.

Ms PULFORD (Western Victoria) — The opposition accepts that the government has a clear mandate to recruit, train and employ 940 protective services officers (PSOs). It was perhaps the flagship policy initiative of the government at the last election. Certainly in my observations of the election campaign it was a very prominent feature of Liberal Party campaign material and paid advertising; there is no question about that.

However, we have a number of concerns about how this is all going to work. As Mr Pakula indicated we will be seeking an amendment to enable a parliamentary review of the implementation and operation of this policy to be commenced 12 months after proclamation of this bill. I think this is a reasonable measure given the range of serious concerns about how such a significant initiative will proceed and how it will be delivered. In previous debate in this place, and indeed in the detailed committee consideration of legislation, whilst some answers were forthcoming, new questions also arose about how this policy would operate.

A review of this policy certainly does nothing to impede the government in its stated intention of delivering its policy — 940 PSOs, with PSOs on each and every metropolitan railway station and railway stations in Victorian regional centres, which was its election commitment. It is a significant change to the interface between the public and the public transport system and is therefore an entirely appropriate area for parliamentary oversight and review.

I might just respond to some of the things Mr Drum had to say. Mr Drum indicated that Peter Ryan, the now Deputy Premier, in announcing this policy in 2009, promised to deliver PSOs — —

Mr Drum — It was 2010.

Ms PULFORD — Was it 2010? He promised to deliver PSOs to 13 regional stations, yet Mr Drum indicated that PSOs would go to 4 regional stations. That is certainly something on which I would seek clarification from further government speakers, because the way the policy was initially articulated suggested that PSOs would be at all the stations in our largest regional centres. Now it seems to be only four. I hope to gain some clarification on that. Using Ballarat by way of example, there is Ballarat station, which is the main station, but the government also made a commitment to extend each and every service to Wendouree, which is the new station that Labor delivered in Karen Overington's electorate during the last term. My question is: will the two PSOs be in Wendouree or in Ballarat, or will it be more in line with the original promise of two at each location?

In his contribution Mr Drum said it was important that there be flexibility around the definitions of 'designated place' and 'in the vicinity of'. Ms Pennicuik canvassed those issues in some detail in her contribution. Mr Drum said this was important so that the officers could run into a second street to apprehend someone who had committed a serious crime. A further question which has been raised previously by other speakers in the debate is how different from normal police work is it for officers to run into a second street to apprehend somebody who has committed a serious crime? And what elements of the training for a sworn police officer are not offered to a protective services officer who is working on our transport system?

In his contribution Mr Drum said that PSOs will be able to hop on a train. Does that mean that the train stops until the incident is resolved, or does it mean that the PSOs ride to the next station so that the train can continue running to its timetable, they deal with the incident in the carriage and then get off at the next station, turn around and come back? Mr Drum's contribution raised more questions than answers. I note that Mr Drum said one of the new powers for PSOs will

be to enable officers to detain people in danger of self-harming, to apprehend for their own good people who are perhaps suicidal. If this is one of the key functions, why is it that this legislation has been developed without any reference to mental health experts? I invite future government speakers to provide some illumination on these things.

The government has a mandate for this policy, and that is not something we question. The government has, however, failed to make clear how the policy will work. The powers provided through the legislative framework for this policy are significant and far reaching. In some respects they foreshadow that PSOs will perform tasks that have traditionally been the role of Victoria's sworn police force. The government has also failed to explain how it will consistently apply the working conditions of this group of 940 people in terms of shelter, toileting facilities and opportunities for people to access a tea room for a break during the course of what could be a long and late shift in a Melbourne winter. The policy was announced without a whole lot of thought as to how it would be practically implemented.
Mr Dalla-Riva indicated that 10 months into the life of this government he has been doing some policy work, and that is a good thing. But perhaps a bit of policy work to back this initiative would do no harm in terms of providing greater clarity and detail.

Ms Pennicuik has proposed amendments around the contentious issues of 'designated place' and 'in the vicinity of'. However, the opposition will not be supporting Ms Pennicuik's amendments or her reasoned amendment. As I said at the outset, we believe the government has a mandate. We think it is pretty woolly on the details about how this policy commitment will be delivered. We think the best way to proceed is to provide an oversight or a review to ensure that this policy is delivered in a way that is of greatest benefit to Victorian public transport users.

The second-reading speech indicates that the deployment of PSOs will be determined on a priority basis, with the incidence of crime and public disorder a key factor in determining placement. This is somewhat at odds with the promise to have two officers everywhere. Again, I am concerned about a promise for 13 stations in our regional cities to have PSOs, which seems at some point to have morphed into a commitment to deploy at only 4 stations. But the Acting Chief Commissioner of Police, Ken Lay, in June of this year is quoted as saying:

> Three or four years down the track, we will have the capacity to move hundreds and hundreds of police and PSOs across the transit system.

I can appreciate why the government might want flexibility, but the policy is not about flexibility. The policy is about two people being deployed everywhere to prevent the occurrence of any incidents. As Mr Drum said, it is about providing people with the feeling of security and confidence in the safety of stations in all locations, which is going to be a little hard to maintain if PSOs are being moved around all the time.

On a local note and on that question of greatest need and responding to greatest need, the Ballarat community safety committee is a group of people who work at a local level on important questions of community safety. I note that staff from the new Ballarat office of the Department of Premier and Cabinet are now attending meetings of the community safety committee so that they can provide a direct line to the Premier. It is a good thing that the Premier has such a direct line. No doubt he is well aware of the local safety issues.

The message I am hearing from people locally and through my own experience as a reasonably regular user of the train from Ballarat is that the train stations in Ballarat are not the primary transport safety issue. There have been some incidents of theft and damage to motor vehicles. However, my experience and the experience of people I talk to is that the community perception of feeling unsafe on the stations is quite low. From conversations with members of the community who are involved in these issues, including the mayor, police force members and committee members, I have learnt that the concern is really about the Ballarat bus interchange in Little Bridge Street. The government has not indicated whether its priority will be Wendouree station or Ballarat station, and it has not been completely clear about whether PSOs will be deployed at 13 or 4 stations. But all the while people are concerned about the bus interchanges, which are currently devoid of any increased security.

Last year under the Labor government the Department of Transport placed security guards at the bus interchange. I have been told that as the weather warms up incidents around the bus interchange tend to increase, and they peak in November prior to the end of term 4 and around February-March after the commencement of term 1. No doubt the Premier's people are telling him this is an issue of concern to the local community. There is a gap between this policy and its stated objectives and the way it is likely to work. Safety at the Little Bridge Street bus interchange is of concern. PSOs will be deployed at Wendouree or Ballarat stations, or both. However, no-one is talking about Little Bridge Street where there is clearly an issue which should be given due consideration by the

Department of Transport and by people in government involved in public transport security issues.

I had hoped to use some Victoria Police statistics in my contribution — some local, unpacked statistics — but apparently these are a little hard to come by at the moment. The government's failure to manage a decent relationship with Victoria Police and the consequential dispute around the Victoria Police enterprise bargaining agreement mean that crime statistics are not being processed in the way that they ordinarily would be. This is a poor reflection on the government's ability to manage those all-important relationships which are crucial for community safety.

Clearly the government has evolved its policy over the last nine months or so. It has certainly evolved its policy in the period since it was initially announced. Perhaps part of the reason for this ongoing evolution of the policy as the government sorts out some of the details might be to tackle antisocial behaviour where it is actually occurring, rather than locking itself into having security guards on train stations in a manner that is not flexible, that does not provide the kind of flexibility the acting chief commissioner spoke about and that does not reflect the sentiment the government had in mind when it announced this policy some time ago.

Mr ONDARCHIE (Northern Metropolitan) — I rise this evening to speak on the Justice Legislation Amendment (Protective Services Officers) Bill 2011.

Mr Barber — Speak on the bill; don't speak about everything else. That's what you normally do — talk about everything but the bill.

Mr ONDARCHIE — Interesting — the puffery from the other side.

Sometimes sitting weeks are just not fair, and you find yourself on the speaking roster having to follow the three Ps of politics: Pakula, Pennicuik and Pulford. What is really interesting is that the speakers from the other side have shown total disregard for Victorians' safety — total disregard for the safety of those using the public transport system. They have spent some time this evening talking about the protective services officers (PSOs), denigrating the great work of the PSOs. The PSOs do a great job. If members opposite want to find out more about what the PSOs do, here is an idea: they should talk to them, go and have a chat with them and find out more about what they do. Most importantly, they should at least respect them, because they do a wonderful job for us, and they are the people who are helping us out in this very precinct.

What is important about this bill is that it honours the coalition's election commitments to introduce PSOs onto the rail network precincts to protect the community from the violence and antisocial behaviour that today's figures have demonstrated. I know members of the opposition are years behind what is going on in today's world, but they should check out today's figures. This bill complements the government's other law and order initiatives, including providing 1700 new police. It provides the necessary power to support the community safety role of the PSOs, but only when they are on duty in the designated places. This is a proportionate response to the types of incidents that have occurred on the network.

The training of PSOs will be extended from 9 weeks to 12 weeks. The PSOs already receive the same level of training as police receive in the use of tactical equipment — that is, firearms, OC (oleoresin capsicum) spray, batons and handcuffs — and must requalify every six months to use that equipment. The recruitment standards for PSOs are as high as for police officers, and PSOs will be subject to the same complaint and discipline system as applies to police officers, including being subject to their own investigation. The PSOs are good people, they do a good job, and we should never undervalue what they do. The candidates targeted include former members of the defence force, and there is no propensity to automatically recruit personnel who are unsuccessful in being admitted to the police force. The PSOs will provide a visible presence at train stations to make them safer and to put commuters at ease.

What is really interesting is that tonight I have heard speakers talking about issues associated with mental health. Surprise, surprise — and as I say to members opposite: ask them, talk to them, check with them — PSOs are already getting training on dealing with people with mental health issues. It already occurs, but again, surprise, surprise: those opposite are just not ready for it.

What I find gobsmacking is the hypocrisy. I have talked a bit about hypocrisy today. I have seen loads of it happening today. In front of me I have a letter to the Police Association from the then Premier, Steve Bracks, and the then Minister for Police and Emergency Services, Tim Holding, which has been mentioned so often today by those in opposition. In this letter to Mr Mullet, the then secretary of the Police Association, they talk about their commitment to improving police numbers. They talk about increasing police numbers by 350 people — 350 people, when we have already talked about 1700! — but in this letter to the Police Association Mr Bracks and Mr Holding

specifically talk about PSOs. Under the heading 'The future role of protective services officers (PSOs)' the letter says:

> The ALP agrees that PSOs who wish to apply to join the police force will be given appropriate recognition for their prior learning.

It says there will be an expanded role for existing and new PSOs.

> The ALP … agree to the deployment of existing and future protective services officers (PSOs) at city loop railway stations. This will be in addition to their current deployment at courts and around other sensitive buildings.
>
> PSOs will provide a visible presence and enhance community safety around … railway stations.
>
> …
>
> … PSOs shall be confined to the stations and public areas outside the station.

Here is the catch, though, that is in the ALP's commitment to the Police Association. Let me read it to you:

> …PSOs may be deployed at other locations and may perform other functions …

This letter says that Labor supported what we are trying to do here. There is hypocrisy from the other side in turning away from this. This government has given a commitment to provide 1700 more police officers and 940 more PSOs We are determined to follow the mandate that Ms Pulford talked about. We are determined to deliver on that mandate and make Victoria a safer place for commuters to use the public transport system. Everybody in this place should be commending this bill to the house, as I do now.

Mr FINN (Western Metropolitan) — It gives me a great deal of pleasure to rise to speak on this particular bill this evening because I have quite often been a commuter travelling from the Sunshine railway station. This bill is a godsend to those of us who have used the Sunshine railway station; it is an answer to a prayer. Anybody who has been to the Sunshine station will know what a horrific hellhole it can be. It is surrounded by a bus depot which doubles as a gathering spot for people in gangs who participate in all sorts of sports against each other using various forms of violence. I think Mr Leane would quite enjoy it. Despite what Mrs Peulich tells me about Frankston and Dandenong being right up there — and I have no doubt that they are; I understand the mayor of Frankston is very keen to get this program up and running in Frankston as soon as possible — I think they would really have to be working very hard to get anywhere near what we have faced in Sunshine over a long period of time.

Mrs Peulich — You should tell that to the young women!

Mr FINN — There are not many out there!

What we have had over a long period of time at the Sunshine station is fear. I recall that at a time when I had staff members working at my office — and my office is not far from the Sunshine station — I would allow them to knock off early and go home because, quite frankly, I did not think it was safe for them to enter that station after dark, particularly the subway. Over the last few years we have seen some closed-circuit television footage of individuals having the living suitcase kicked out of them by hooligans and gang members. I have said this before, and I tried to get it fixed by the previous government. Thank God this government has come to the party. Quite frankly it is not safe, certainly not after dark, and even during the daylight hours I am a bit loath to go down there. As I said before, for anybody who is going to use the Sunshine station or anybody who wants to get on a train at the Sunshine station this bill is manna from heaven. This is something we have long hoped for and long wanted, and it is something the residents of Sunshine will rejoice in.

I recall that there was a rally of local residents outside the Sunshine railway station just a couple of years ago protesting against the level of violence at the station and in the surrounds of the station. I spoke at that rally. Sadly I was the only MP there. Despite the fact that there were many Labor MPs who allegedly represent the area I was the only MP who actually showed up at that rally, and I think that gave a fair indication of the level of concern that Labor MPs have for what they regard as their home turf.

Mrs Peulich — Black Rock is far.

Mr FINN — Black Rock is a long way away from Sunshine whichever way you look at it, Mrs Peulich, and I am sure Mr Pakula will attest to that. I do not know whether he has ever been to Sunshine or not, but if he has ever been to the Sunshine station, he would be up singing the praises of this legislation as well, as I am this evening. This is a piece of legislation which we will celebrate throughout the city of Brimbank, in particular within the precincts of Sunshine and surrounds — not just in the car park, not just at the station, not just in the bus depot but also in the surrounds of local retailers who have also faced the terror that these gangs pose. I urge this house to give

this bill a speedy passage, and I commend the minister and the government on putting this legislation up. Of course it was voted for by the people of Victoria last year, and that includes the people of Sunshine.

Mr RAMSAY (Western Victoria) — I congratulate my colleague Mr Finn for being true to his word and speaking for the 4 minutes he promised. In fact it was 4 minutes and 25 seconds, but I digress. I am pleased to support the Justice Legislation Amendment (Protective Services Officers) Bill 2011. The community clearly endorsed the Baillieu government's law and order platform prior to the election. We committed to 940 new protective services officers (PSOs) and also 1700 new police, 100 of which will be dedicated transit police. PSOs will be on train stations from 6.00 p.m. until the last train on all metropolitan stations and all larger regional city platforms.

The important thing about having PSOs at train stations is a visible presence providing comfort to travellers and the confidence that they will be safe, which is in stark contrast to the previous government's policy and how the community felt at that time. PSOs will have 12 weeks training, and I agree with Ms Pennicuik that the training component is particularly important in relation to how they deal with the community. Labor left us with the legacy of a frightened community with a sense of fatalism that travelling on public transport, particularly at night, would never be safe. What a great legacy Labor left us! This bill aims to bring in a range of effective changes that are needed.

Whilst there have been past cover-ups in crime statistics and political interference in the release of details by the previous government, we have ascertained that from 2006 to 2010 there was a 42 per cent increase in assaults at public transport locations. Whilst opposition members have mocked and ridiculed the hypothetical technicalities that may arise from this election commitment to deployment, they ironically stand in support of this bill, which is typical of an opposition that continually works against the tide of public opinion. So out of touch have its members become that they continue to deny that tagging, vandalism, theft, violence, intimidation, assaults and antisocial behaviour are problems on public rail and claim that the community is just reacting to a perception created by this government.

The success of the PSO deployment will involve adequate training, being well-equipped and having the knowledge and capability to respond to a range of circumstances. Having PSOs who are equipped with weapons and have the power to make arrests when on duty will give our trains and stations, and the community members who use them, a level of security that public transport users have been pleading for over a long period of time.

I say to the opposition, 'Jump on board! Break the shackles of denial! Be constructive in having this commitment reach its full potential, and give the community faith that it is safe to travel on public transport, that highly visible PSOs are a deterrent against antisocial behaviour and that systems and processes are in place to provide protection to Victorians who use the rail system'. Under the watch of the Minister for Public Transport, Mr Mulder, the metropolitan rail service has achieved an 87 per cent approval rating. That figure is improving, and added station security will encourage greater use of the service.

I would like to respond to comments Ms Pulford made in her contribution about the Ballarat bus interchange. I say to Ms Pulford: 'Get with the program!'. I have had meetings with Ballarat City Council and I have spoken to councillors about the issue of security at the bus interchange. I have written to Mr Mulder requesting his department review the security at this bus interchange.

In summary I would like to say that I strongly support this bill.

House divided on amendment:

Ayes, 3

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

Noes, 35

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

Amendment negatived.

House divided on motion:

Ayes, 35

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

Noes, 3

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

Motion agreed to.

Read second time.

Business interrupted pursuant to standing orders.

Sitting extended on motion of Hon. D. M. DAVIS (Minister for Health).

Referral to committee

Ms PENNICUIK (Southern Metropolitan) — I move:

> That the Justice Legislation Amendment (Protective Services Officers) Bill 2011 be referred to the Legal and Social Issues Legislation Committee for inquiry, consideration and report by 30 November 2011.

I signalled my intention to move this motion to refer the bill to the committee last week and I circulated it to both the government and the opposition. I am not quite sure why they are saying they do not have a copy of it because I certainly sent it to them. Mr Leane, the Opposition Whip, is nodding his head that I did. It is a motion of which both the major parties have had a week's notice. I think it is very important that this bill not be rushed through today and that it be referred to the Legal and Social Issues Legislation Committee, because, as mentioned in the second-reading debate, the bill basically confers all the powers and responsibilities that sworn police officers have on protective services officers when they are on duty in a designated place. It also amends 11 acts, including the Bail Act 1977, whereby protective services officers (PSOs) will be able to arrest someone and deliver them to a bail justice within 24 hours if they believe that person is likely to be in breach of bail conditions.

The bill amends the Control of Weapons Act 1990, conferring on PSOs search-and-seizure powers regarding weapons. Under amendments to the Drugs, Poisons and Controlled Substances Act 1981 PSOs can detain a person whom they believe to be under the influence of drugs. It amends the Environment Protection Act 1970 to enable PSOs to issue infringements for litter offences. Amendments to the Graffiti Prevention Act 2007 confer on PSOs search-and-seizure powers, including instances with minors. The bill amends the Liquor Control Reform Act 1998 to enable PSOs to ask for a person's name and ID and to remove liquor from the possession of minors. Under amendments to the Magistrates' Court Act 1989 PSOs are given the power to issue outstanding warrants, even when they do not have a warrant in their possession. I will be putting the question in committee as to how PSOs will be trained to deal with that provision.

The bill enables PSOs to use reasonable force to apprehend people under amendments to the Mental Health Act 1986, which is a big concern. Amendments to the Road Safety Act 1986 give PSOs the ability to direct, stop and enter cars and to call for licences. Under amendments to the Summary Offences Act 1966 the bill confers move-on and arrest powers for PSOs dealing with drunk and disorderly behaviour and other liquor offences. It also gives broad arrest and move-on powers under amendments to the Transport (Compliance and Miscellaneous) Act 1983.

The bill before us confers on PSOs wide-ranging powers hitherto enjoyed only by sworn police officers — and enjoyed by sworn police officers only because of the training provided to them and the context in which they operate. The supervisory and other procedures, particularly those in relation to training, are very different for sworn police officers than they are for PSOs. The wide-ranging powers that are conferred upon PSOs under this bill and the impacts they can have on the community and on PSOs themselves in the way they go about their daily duties deserve to be inquired into in greater detail than has already been done.

Opposition members have talked about lack of consultation, and we know that there was virtually no consultation on this bill. Certainly many groups in the community that deal with people who are going to be directly impacted by the provisions contained in this bill — organisations such as the Federation of Community Legal Centres Victoria, the Mental Health

Legal Centre, the Law Institute of Victoria, Liberty Victoria and various others — have publicly expressed their strong concerns about the bill.

I have moved this motion for a referral of this bill to the legislation committee because there are legislation committees that should look at bills that may potentially have this sort of impact in the community and that should receive submissions from interested parties, hold hearings and come to some conclusions as to whether the bill needs amending or indeed whether it should go ahead. I have mentioned before on a number of other occasions when I have tried to refer bills to the committees that have been set up that it is a matter of course in the Senate for bills to go off to Senate committees for examination. Often they come back with amendments actually put forward by the government.

This bill is one of the most important bills we have had in front of us in this session of Parliament. It could have the most far-reaching consequences, and it deserves examination. I hope the opposition will support my motion to refer this bill to the Legal and Social Issues Legislation Committee.

Hon. M. P. PAKULA (Western Metropolitan) — I say with some regret that the opposition will not be supporting Ms Pennicuik's motion, and I say that for a few reasons. This is the first referral motion that has been moved by the Greens that the opposition has not supported. I stand to be corrected, but I think it is the first one.

On a number of occasions in this place we have indicated that we believe the Legal and Social Issues Legislation Committee and the other legislation committees should be allowed to do their work in examining bills, but we have also said on numerous occasions that we expect those referrals and that work to be done in an expeditious way and not in a way that would unduly delay the passage of bills.

This motion would in effect cause this bill to be delayed by more than three months. If the committee reported on 30 November, the earliest date that the bill could be passed would be the second week of December. The government has already indicated that the training of protective services officers (PSOs) cannot commence until the bill passes, so that would defer the rollout of protective services officers, given their 12-week training time, until some time in February or March 2012. It might well be that that ends up being the time line in any case, and I have already indicated that I think this process is well behind schedule. However, given the extent of the debate that has already occurred on this bill in what has now been two debates before this Parliament and a committee stage, with another committee stage to come, I do not believe it is necessary to defer the passage of the bill until December at the earliest.

I also indicate that the opposition has its own amendment that it will move during the committee stage. It is an amendment to the bill which would have the effect of having the operation of this policy reviewed by the Drugs and Crime Prevention Committee of the Parliament 12 months after the bill has been in operation. As I indicated during the second-reading debate, we believe that is appropriate.

We have indicated in all our contributions in this place today and previously that we accept that the government subjected this policy to a great deal of debate prior to the election — not all the nuances of it and not all the implementation issues in relation to it, which we have already examined in committee and no doubt will do so again — but given that support of this motion would cause a significant delay to the operation of the bill and given that the opposition's view is that a more appropriate approach would be for the matter to be reviewed after 12 months, on this occasion, regretfully, we will not be supporting the Greens' motion.

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I appreciate Ms Pennicuik's sentiment in terms of this motion. However, I think the suggestion by Mr Pakula that we have a requirement to get the training program started and the protective services officers (PSOs) active makes sense. As was rightly indicated, a three-month delay would mean it would be 2 December before training could commence. That training would take 12 weeks, as per the legislation, bringing us to 2012.

I remind those opposite, particularly Ms Pennicuik, that this government was elected with a mandate — —

Hon. M. P. Pakula interjected.

Hon. R. A. DALLA-RIVA — I said Ms Pennicuik. We were elected with a mandate to introduce PSOs on the rail network. We made the commitment to deploy 940 PSOs under the initial legislation. Obviously the purpose of this bill is to provide the PSOs who are on duty at designated places with the appropriate powers for those officers to be effective in combating crime and antisocial behaviour. I am happy to take clause by clause those issues that may be brought forward by Ms Pennicuik and the Labor opposition. For those

reasons, we will not be supporting Ms Pennicuik's motion.

Ms PENNICUIK (Southern Metropolitan) — In response to Mr Pakula and Mr Dalla-Riva, I note that Mr Pakula said that the referral to the committee would unduly delay consideration and passage of the bill. It would be delayed for only three months, to the end of November. The proclamation date of the bill is 1 July 2012, so the examination by the Legal and Social Issues Legislation Committee that I propose will not unduly delay the bill.

I repeat that this is a bill with far-reaching consequences. It confers on protective services officers significant powers that currently only police officers have. Many issues have been raised, including those raised by the opposition. I say to Mr Pakula that even though support might be given to conducting a review of this act in operation, what is better is to get the legislation right in the first place before it is inflicted on an unsuspecting public. There are the adverse consequences that people have been warning about, such as someone — or many people — being hurt as a result of the unwarranted and unnecessary provisions of this bill.

There has been no examination of any sort of this bill by a committee. I mentioned the completely inadequate second-reading speech by the police minister. Although some of the human rights issues with this bill were raised in the statement of compatibility, a whole lot more were left out. The report of the Scrutiny of Acts and Regulations Committee was equally startling, because all it did was basically report that the committee had received a submission from the deputy privacy commissioner. In his four-page submission he concluded that:

> The proposed legislation trespasses unduly on rights or freedoms (being the right to privacy) —

under the Parliamentary Committees Act 2003 (PCA). He went on to say:

> The proposed legislation makes rights, freedoms or obligations (including the right to privacy) dependent on non-reviewable administrative decisions (of the Chief Commissioner of Police or his/her delegate) — s. 17(a)(iii) PCA.
>
> The proposed legislation is incompatible with the human rights set out in the Charter of Human Rights and Responsibilities (the right to privacy) …

The deputy privacy commissioner took it upon himself to write to the Scrutiny of Acts and Regulations Committee. The committee did not even go to the issues that were raised in the very brief statement of compatibility. The bill, including the amendments it makes to the Police Regulation Act 1958 and 11 other acts engages, and in fact breaches, a whole lot of other rights under the Charter of Human Rights and Responsibilities. That matter has not been looked at adequately at all, and it needs to be.

I say to Mr Pakula that we need to get the legislation right. He knows there are problems with the legislation. He has gone through them in great detail in his own contribution to the debate, but then he has gone on to say that the opposition will support the bill.

Mr Dalla-Riva said we should not delay the bill because that will mean that new PSOs will be stopped from acting with the powers conferred by the bill. They were going to act without them anyway; they were going to act with their current powers. As I understand it, so far there has been no recruitment of any people as PSOs to meet the numbers that the government has said it will deploy. The three-month delay will have absolutely no effect whatsoever on what the government wants to do, and it will not hold up the bill. In fact the referral will extend an opportunity to the government to have its proposal properly scrutinised publicly so that the public can be a little bit more assured that the legislation that is put in place is correct, will achieve the aims it purports to want to achieve and does not do any harm in the community, which is what people have raised concerns about. I commend my motion to the house.

House divided on motion:

Ayes, 3

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

Noes, 35

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

Motion negatived.

Committed.

Committee

The DEPUTY PRESIDENT — Order! The Justice Legislation Amendment (Protective Services Officers) Bill 2011 is a bill for an act to amend the Police Regulation Act 1958 in relation to protective services officers and to amend the Bail Act 1977, the Control of Weapons Act 1990, the Crimes Act 1958, the Drugs, Poisons and Controlled Substances Act 1981, the Environment Protection Act 1970, the Graffiti Prevention Act 2007, the Liquor Control Reform Act 1998, the Magistrates' Court Act 1989, the Mental Health Act 1986, the Road Safety Act 1986, the Summary Offences Act 1966 and the Transport (Compliance and Miscellaneous) Act 1983 and for other purposes.

I have had an indication from Ms Pennicuik as to the clauses she wishes to raise questions about. There is a considerable number. I will get instructions from members in relation to other clauses in a moment.

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I seek leave of the house and you, Deputy President, to have Mr Drum join me at the table.

Leave granted.

Hon. M. P. PAKULA (Western Metropolitan) — I am in your hands, Deputy President, and to some extent in the hands of the minister. I have a range of general questions which I am happy to deal with in the purposes clause, with the indulgence of the Chair and the minister, rather than in other parts of the bill.

The DEPUTY PRESIDENT — Order! Raising questions in discussion on clause 1 is the proposition?

Hon. M. P. PAKULA (Western Metropolitan) — Yes, unless you were to rule that a question was patently outside clause 1, in which case I would deal with it in another part of the bill, but for the purposes of the expeditious passage of the bill and the committee stage, I would be happy to raise them all during discussion on clause 1.

The DEPUTY PRESIDENT — Order! We will endeavour to do that. Obviously the answer depends a little on the detail of the questions, but clearly whatever will facilitate the proceedings of the committee would be appreciated by everyone at 10.30 p.m. I advise the committee that the President has indicated to me that he wishes there to be a supper break at 11.30 p.m. and has made arrangements accordingly.

Clause 1

Hon. M. P. PAKULA (Western Metropolitan) — I mentioned during the second-reading debate that the oft-repeated commitment of the government to there being two protective services officers (PSOs) at each and every metropolitan railway station is a commitment we have heard less of since the government took office. I simply ask the minister: does it remain the government's commitment that there will be two protective services officers at each and every railway station on the metropolitan network?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I think previously the issue has been raised as to whether or not it is necessary for the PSOs (protective services officers) to work two up. The advice I have is that there is no specific requirement for PSOs to work two up, as there is not any specific requirement for police members to work two up. Whilst two up is the preferred model, obviously there will be times when one of the PSOs will not have to be there for whatever reason. This does not require the second PSO to be absent.

Hon. M. P. PAKULA (Western Metropolitan) — Dispensing with the issue of whether the PSOs are two up or not, let me narrow it down. Will there be a PSO presence, whether two up or otherwise, at each and every railway station on the metropolitan network?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — As Mr Pakula said in relation to Ms Pennicuik's matter, the rollout obviously would take some time in terms of covering every station. It is intended that we will implement the coalition's policy in full. Obviously the deployment of the PSOs is an operational matter for Victoria Police, which may on occasion decide to take PSOs away from lower risk stations to deal with incidents or expected problems elsewhere on the network. Just for the record, I indicate it is intended that 93 PSOs will be deployed to the railway network and appointed in the 2011–12 financial year, a further 231 in 2012–13 and 468 in 2013–14. It is intended the remaining 148 be recruited by the election — by November 2014.

Hon. M. P. PAKULA (Western Metropolitan) — I thank the minister for those numbers. Going by my quick maths the numbers the minister has just read out add up to 940 or thereabouts — maybe a little more or a little less. Given the minister has now said the 940 PSOs will be deployed by 2014, does that mean each station on the metropolitan network will have PSOs on it by 2014?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I am advised that by November 2014 the answer will be yes.

Ms PENNICUIK (Southern Metropolitan) — Given the breadth of powers that are being given to protective services officers (PSOs) by this bill — by the amendments clause 1 makes to 11 acts — what will distinguish PSOs from operational sworn police members? What will the difference be? This bill will give PSOs pretty much the same powers police have, so what are the differences remaining between PSOs and sworn police?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — As I thought might be the case, the relevant clause of this bill outlines the amendments to the various acts which will provide the various powers specifically to the PSOs. As the member knows, throughout the bill each of the amendments to each of the sections of those acts is dealt with on a clause-by-clause basis.

Hon. M. P. PAKULA (Western Metropolitan) — We are charging through these! I will ask the next question as a two-in-one so the minister can perhaps get advice on both matters in one visit. Can the minister advise whether, since the previous bill was passed, any stations have been upgraded to provide amenity for PSOs so that what we were talking about last time — divvy vans being diverted to take PSOs for breaks — can be avoided? Have any stations been upgraded since the last relevant bill was passed?

Could the minister also tell me whether the first tranche of PSOs will be deployed on the basis of operational need or on the basis of which stations have toilets and shelters already installed? Will operational need or the provision of appropriate facilities be the principal determinant of where the first tranche of PSOs will go?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — In terms of the infrastructure that will be put in place at railway stations, particularly those that are currently not staffed, for the use of PSOs whilst on duty — for example, toilets and closed sheltered areas during poor weather — the advice I have is that the Department of Transport is currently working through these issues with Victoria Police and the Department of Justice and that this assessment will work through each issue progressively.

In relation to any stations that have been upgraded, I will have to seek advice from the advisers box. I am advised that there has been no specific work undertaken for the infrastructure requirements, but I understand, as I said earlier, that the Department of Transport is working through these issues with Victoria Police and the Department of Justice and that each assessment will be worked through progressively, as I indicated.

Hon. M. P. PAKULA (Western Metropolitan) — I genuinely thank the minister for his assistance. I listened closely to his answer about the work that is going on between the Department of Transport and the Department of Justice. Do I take it then that it is the intention that PSOs will not be deployed to any particular station until the amenity issues at that station are resolved — in other words, until there are appropriate shelters or rest room facilities? PSOs will not be deployed to those stations until those matters have been resolved; is that correct?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — My advice is that PSOs will initially go to where there are amenities available at the stations. As I indicated earlier, as they move through to other stations where there are not such amenities or facilities available they will work through each issue and each station progressively with the Department of Transport, the Department of Justice and Victoria Police.

Hon. M. P. PAKULA (Western Metropolitan) — Is it not necessarily the case that there will be a toilet and shelter at every station PSOs go to? I am just trying to understand what the minister is saying. I understand that he says they will 'work through each issue', but is it that they will not go there until toilets and shelters have been provided, or may it be the case that a station they go to will not have those facilities and that it will then be resolved later? I am just trying to understand the order in which things will occur.

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — As I indicated, the advice I have is that it will start with those stations that have comfort stations, so to speak, and sheltered areas. However, as I indicated earlier in response to a question about PSOs working two up at the stations, there is no requirement for PSOs to work two up, as there is no requirement for police officers to work two up. My understanding is that the two-up model is the preferred model, but there will be occasions when PSOs will need to take a comfort break. They do not require a second PSO to take a break, so it may be that a PSO will be one up at certain points.

Hon. M. P. PAKULA (Western Metropolitan) — Moving on to another issue, is the minister able to give

us any definition of what 'in the vicinity of a designated place' means? In doing so, maybe he could also outline to where the vicinity extends.

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — The designated places will cover the entirety of the rail network. The advice I have is that they will include: (a) any land on which there is a track, building et cetera required for the rail network; (b) any land leased by the state to the rail providers required for the provision of rail services, including a car parking area on the premises, a roadway or other thoroughfare giving access to the rail premises and any area on or adjoining the rail premises used by other modes of transport, including bus stops and taxi ranks; and (c) any local government controlled car park adjoining or in the vicinity of rail premises.

The definition of 'designated place' will be included in regulations that will be made following passage of the bill. Including the definition in regulations allows for an appropriate level of flexibility to allow for changes that may occur to the definitions of associated terms under transport legislation, such as 'rail premises'. Inclusion in regulations is an important way of defining this important concept. As Mr Pakula, a former transport minister, would understand, railway stations are quite diverse, and hence 'designated place' will be defined through regulation.

Hon. M. P. PAKULA (Western Metropolitan) — I thank the minister. I understand that the designated places will be defined by regulation, but I thank him for the definition and detail he provided. However, the bill also provides that the powers can be used in the vicinity of designated places. I understand that the process the minister has referred to is that the designated place will be gazetted, but PSOs will be able to use their powers beyond but in the vicinity of the designated place. I am seeking some definition of what the term 'in the vicinity of' actually means. How far does it extend? What is the extent of the vicinity of a designated place? Is it 50 metres or 100 metres? What is it?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I thank the member for his question. In terms of the vicinity, obviously the legislation requires PSOs to be on duty in a designated area. I have explained what a designated area is, and Mr Pakula has now asked for what the vicinity would be. The advice I have is that 'vicinity' could be determined depending on the events that may occur. I give the example that PSOs will be able to exercise their powers in relation to offences committed at or in the vicinity of a rail station to which they are deployed. This will allow PSOs to deal with offences committed on rail property or in the area surrounding rail property — for example, in the adjacent car parks — but the PSOs will not undertake general patrol duties outside those areas.

I think it was raised the last time we debated the PSO bill that if there was a pursuit, then 'in the vicinity' would be a reasonable occurrence, but for the normal purposes of patrolling around the area it may not be. So the designated area is the benchmark and then the vicinity surrounding it. We are not being prescriptive. Otherwise it makes it too difficult to count out 50 metres, 20 metres or 5 metres, for example.

Hon. M. P. PAKULA (Western Metropolitan) — For example, the minister raised the issue of a pursuit. Could a protective services officer pursue someone from a designated area into a private premises that might be next door? There are lots of homes that are very close to railway station property. Could a PSO pursue someone into their front yard or through their front door if that is in the vicinity of the railway station?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — The advice I have is that it obviously depends on the offence. If somebody is littering or caught littering, then clearly that would not be the case. However, if somebody was shot, the advice I have is that clearly the powers would be available to PSOs to undertake such pursuit and arrest as required.

Hon. M. P. PAKULA (Western Metropolitan) — In terms of determining what is an appropriate vicinity based on the nature of the offence, would that be a matter for the courts to determine? Who would decide whether it is an appropriate vicinity on the basis of an offence? How would that be determined?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — The issue that is different is that the powers that are provided under this bill are section 459 arrest warrant powers which enables the pursuit of those who commit a serious indictable offence which is separate to a section 458 Crimes Act 1958 offence.

Hon. M. P. PAKULA (Western Metropolitan) — I thank the minister for his answer, but I confess I do not understand it. I am simply trying to understand. The minister has said that the nature of this is that the vicinity has to be flexible because we cannot be too prescriptive and that that will be determined by the nature of the event that occurs. What I am asking is: what is the test for what the vicinity is in regard to an

appropriate or inappropriate offence? What will the jurisdiction be in which there will be some determination made about whether or not the power was properly exercised in terms of the vicinity?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I am advised that there is case law specific to the matter that Mr Pakula talks about. It would be determined by the courts in terms of the vicinity under the certain circumstances where a serious indictable offence had occurred.

Hon. M. P. PAKULA (Western Metropolitan) — This will be my last question on this so long as I get this particular issue clear. To give a real-life example, if someone is pursued and detained by a PSO and charged, it would be open to the person who is being detained to argue that the offence did not warrant that pursuit — for example, 'I was not in the vicinity' et cetera — and it would be a matter for the courts to determine whether the PSO had properly exercised the powers. All those things being considered — the offence, the pursuit and whether or not they were in the vicinity — it would ultimately be a matter for argument and determination by the courts in accordance with the precedent. Is that the situation?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I think what we need to define is the power to arrest under section 458 of the Crimes Act 1958 and how it differs from the power under section 459. Section 458 of the crimes act legislated, for example, that in the case of citizens arrest powers, the person making the arrest must find the person committing the offence — that is, any offence; and the arrest must be necessary for, what I recall as CAPS from my old detective days, public safety or to ensure the person's appearance before a court and/or to preserve public order or prevent the continuation of the offence or reoffending.

If the person arresting the offender is not a Victoria Police member, he or she must deliver the person who has been arrested to a member of the police force as soon as practicable. This requirement applies to authorised officers and PSOs, both of whom must hand the arrested person to a member of the police force. That is section 458, as has been rightly pointed out.

Section 459 differs from section 458 in that it applies to police officers, and with the commencement of the amending act it will apply to PSOs on duty in designated areas. That is the defining requirement. It allows the arrest of a person reasonably suspected of having committed an indictable offence — that is, the arresting officer does not have to witness commission of the crime if he or she has reasonable grounds to believe a crime has been committed by the offender. The example that has been raised is of somebody running out of a train and saying, 'That person has just committed a serious offence'. The PSO clearly has not seen the offence. The section 459 arrest powers apply; therefore they may arrest that person because they reasonably suspect that person of having committed an indictable offence, even though they have not witnessed the commission of the crime.

Hon. M. P. Pakula — Or pursue them.

Hon. R. A. DALLA-RIVA — Or pursue them, because it gives them the power to do that. The practical example for section 458 is the one which members may recall of a member for Southern Metropolitan Region, Mrs Coote, witnessing somebody breaking into a staff member's car that was parked in the car park at Parliament House. She alerted various PSOs who then executed the arrest of the offender who had broken into the car, even though they had not witnessed it. In fact I think they did witness it, so they were then able to apprehend the offender under section 458. I remember that person being handed over to the Victoria Police. That was a section 458 arrest. What I am outlining to members is the difference between the two arrest powers that PSOs will have.

Hon. M. P. PAKULA (Western Metropolitan) — I will try to interrogate one other practical example. Let us take a station like Glen Huntly station where the offenders who caused all that trouble at McKinnon a year or two ago got on the train. Glen Huntly station is in the vicinity of the Glen Huntly shopping centre. Let us say a PSO is patrolling around the level crossing at Glen Huntly station and witnesses someone 100 metres away, who has not been on a train and has not been in the station precinct, breaking into a shop in the Glen Huntly Road shops. Can that PSO leave the station and pursue that individual because they have seen them from their vantage point at the Glen Huntly station even though the activity is not related to anything that has occurred on or within the network?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — Based on my experience in the old days, I just wanted to clarify if there was somewhere else where anyone could make that arrest because they had witnessed the offence. Under section 458 of the Crimes Act 1958 Mr Pakula, me, a PSO or anyone who witnesses an offence could instigate an arrest. There is no difference. The only requirement is that once the arrest has been enacted,

they must be handed over to a member of the Victoria Police.

Hon. M. P. PAKULA (Western Metropolitan) — We will move off the 'vicinity'. I have to say that I do not think we have what I would describe as clarity about what the 'vicinity' is or where the powers can be exercised, but I suspect we will get no further clarification. Earlier the minister went through a range of definitions around the question of 'designated place', and I understood them. But by regulation could any other location in Victoria, apart from those that the minister read into the record earlier, be designated as a 'designated place' or is it only those areas that the minister referred to in his answer to my earlier question?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I do not think I read them out, but perhaps I did in a roundabout way. Obviously the trains themselves are the designated area and of course the rail tracks would be designated as well. Basically it is the railway station and the adjacent car park. I did indicate some boundaries in something I said earlier, and I do not need to go through them again. I think it is fair to say that any land on which there is a track, building et cetera required for the rail network, including land leased for the purpose, is the designated area. The definition of 'designated place' will be included in the regulations. As I indicated earlier in discussing the definition of 'in the vicinity of', there is case law which would indicate that, and depending on the offence it is a section 458 or section 459 arrest power.

Hon. M. P. PAKULA (Western Metropolitan) — Just to be absolutely clear, is the minister saying categorically that the minister could not, for example, designate the Melbourne Cricket Ground as a designated place? Is it the case that this bill cannot be used to designate other areas within the state of Victoria where these powers can be exercised? Is that a categorical assurance that we are talking railway and environs, not the MCG and not the showgrounds or any other place?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — The advice I have is that it is clearly not the intention for the legislation to be used for other than as has been indicated as 'in the vicinity of'. My advice is also that the second-reading speech, which I am frantically trying to find, made it clear that that was the intention. To be fair, it was our election commitment. I do not think it would be used for a purpose other than the one given by the police minister. It says in the second-reading speech:

> The policy intention of this bill is to increase safety on the rail network addressing commuter concerns about travel on the network, particularly at night.

I think those are matters that Mr Pakula may infer are not found in this case.

Hon. M. P. PAKULA (Western Metropolitan) — I thank the minister for his answer, but forgive me, I always get a little suspicious when I hear, 'It is not the intention of'. What the minister needs to recognise is that the bill leaves it completely open, does it not, to the police minister to designate any place within the state of Victoria? It simply talks about a designated place being a place prescribed by the regulations. The bill does not impose any other restriction on what a designated place is other than that.

The minister might say it is not the intention of this bill to allow the police minister to designate any other place, but is the minister saying that it is not within the police minister's power to designate any other place, or simply that it is not the intention to do so? Intentions can change, but pieces of legislation are pieces of legislation. I suppose I am suggesting to the minister that if at some point in the future the intention were to change, then this bill would provide the police minister with all the powers he needed to designate any place within the state of Victoria.

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — The advice I have is that in a court of law that assumption would not stand up. The minister's second-reading speech is very clear. It says:

> This government was elected with a mandate to introduce protective services officers (PSOs) on the rail network —

the bill is applicable to the rail network —

> to protect the community against violence and other antisocial behaviours which had made travel on the network, particularly at night, an unacceptable risk for … the community.

He then goes on to talk about the commitment of the government to the deployment of 940 PSOs — I have already discussed in the committee stage the rollout of that commitment — 'on the rail network' by the end of the government's first term in office. The minister goes on to say that the purpose of the bill is to provide for PSOs to be on duty at designated places. I have already indicated for the house and for Mr Pakula in particular that the designated places will be locations around

railway stations and their vicinities and that certain amendments are required for that.

I think it would be fair to say, and Mr Pakula would know as a lawyer, that the courts would probably view this in a different way if it were used for any purpose other than what was intended by the Parliament, as outlined in the second-reading speech, in the debate and in the committee of the whole.

Hon. M. P. PAKULA (Western Metropolitan) — I will take that as an undertaking that the minister for police will not designate any other area outside the intention of the act. If — —

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — Can I just get in, Deputy President?

The DEPUTY PRESIDENT — Order! It is between Mr Pakula and the minister. If the minister is finished — —

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — No, I just want to give some further clarity. The PSOs who operate in the parliamentary precinct only have the powers to operate within the precinct here. The PSOs who operate within the courts only have the powers to operate within the vicinity and precinct of those areas. I guess what I am saying is that PSOs already have powers in some places of public importance. Mr Pakula is taking the bill on face value, but we already have PSOs here and in the courts, and the same system would be applied on the rail network.

Hon. M. P. PAKULA (Western Metropolitan) — I accept all that. I suppose what I am seeking is the commitment that the broad designation powers in the act will not be used to designate places other than those within the rail network, as already described by the minister. I understand, unless he contradicts me, that he has given that commitment. He is saying that these powers will only be used for the purposes set out in the legislation. I see him nodding his assent.

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — We give that commitment. It was an election commitment. We are pleased the bill is before the chamber. It is a commitment for the rail network and the safety of the Victorian people on that transport system.

Hon. M. P. PAKULA (Western Metropolitan) — I thank the minister, and I can indicate, Deputy President, that I have only two more questions on clause 1. Firstly, police recruits are on probation for two years and they are supervised during that period. My question is: what will be the supervision arrangements for PSO rookies? Will there be situations where rookie PSOs might be deployed to railway stations without any direct supervision, or will they always have direct supervision in the same way that a rookie police officer would?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — It might be better if I just explain the training regime. Compared with the nine weeks for other PSOs, protective service officers who are allocated to the rail network will undergo a 12-week training course in order to take into account the additional powers and responsibilities that they have. As part of that training all PSOs will undergo the same two-week operational tactics and safety training as police do currently, and they will also be required to requalify every six months. It is intended that following graduation from the Victoria Police academy, the PSOs will undergo a period of on-the-job training where they will gain hands-on experience in the company of experienced Victoria Police transit division officers. That would give you some understanding of the training process.

Hon. M. P. PAKULA (Western Metropolitan) — Could there be a situation where two rookie PSOs are stationed together at a railway station without an experienced supervisor two or three months after they have finished their training, or will there always be a rookie and an experienced person operating together after that training period has been completed? Could two rookies be working together unsupervised on the network when their training is completed?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I thank the member for his question. PSOs will be under the ultimate control of the chief commissioner, and they will report to the supervisors assigned from Victoria Police transit safety division. It is anticipated that PSOs will initially spend some time under the direct supervision of Victoria Police transit division officers, in a similar arrangement as exists for new police recruits. Once experienced they will operate without direct supervision, although a PSO will be able to contact and obtain advice from a supervisory transit division officer. I think it is fair to say that they are not like probationary police constables, who would be let out on their own, but there is a proper process in place. I understand the chief commissioner will be working through that process.

Hon. M. P. PAKULA (Western Metropolitan) — I suppose that logically, given that up to this point there are 150 PSOs as a maximum and that the government will be recruiting 940 new PSOs, the reality is that you will have new ones with new ones, rather than new ones with experienced ones, because there are only 150 experienced ones. Unless I am misunderstanding the recruitment process, that is right, is it not?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — Can I just say again that this process is a rollout, about which you asked earlier. There will be 93 recruits in 2011–12, 231 in 2012–13, 468 in 2013–14 and 148 remaining PSOs to be recruited by November 2014. Therefore I think it is fair to say that there will be training processes in place and on-the-job training, and there will be supervisory capacity. As the 93, then the 231 and then the further 468 recruits gain experience, you would expect they would be able to provide some support as the process goes on.

Hon. M. P. PAKULA (Western Metropolitan) — I will turn to the last matter on which I want to touch. In his second-reading speech the Minister for Police and Emergency Services said that the recruitment standards for PSOs will be as high as for police officers, and I think you yourself have made a similar assertion. Given that the recruitment standards for PSOs will be as high as they are for police, does that amount to a guarantee that any individual who has failed to be accepted as a police recruit or who has failed to complete police recruit training will not be accepted as a PSO? If the standards are going to be just as high and if individuals have either failed to be accepted or failed the training, can we take it that those individuals will not be accepted as PSO recruits?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I think the answer is that, as we know, Victoria Police receives large numbers of applications from persons seeking to join the force — well in excess of the number of positions available. Naturally, as a result of a number of pre-appointment checks that recruits undergo as well as the training course, Victoria Police is able to appoint the best of those recruits to be police officers. The fact that a recruit is not appointed as a police officer does not mean that he or she has failed. It may be that for any number of reasons identified during the training course some applicants will be better suited to appointment as PSOs; however, the great majority of PSOs appointed will be persons who have only applied for the position of PSO.

I think it is fair to say from my own understanding and experience that there are PSOs who eventually become police officers, so it really is one way or the other in the process. However, to make the assumption that they are cops who have failed in some way or other is not correct. I think you will put your hands up and agree with me that that is not what you are intending to say, but — —

Hon. M. P. Pakula — I didn't say that.

Hon. R. A. DALLA-RIVA — No, but that may be the inference made by people reading *Hansard* or watching this. The view would be that it is not about making armed guards out of failed cops; it is just that the process would be such that some may be better suited to being PSOs, and eventually at some point, if they wish — and as we know, some do — they may end up becoming police officers through further training or whatever they may do.

The DEPUTY PRESIDENT — Order! Does Mr Pakula wish to respond to that comment?

Hon. M. P. PAKULA (Western Metropolitan) — Only to say that there was no implication or imputation. I was simply trying to correlate the comment by the Minister for Police and Emergency Services that the standards for PSOs would be as high as they are for police officers with the question about people who have been unsuccessful in their applications to be police officers subsequently applying for positions as PSOs. The minister provided me with an answer, and it is an answer that I am reasonably satisfied with under the circumstances.

Ms PENNICUIK (Southern Metropolitan) — Mr Pakula might be reasonably satisfied, but I am not sure that I am. In fact I am not sure that I follow the train of questions that Mr Pakula asked after my question, which was: given the breadth of powers given to PSOs by this bill, what distinguishes them from operational police force members? I do not think that anything the minister has said has totally clarified that issue — that is, where the designated areas are and where PSOs are able to operate with the powers that are conferred upon them by this bill.

The minister mentioned that under section 458 of the Crimes Act 1958 any person can make an arrest of an offender if they see them committing an offence, but the truth is that most people do not do that. In relation to the example that Mr Pakula gave of somebody breaking into a shop on Glen Huntly Road, most citizens would not rush in and arrest that person in a citizens arrest because they would not feel equipped to

do that and they would be too afraid to do that. A sworn police officer would of course make that arrest because a sworn police officer can exercise their powers at any time, 24 hours a day, but under this bill we are told that a PSO, who has the same powers as a police officer, can only exercise those powers in a designated area.

It seems to me that whatever a designated area and vicinity is, once a PSO who has observed a crime happening 100 metres from Glen Huntly station runs out of their designated area, they have run out of section 459 of the Crimes Act 1958 and into section 458 of the Crimes Act 1958. Is that correct? They are no longer acting under this bill; they are acting under section 458 of the Crimes Act 1958 if they run out of the designated area to arrest somebody who is committing an offence outside the designated area. Is that correct?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — The advice I have is that Ms Pennicuik is comparing police powers with PSO powers. Police powers are very wide and diverse. The PSO powers, as specified in this bill, are very limited.

Ms Pennicuik — No, they are not.

Hon. R. A. DALLA-RIVA — They are. They are limited to a designated area, whilst on duty and in the vicinity. The member gave the example earlier of a section 458 arrest capacity. I have it, the member has it — we all have it. It is not something unique to the PSOs. In the example Mr Pakula gave earlier he suggested that for some unknown reason PSOs have an extraordinary power. They do not. It could be argued, as I indicated earlier, that case law would indicate that it is in the vicinity, but even if it is not in the vicinity, the powers under section 458 would allow that arrest to occur.

It is also fair to say that comparing police who have detective capacity — there are family violence issues, and they have extensive training and search powers — —

Ms Pennicuik — So do these people.

Hon. R. A. DALLA-RIVA — Yes, but the powers of PSOs are limited in the sense that they relate to a designated area while on duty and only in the vicinity. Ms Pennicuik is trying to draw a long bow if she is suggesting that PSOs have extensive powers but they should not be allowed to arrest somebody who, as Mr Pakula suggested, is smashing up a shop down the street. If they see it in the vicinity of a designated area and they are on duty, I would expect, Ms Pennicuik would expect and the community of Victoria would expect that the PSOs would take action. If Ms Pennicuik is suggesting that PSOs should sit by and watch a criminal offence occur outside of the designated area, I think she will find that she has a disagreement between this government and the Greens.

Ms PENNICUIK (Southern Metropolitan) — Mr Dalla-Riva is very fond of attributing motives to my questions. All I am trying to clarify is the powers of PSOs apropos the powers of sworn police. The fact is that this bill confers basically all the powers, roles and responsibilities of sworn police on PSOs when they are on duty in a designated area. Returning to the training — Mr Dalla-Riva was talking about training before, and he mentioned it in his answer just then — police have more training than PSOs will have. However, if we accept the designated area argument, PSOs will be able to exercise the same powers as sworn police, but they will not have the same training. They will have one-third of the amount of training that police have.

I go back to my original question, and I hope the minister is listening: what is the difference between the two? I am presuming the only difference is the level of training. It has been quite difficult to ascertain what the difference is between the training that a PSO receives and even the extended training that they will receive under the bill — or since this whole program has been put in place and increased from 9 to 12 weeks. What exactly does that entail, and what exactly do they not get trained in that police get trained in? The answer to that question seems to be elusive, and nobody wants to outline it. I think the minister should outline exactly what that is. What is the difference? We are talking about 21 weeks difference.

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — As I indicated earlier to Mr Pakula, the protective services officers will be deployed across the rail network. They will undergo a 12-week training course, as opposed to the 9-week course undertaken by other PSOs. This takes into account the additional powers and responsibilities they will have. As part of that training all PSOs will be required to take the same two-week operational tactics and safety training that is currently taken by police officers. They will also be required to requalify in this every six months, as police officers are required to do. It is intended that following graduation from the police academy, PSOs will undergo on-the-job training, where they will gain hands-on experience working with Victoria Police transit officers.

Ms Pennicuik has asked about the differences between the training received by police officers and that received by PSOs. The PSOs will receive the same operational tactics and safety training as police officers and are required to requalify in this area every six months, as police officers are required to do. The PSOs will also receive community engagement and diversity training similar to that received by police officers. The additional training that police officers receive relates to the broader range of powers and responsibilities they have in protecting the community. The PSOs will perform a narrower range of duties and exercise a narrower range of powers and so do not require the same training periods.

Given that we are now only on clause 1, I think it is important that we note that there are 13 amendments to the bill. I also note that the Police Regulation Amendment (Protective Services Officers) Bill 2010 is the bill that will place obligations on PSOs to comply with the law. I think there are adequate protections in these bills. We have indicated that there are differences between the two roles and that PSOs will have a narrower range of powers.

I move:

> That progress be reported and the committee have leave to sit again later this day.

The DEPUTY PRESIDENT — Order! The question before the Chair is that progress be reported and the committee seek leave to sit again. Is there any contribution to that motion?

Mr LENDERS (Southern Metropolitan) — Deputy President, I seek your guidance. From the point of view of the opposition, we have been agreeable — I would not say content — with the government that the house may continue sitting to enable the dangerous dogs legislation to proceed. Given that it is now 11.30 p.m., I move an amendment to Mr Dalla-Riva's motion:

> That all the words after 'again' be omitted with a view to inserting in their place 'on the next day of meeting'.

This is a bill that has a start-up date of 1 July 2012, so there is hardly any urgency for the committee stage of this bill to be continued tonight. It could even be done on Thursday.

The DEPUTY PRESIDENT — Order! The amendment is in order. Are there any contributions to the amendment to the motion?

Hon. D. M. DAVIS (Minister for Health) — The government will not support the amendment to the motion moved by Mr Dalla-Riva. The government is keen to deal with the bill related to dangerous dogs immediately and expeditiously and then return and continue through, as required, the committee stage of the protective services officers bill.

Sitting suspended 11.30 p.m. until 12.02 a.m.

Mr BARBER (Northern Metropolitan) — The Greens will support Mr Lenders's amendment to the minister's motion. I continue to lack any confidence that the government knows what it is trying to get passed when.

The government approached us saying that the Domestic Animals Amendment (Restricted Breeds) Bill 2011 was urgent and that it needed leave to pass it through both houses. It said it would expedite it — push it — and give us material in advance. It is midnight and that bill is not yet in the Legislative Council, despite Parliament starting at 2.00 p.m. I have been going back and forth between here and the Legislative Assembly to see what it is doing and when it might come on. Apparently that bill has been blocked by this bill, the Justice Legislation Amendment (Protective Services Officers) Bill 2011, which the government says is urgent. It is our view that there are a lot of important questions to be asked about the bill, so we could be here for a long time. The government has not convinced us that the bill is urgent, as the bill's operative date is the middle of next year.

Last time the government got all tangled up in this sort of thing was in June, when we sat until 3.20 a.m. on Tuesday night and 10.20 p.m. on Thursday night. I do not have any problem with the house going through its full stretch of hours, but that type of arrangement shows that the government has not been organised and has not communicated to us what bills it wants passed and when. I have it on good authority that the cost to the Parliament of late sittings on days such as these, including catering — such as the num-nums we ran off to eat because the minister wanted to take a break — security, Hansard staff sitting around until 3.00 a.m. finishing up the debate, broadcast staff, accommodation for staff who then have to stick around, stay over the road and come back, and the Legislative Assembly staff who can also be tied up in this — —

Mr Ondarchie interjected.

The DEPUTY PRESIDENT — Order! I am happy to give Mr Ondarchie the call in a minute, but Mr Barber is restricted to a 5-minute contribution, so Mr Ondarchie should not interrupt him.

Mr BARBER — I have it on good authority that the cost of that exercise back in June was $25 000. This is a

$25 000 division we are having right now, the one about whether we go home, come back and deal with these bills in an expedited manner on Wednesday night or Thursday or whether we go on and on this way while we wait for the government to tell us what its priority to be passed tonight actually is.

The DEPUTY PRESIDENT — Order! We are dividing on the amendment of Mr Lenders to the motion of Minister Dalla-Riva. Minister Dalla-Riva's original motion is that the committee report progress and seek leave to sit again later this day. Mr Lenders's motion is effectively that the seeking of leave will be for the next day of meeting.

Committee divided on amendment:

Ayes, 17

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

Noes, 20

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

Pairs

Mikakos, Ms	Kronberg, Mrs

Amendment negatived.

Motion agreed to.

Progress reported.

DOMESTIC ANIMALS AMENDMENT (RESTRICTED BREEDS) 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); by leave, ordered to be read second time forthwith.

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 (charter act), I make this statement of compatibility with respect to the Domestic Animals Amendment (Restricted Breeds) Bill 2011.

In my opinion, the Domestic Animals Amendment (Restricted Breeds) Bill 2011 (the bill), 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 makes amendments to the Domestic Animals Act 1994 in relation to the registration and keeping of restricted breeds of dogs in Victoria. The bill ends the keeping and registration amnesty for restricted breed dogs that has been running since 1 September 2010 following the passing of the Domestic Animals Amendment (Dangerous Dogs) Act 2010.

Human rights issues

1. Ending the two-year amnesty period for registering restricted breed dogs

Clause 4 amends section 17(1A) of the Domestic Animals Act 1994 to remove, from 30 September 2011, the grace period of two years that allowed a council to register a dog as a restricted breed dog if the dog was in Victoria before commencement of the Domestic Animals Amendment (Dangerous Dogs) Act 2010. It also removes the two-year amnesty period which excused an owner of a restricted dog from being liable for the offence of keeping a restricted dog pursuant to section 41EA(1) of the Domestic Animals Act 1994.

The end of the amnesty period means that from 30 September 2011, only restricted breed dogs that were in Victoria immediately before the commencement of the Domestic Animals Amendment (Dangerous Dogs) Act 2010 and which were registered before 30 September 2011 can be registered as restricted breed dogs.

After this date, any owner of an unregistered restricted breed dog will be liable for the offence of keeping a restricted breed dog, for which 10 penalty units apply. Furthermore, the restricted breed dog will also be able to be seized under section 79 of the Domestic Animals Act 1994 and ultimately destroyed. However, in certain circumstances an owner will be able to recover a seized dog pursuant to section 84N as well as seek review by the Victorian Civil and Administrative Tribunal (VCAT) of the decision of an authorised officer to declare a dog as a restricted breed pursuant to section 98 or a refusal of a council to register a restricted breed dog pursuant to section 17.

This amendment engages the right to property in section 20 and the protection against retrospective criminal laws in section 27(1) of the charter act.

Right to property (section 20)

Section 20 of the charter act provides that a person must not be deprived of his or her property other than in accordance with law. A deprivation of property is permitted if the powers which authorise the deprivation are conferred by legislation or common law, are confined and structured rather than arbitrary or unclear, and are accessible to the public and formulated precisely.

The effect of removing the amnesty means that an owner who has failed to register their restricted breed dog before the commencement of this bill may have their dog seized by an authorised officer of the council and ultimately destroyed. In my opinion, this provision does not limit section 20 due to a number of reasons. The current prohibition relating to restricted breeds has been in place since 11 December 2007, is confined to five distinct breeds of dogs, clearly sets out the responsibilities of owners and the seizure powers of authorised officers and has been widely publicised to the community. Also the Domestic Animals Act 1994 requires all dogs to be registered from three months of age so there is an existing requirement for registration under section 10 of that act.

The amnesty was enacted in 2010 with the purpose of encouraging the registration of existing unregistered restricted breeds or restricted breeds incorrectly registered as another breed. Owners of unregistered restricted breeds have been well aware that the possession of such dogs is illegal and could not have had a reasonable expectation of the lasting nature of the amnesty. The proposed ending of the amnesty has also been clearly communicated in the media, and will only come into effect on 30 September 2011, giving owners who have failed to take note of the amnesty time to comply with the requirement to register. Any resulting deprivation of property that will result following the ending of the amnesty will in my opinion not be arbitrary, given the significant public safety issues at stake, the limited number of breeds subject and the ability of owners to still comply with their obligations prior to commencement. Furthermore, there are safeguards present in the Domestic Animals Act 1994 to allow an owner to seek return of the seized dog if it is able to be registered and to seek review to VCAT of a refusal of a council to register a restricted breed that is able to be registered or a declaration of an authorised officer that a certain dog is a restricted breed.

Accordingly, I conclude that this amendment is compatible with the right to property in section 20 of the charter act.

Retrospective criminal laws (section 27(1))

Section 27(1) provides that a person must not be found guilty of a criminal offence because of conduct that was not a criminal offence when it was engaged in.

Clause 5 removes an excuse which allows an owner of an unregistered restricted breed dog to escape liability for the offence of keeping a restricted breed dog, for a period of two years following the commencement of the Domestic Animal Amendment (Dangerous Dogs) Act 2010, provided the dog was in Victoria prior to the commencement of this act.

In my view the ending of the amnesty does not limit the protection against retrospectivity as the bill will only criminalise conduct that occurs after 30 September 2011. Any affected owner will have up until 29 September 2011 to have their restricted breed registered or to surrender the dog to the council. Due to the real and pressing danger that such unregistered restricted breed dogs pose to the community, I consider this termination of the amnesty period to be appropriate in the circumstances.

Conclusion

For the reasons given in this statement, I consider that the bill is compatible with the charter act.

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) — By leave, I move:

That the bill be now read a second time.

Incorporated speech as follows:

The Domestic Animals Amendment (Restricted Breeds) Bill 2011 amends the Domestic Animals Act 1994.

Currently, there are five restricted breeds of dogs in Victoria:

American pit bull terrier (commonly known as the 'pit bull');

dogo Argentino;

fila Brasileiro;

Japanese tosa; and

perro de presa Canario.

Of these, apart from one old desexed dogo Argentino, only the 'pit bull' is known to exist in Victoria. The bill provides for the approval of a standard that will assist councils to identify whether a dog is a restricted breed dog. The standard has been under development since September 2010 and will be approved and gazetted on commencement of this bill.

Council authorised officers have been frustrated with the lack of clear standards for identifying 'pit bull' type dogs. Identification has proven difficult due to the breeding of these dogs not being in the more traditional pure bred or pedigree style, thus ruling out DNA testing to confirm breed identification. Councils have found their decisions frequently challenged thereby draining resources. This has also created uncertainty in the community on what constitutes a restricted breed dog.

The bill will provide that a dog that falls within the 'approved standard' that relates to restricted breed dogs in Victoria is to be taken to be a restricted breed dog. The bill will allow the Minister for Agriculture and Food Security to approve the standard and will require publication of the approved standard in the *Victoria Government Gazette*. The approved standard

will also be available on the Department of Primary Industries website.

The published standard will provide clear guidance to council's authorised officers and the general public on what type of dog constitutes a restricted breed. This will make enforcement easier for council officers and remove doubt on the identification of these dogs so as to allow them to be declared a restricted breed in a speedy manner.

This is important because councils are seeking certainty that a dog can be declared a restricted breed and that the declaration will be endorsed by the Victorian Civil and Administrative Tribunal when challenged. Without this certainty council authorised officers may be reluctant to declare restricted breed dogs and enforce the act.

The bill will remove the existing two year amnesty that was introduced on 1 September 2010 on the keeping and registration of restricted breed dogs. The current amnesty provisions allow registration of a restricted breed dog until September 2012, provided the dog was in Victoria before 30 September 2010. The amnesty also lifted the prohibition on keeping a restricted breed dog during the amnesty period and then following that period if the dog was registered during the amnesty period.

The bill will cut short the amnesty period. This means that from 30 September 2011 the possession and keeping of a restricted breed dog will be illegal unless the dog was in Victoria before the start of the amnesty period on 1 September 2010 and the dog is registered before 30 September 2011. A council will only be able to register or renew the registration of a restricted breed dog if it was registered before 30 September 2011.

The public of Victoria has made it clear that they do not want these animals in Victoria any longer than necessary. So from 30 September 2011 if a dog of this type is found to be unregistered, it will not be able to be registered and will therefore be able to be seized and destroyed by councils.

A registered restricted breed dog that can be kept is required to be desexed, microchipped and housed with specific containment requirements and only allowed to be walked off property while on a leash and only if it is wearing a muzzle.

I commend the bill to the house.

Mr LENDERS (Southern Metropolitan) — I rise to speak on this bill, and I indicate that the opposition will not oppose this bill. The fact that the bill is being debated now means that this house has given leave for the bill to be dealt with expeditiously. This bill will not appear on the notice paper of either of the houses of this Parliament. If any historian is trying to look for this bill in the future, they will not find it on either notice paper.

The reason we are debating this bill tonight and the reason that we have enabled it to be brought forward is that, in response to the tragedy in the city of Brimbank two weeks ago, the government sought bipartisan — and, by the fact that it has had leave here today, tripartisan — support to get legislation through to deal with the issue of dangerous dogs. The Leader of the Opposition in the other place, Daniel Andrews, made it quite clear that he would be supportive of that, and that is why we are supporting this bill tonight. What is before us tonight is an incredibly pale imitation of what the government has said in the media, as recently as an article in the *Herald Sun* this morning, that it would do.

Before us is a bill of five clauses that does two things. Firstly, it brings forward the commencement of laws legislated by this Parliament, introduced by the then Minister for Agriculture, Joe Helper, about registration, desexing and a whole range of issues relating to species of dangerous dogs. There was a moratorium on the date of commencement and that moratorium has been shortened by a year, so that is the first thing this bill does. The second thing is that this bill gives the minister the power to set standards to assist dog inspectors — or municipal dog catchers, for want of a better term — to define what a dangerous dog is. Both of those provisions are worthy and both improve the regime, but both fall a long way short of what the Premier and the Minister for Agriculture and Food Security announced and what they dropped in the *Herald Sun* this morning.

We have a government that talked about a reverse onus and about penalties in the Crimes Act 1958 for owners of dangerous dogs who irresponsibly let their dogs roam. The government talked about that as recently as the front-page exclusive in the *Herald Sun* this morning, but in this bill there are two minor — but worthy — amendments which the Labor Party will support.

It is very interesting that despite the goodwill of the opposition parties in seeking to get this through the Parliament tonight we saw no reciprocation from the government. For the first time in the life of this Parliament, we in the Labor Party did not oppose extending the government business program so that this could be dealt with in the spirit of bipartisanship. Yet, despite that, we are seeing the government flaunting its numbers this evening and saying, 'We are going to debate the Justice Legislation Amendment (Protective Services Officers) Bill 2011 right through the night if we need to, even though it does not take effect until 1 July 2012'.

In a spirit of bipartisanship and goodwill the opposition has allowed this bill to come forward every step of the way because we said we would, and because we and the rest of the community want action taken against dangerous dogs. But what the government has presented here today is a feeble imitation of what the Premier and the minister said they would do. For the record there is no mention in this bill of any plans to deal with penalties for owners, no mention of any plans

to amend the Crimes Act 1958 and no mention of any reverse onus of proof, all of which were things that this Premier and this minister thumped their chests about when they said to the community, 'We're being tough'.

When the media picked up on the fact that what was foreshadowed in the *Herald Sun* story was not being carried out in legislation today, we suddenly heard a great drum roll from the government about how tough it was going to get in two weeks time. I put to this house that if a government had plans to do these things, they would have been mentioned by the minister in his second-reading speech. In almost nine years in cabinet I cannot recall a bill coming into Parliament that did not mention in the second-reading speech that an extended process was but the first step of a dual or triple-step process.

What we have here today is a bill we support, a bill that in two areas tightens up a regime in line with what our community wants. But since the exclusive given this morning to one newspaper to expand on the government's credentials, what we are seeing is a government in spin mode that has suddenly decided it has to come out and toughen up on this issue in two weeks time. That is what is genuinely disappointing, because this is a serious issue; the government reached out its hand for bipartisanship and has essentially spun a story about being tougher than it really is.

I have no hesitation in supporting this bill, but I make the observation here in this chamber at 12.25 a.m. that if we had looked at the *Herald Sun* yesterday morning, we would have had an expectation that this bill was dealing with amendments to the Crimes Act 1958 — they are not here. If we had read the *Herald Sun* story, we would have thought there was more money for municipalities for this sea of dog officers to go out there — there is not 1 cent. Taking up the comment made by Mr Barber earlier today, the very fact that we are back here tonight because the government has got the numbers to debate the Justice Legislation Amendment (Protective Services Officers) Bill 2011, which does not take effect until 1 July 2012, means we will be spending tens of thousands of dollars keeping this Parliament running, which could fund the City of Brimbank putting on another municipal dog catcher for a couple of days a week for a year.

I could go through some of the issues that are in this bill of five clauses, or I could even go through some of the issues that municipal dog officers I have spoken to would tell us would be useful things to put in this bill. But given that the government has said it will be back in two weeks with another bill and on the basis that we are not going to move amendments to this bill, I will save those comments for a future debate. But I do put on the record that if the government expects bipartisan support for critical pieces of legislation that do not even touch the notice paper in either house because they are that urgent, it would be nice if the bills actually reflected the substance of comments made by the Premier and the minister — and, as I have outlined, they do not.

It would be nice if there was actually respect for the institution of Parliament so that, rather than the government using its numbers to keep us here debating a bill which will take effect on 1 July 2012, it would apply urgency to the legislation that it wants passed by both houses of Parliament in one day. It would be nice if, just for once, a government that was elected on a campaign of no spin actually put into its legislation what it said it would do. I repeat: this bill does not live up to Josephine Cafagna's spin, as reported in yesterday morning's *Herald Sun*, that there are tougher penalties, that the bill amends the Crimes Act 1958 and that there is more money for dog catchers. None of those provisions are here.

We support the bill. Enough has been said on my part, but I will be interested to see where the debate goes. If this bill goes into a committee stage at some length, there may be more questions from our side which otherwise we will hold until we see the next legislation in two weeks — that is, so long as it really comes in two weeks and it is not just another hollow promise.

Mr BARBER (Northern Metropolitan) — I certainly feel very strongly, as I always do when I hear about a similar incident, the weight of the tragedy that occurred with that young child being attacked in such a brutal manner and dying. Unfortunately from time to time — or regularly now, it seems — we hear of such incidents. That is why the principal act was amended in such a way as to include provisions which tonight we will further deal with and amend.

Just to move on to a discussion about the process so far, I agree with Mr Lenders that some of the government's difficulty here is not so much in implementing the measure but in implementing the measure while keeping up with the spin that has been rolled out alongside this particular measure. It would have been a lot better to simply get the measure through and let it speak for itself rather than providing interpretation on interpretation before a hard copy of the bill was available. Certainly people in the minister's office acted appropriately in approaching our office as quickly as they could and giving us as much information as it seems they could at that time. We were able to be given an indication of the second-reading speech and the

explanatory memorandum while it was still confidential. Normally that would not have been provided to anyone outside the cabinet. The government had to do that, because it needed the leave of all of us to move this bill through both houses of Parliament in one day.

However, it was much later in the day when the bill was first and second read. I have now had the opportunity to compare the actual clauses of the bill with what the explanatory memorandum said those clauses would consist of and the way the bill was drafted, which is also quite important. It is disappointing to me that we continued the debate on the protective services officers bill when this bill should have been brought into the house immediately and debated immediately, because now the bill will need a good job done on it. If we are spending tens of thousands of dollars to keep everybody else here so that we can do our job, then we should do our job. That will require the bill going to a committee stage and some questioning of and pondering on the various clauses and what they are trying to achieve.

A number of difficulties have occurred, as I understand it. One has been for council staff — dog catchers — to identify a particular breed as being a member of that breed and then to take enforcement action and to have their legal power and legal decision upheld. That has been difficult. The difficulty, as I understand it, has been in terms of the definition of a particular restricted breed, which is the American pit bull terrier. I take it from the government's second-reading speech that the other restricted types of breeds are either not particularly widespread or have not proved to be a particular problem in terms of recent and tragic incidents. The issue comes down to that of the American pit bull terrier and what its definition is and how that can then be enforced.

I suppose we all know the difference between a dachshund and a Great Dane. That is easy. I thought I knew what an American pit bull terrier was, because I have lived and worked and spent time on farms out in that part of the world in New South Wales where they have a lot of them. They use them for various purposes on the farm and they use them for hunting pigs as well. I always had pretty clearly in my mind what an American pit bull terrier breed consisted of, and it was very recognisable to me from my own experience. But apparently there has been difficulty in striking that definition and making that definition stick in a legal sense.

The second-reading speech, or at least the original one I have been given, says:

> The published standard will provide clear guidance to council's authorised officers and the general public on what type of dog constitutes a restricted breed.

The version I have been given also says:

> This is important because councils are seeking certainty that a dog can be declared a restricted breed and that the declaration will be endorsed by —

VCAT (Victorian Civil and Administrative Tribunal). I am not yet convinced that in fact that will be done. What I am being told is that it is extraordinarily difficult to define the breed, and therefore we are going to define something fairly widely. We have not seen what that definition will look like because it comes later. To the promise that it will provide clear guidance, I say it might in fact do the opposite. It might provide guidance that is simply so wide that it is unclear but nevertheless gives the power to an officer to do whatever they want, in which case I suppose you would say the pendulum has swung all the way to the other extreme and then a new set of policy problems will obviously arise. I think we can assume what those are.

I find it a bit strange that the speech goes on to say:

> The public of Victoria has made it clear that they do not want these animals in Victoria any longer than necessary.

I think the public has made it clear that it does not want to see these sorts of tragedies, but the question of what are 'these animals' is yet to be defined. The bill creates a mechanism through which it will be defined, but I am not sure whether that mechanism will be effective in the way this suggests. Frankly, I am a bit sick of seeing hairy-chested statements in second-reading speeches that read like press releases or statements of principle or value, when the mechanism and the difficulty and the subtleties are really quite different.

In terms of the clauses of the bill, clauses 1 and 2 are fairly standard, and clauses 4 and 5 achieve the effect in the principal act and foreshorten what was the period of amnesty, if you like, in which to register these dogs as restricted breeds. The point of the now foreshortened time is that people must move immediately to register their dog and register it as a restricted breed. If after that time it is found that the dog has not been registered, it can be taken away and destroyed. If it has been registered as a restricted breed, there are new requirements for how the dog's owner has to treat the dog. The definitional question may be important for the officer doing enforcement, but it is also quite important for the owner of the dog.

The owner of that dog needs to understand the definition, or at least they need to understand enough

about it in order to seek the right advice from their council. Despite the high-profile nature of this tragedy and also the government's efforts and intentions to publicise this issue, we could be pretty confident there would be a lot of people who would not know this bill has passed, who will not necessarily understand its implications if they do. If they do, they may not know how to go about making the decision, and much of that is based on an instrument of guidance, a definition, if you like, that the government is yet to promulgate and which I understand has been the subject of a lot of discussion, debate and complexity up to this point, which is why the principal act still reflects a longer time period.

In clause 3, the original draft of the explanatory memorandum that I was given provides for the amendment of the principal act to provide for the approval of a standard relating to restricted breed dogs in respect of which any dog that falls within the standard will be taken to be a restricted breed dog. Then the proof standard is referred to as a standard that has been proved by the minister and published in the *Government Gazette*.

The current process for the minister to approve that standard is somewhat different. It is a standard prescribed by the regulations, so the minister would go through a formal regulation-making process with the usual checks and balances that are around that. I am not exactly sure what all those checks and balances are in the context of this principal act, but often with regulation making they involve various processes, public exhibition and the ability even for Parliament and others to scrutinise the regulation itself against its head of power.

Now what will happen is simply that an approved standard will be gazetted. It will be the minister's choice and decision as to how that standard is to be created. It could be a description; it could be words; it could be pictures; it could be measurements. In the most extreme example it could be a picture of a stick dog. That would be an extremely wide provision and may be very helpful to the minister. It might give officers completely open-ended power, but will it fix the problem?

That is the question that I do not yet know the answer to, but certainly from the information in the explanatory memorandum to the reality of the bill, there is a change to the mechanics of this bill. It is not simply the bringing forward of a previous set of processes. There is now a change to the process, and that is that the standard prescribed by the regulations becomes an approved standard — in practical terms, whatever the minister wants and puts into regulation. I fear that will be the beginning, not the end, of the argument, because down the line there may be other dog attacks by other breeds, there may be calls for those breeds to become restricted and there may or may not be arguments about what defines that breed and so forth.

I certainly hope it does not turn out that way, but my job here, given that it is coming up to 20 minutes to 1 in the morning, is to give this bill a thorough going over. I am even less enamoured of the process than I normally am because of the stop-start way in which we have been presented with this legislation. Now we have to go into the committee stage of the bill and give it some more scrutiny. I hope the minister has access to the appropriate resources from the department that has prepared this material thus far so that if we uncover more questions that need better answers, they can be dealt with properly, because I would not want to be here all night doing this, and I certainly do not want to be here all night with the next bill that the government is bringing up.

The PRESIDENT — Order! In the course of his contribution to the house on this bill Mr Lenders referred to Ms Josephine Cafagna in connection with an article in this morning's *Herald Sun*. I have to say that I had some disquiet about that reference, so I took the opportunity to read Tuesday's *Herald Sun* and could find no quotes related to Ms Cafagna. Indeed the government spokesperson in respect of that article was the Minister for Agriculture and Food Security, Minister Walsh. In relation to staff who are employed by the government or the opposition and who are discharging their responsibilities on behalf of the government or the opposition by going about their business and doing their jobs, I take the view that it is not appropriate to obliquely refer to them in a way that implies that they have an agenda rather than that they were discharging their responsibilities properly. As I said, I would take the same view if there was a reflection on any staffer of the Labor Party or the Greens. I think it is inappropriate to have those sorts of remarks made in the debate.

I am not seeking withdrawal because on this occasion I have let that go, but I am simply indicating from the Chair's point of view that I do not wish to see reflections on members of staff of any of the parties in this place. The ministers and the members are perfectly capable of accepting responsibility for policies, directions and activities of their respective parties and the discharge of their duties — they are fair game — but in my view the staffers and advisers are not.

Mr RAMSAY (Western Victoria) — I stand to speak in support of the Domestic Animals Amendment (Restricted Breeds) Bill 2011, and I do so with deep regret that the catalyst for this amendment bill appearing in this chamber tonight was the death of a four-year-old child who was attacked by a pit bull terrier cross. I, like all Victorians, was sickened, saddened and outraged by the fatal attack on this poor unfortunate four-year-old child.

I have some sympathy for the contribution from Mr Lenders in that I, too, feel that we have not gone far enough in this amendment bill, but I understand that this is a step-by-step process and that tonight's amendment is the first step. In fact I can go back to 2003 when I wrote an article which was published in the local paper on the inherent dangers of the domestication of what is basically a killing dog, a pit bull terrier, particularly in a metropolitan environment. I wrote that after yet another attack — it was not a fatal attack, but an attack all the same — on a young person by a pit bull that was supposed to be contained and restrained but was not, and it posed a significant threat to a family in a residential area.

This is not a new issue; it is an issue that has been bumbling along, and again I say that it is with deep regret that tonight we are having to deal with this amendment bill on the basis that we have had a recent fatality. However, I do not share the view of Mr Lenders and Mr Barber that the timing of this bill's introduction to the chamber is the important issue. The important issue is that this house deal with this piece of legislation quickly and effectively so that it can be enacted quickly.

Briefly, in terms of what the bill does, it will remove the existing amnesty introduced on 1 September — —

Mr Leane — President, I draw your attention to the state of the house.

The PRESIDENT — Order! I thank Mr Leane. Mr Ramsay, to continue.

Mr RAMSAY — I thank Mr Leane for extending the time of our debate further into the night on that basis!

As I was saying before I was interrupted, the bill will prohibit the keeping of restricted breed dogs other than dogs that were registered before 30 September 2011 and that were in Victoria before 1 September 2010. From 30 September 2011, a previously unregistered restricted breed dog will no longer be able to be registered and can be seized. On confirmation that it is a restricted breed dog it will be destroyed. The bill provides for a standard to be approved by the Minister for Agriculture and Food Security for assessing whether a dog is of a restricted breed. Under the current provisions any dog that can be registered as a restricted breed dog must be desexed, microchipped and kept in a specific contained area, and the house must have a sign alerting others to the fact that the dog is a restricted breed dog. The dog must also be on a leash and muzzled when taken out of the home.

The standard or description that was identified in the previous contribution was developed with the consultation of an all-breeds judge, a veterinarian and an authorised officer of a local council. It provides a tool for the public and for council officers to use in assessing what type of dog can be declared as a pit bull. A working group developed the standard for assessing whether or not a dog might be of the pit bull type. The standard has been written in such a way that it will be the legal tool to assist the authorised officers of councils who can declare a dog to be of a restricted breed. There is no nationally recognised breed standard for American pit bull terriers, and they are the type of dog that council officers have had most difficulty in identifying. The working group therefore concentrated on written and pictorial standards for that breed.

In relation to the right of review, if an officer declares a dog to be of a restricted breed, the owner has the right to appeal through the Victorian Civil and Administrative Tribunal. The Department of Primary Industries has produced a toolkit to assist local government in the implementation of this legislation, and it has established a hotline.

In response to some comments made by Mr Lenders in his contribution, councils have the capacity, through the registration and licence fees for cats and dogs, to provide the appropriate resources for the carrying out of the work in relation to this amendment — that is, for the seizing and destroying of those dogs that fall within the relevant provisions of the act. Without going any further, I encourage and strongly support a quick passage for the Domestic Animals Amendment (Restricted Breeds) Bill 2011.

Hon. P. R. HALL (Minister for Higher Education and Skills) — In reply I just want to say a couple of things. First of all, I appreciate the support of both the opposition and the Greens and their cooperation with respect to the passage of this bill in this chamber tonight. I well understand their views about the processes that have been employed, and I take on board those views. As has been indicated by Mr Barber at least, there is a desire to take this into committee stage to seek some answers to particular matters in relation to

the bill, and I will certainly be prepared to assist in any way I can and will respond to queries that may come up during the course of the committee stage.

I also want to say a couple of things in general, because I know it is the Deputy President's wish that points of a general nature not be canvassed once we get to the committee stage. I will therefore do this in my reply contribution, if I can.

First of all, Mr Lenders made some points about this bill being a pale imitation of what has been promised. In response to that I say there is a clear indication, as he said himself today, that matters concerning changes to the Crimes Act 1958 are very much still on the government's agenda. That has been promised in two weeks time when Parliament sits again. Yes, it would have been nicer to have all of those measures packaged in one bill, but this is an important matter that needed a swift response. I think all parties have agreed to that. At least the response that has been provided in this bill goes a long way towards addressing some of the concerns that, as has been indicated by the contributions to debate made so far in this chamber, we all share in respect of matters concerning restricted breeds and dangerous dogs at large in the community.

Yes, this is an important response. I am pleased that is recognised, but there are further provisions to come. It should not be forgotten that while this is a legislative response, there have also been some other forms of responding to these recent incidents and community concerns — that is, the establishment of the dangerous dog hotline, which first came into operation today. That is an important measure that enables the community to get some general information, make a complaint or report a dog they believe to be of a restricted breed or dangerous. I can report to the house that up until 5.00 p.m. today 122 calls had been received by the dangerous dog hotline; 39 of those calls resulted in the reporting of a dangerous dog. Already that is a significant response to this initiative by the government.

I can also report to the chamber that there was not one municipality that seemed to dominate far beyond others in terms of the reporting of dangerous dogs. Of those 39 reports of dangerous dogs, there were 5 reports from one municipality and 3 or 4 reports were received from a number of other municipalities. There was not one municipality that stood out amongst the others as having a greater prevalence of reported dangerous dogs in the first day of operation of that dangerous dog hotline. I simply mention that because it is part of the non-legislative response also implemented by the government in response to some recent community concerns. I make those points in response to the comments made by the Leader of the Opposition.

Mr Barber's comments were specifically of a nature whereby he sought information; he made comments about particular matters, including matters relating to clause 3 of the bill. Seeing as we are going into the committee stage, perhaps my comments in respect of that would be better confined to clause 3, as they specifically relate to that particular matter. I am more than happy to try to help members of the house by responding to issues as we go through the committee stage.

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1

Mr LENDERS (Southern Metropolitan) — I will take up Mr Ramsay's comment that councils have the capacity to put in resources. For the record, we certainly support the hotline being established. If I were churlish, I could go through numerous members of the now government who criticised hotlines when they were in opposition, but I will not. We supported them in government, and we support them in opposition. My question to the minister is: in addition to the funding for the hotline, what sorts of resources will the government provide to Victoria's 79 municipalities to help administer what it has now elevated to being a significant issue that needs further attention? What, if any, resources will be made available to local councils?

Hon. P. R. HALL (Minister for Higher Education and Skills) — In responding to that question I will mention by way of background the involvement of the Municipal Association of Victoria (MAV) in respect of the development of this piece of legislation and how it might apply. First of all, since action was promised following the recent incidents to which members have referred a meeting has taken place with the Municipal Association of Victoria. In attendance were its chief executive officer and a policy officer. At that meeting, which took place last week, the possible form of the legislation and its implications were discussed. The Municipal Association of Victoria was also briefed on Monday afternoon once the bill had passed through the cabinet process, and at the same time a briefing was offered to the opposition and the Greens. Local councils have been involved with the development of the standard insofar as the member of that organisation

who developed the standard was an experienced council authorised officer.

Funding is one issue that Mr Lenders particularly asked about. The MAV has made a request to the government as to what form of financial support, if any, may be available to its member councils for the implementation of this bill. The government has an open mind in respect of that, but the response was to see whether the dangerous dog hotline generates a lot of business and therefore clearly indicates where additional resources may be required. The government has always said that this is an important issue, and if there is a genuine need for assistance for councils and if it generates a lot of extra work and imposition on local councils, we will give further consideration to any requests for financial help with the implementation of these provisions.

In providing information in my summing up of the second-reading debate on the bill I gave to members information setting out the amount of traffic that has occurred on the dangerous dog hotline and indicated the dispersion of those calls across municipalities, with none standing out, on the first day at least, as having extra demands beyond those of others. However, as we have said to the MAV, we will monitor the traffic on the dangerous dog hotline and will look positively at requests for funding support if it is required to implement the provisions of this piece of legislation. It is intended that there will be continued dialogue with the MAV in respect of these matters, and I am informed that the next meeting is planned for later this morning. I think at 10 o'clock this morning the government will again meet with representatives of the MAV to discuss these matters.

The DEPUTY PRESIDENT — Order! That could be somewhat confusing in the *Hansard* record, given that we are still recording Tuesday.

Mr LENDERS (Southern Metropolitan) — I thank the minister for his answer, which was a genuine answer. He has given data to the house, and I do not expect him to give any more data, given that the hotline has been running for less than one day, as he has said. However, I flag that when he comes back to this house in two weeks time with the next piece of legislation I will ask him, during consideration of clause 1 in the committee stage, for a progress report on the hotline. At that stage I will also ask him where the government is as to support for individual municipalities that have this task.

Hon. P. R. HALL (Minister for Higher Education and Skills) — That is a fair request, and I will ensure that that data is collected and made available when we come back in a fortnight.

Mr BARBER (Northern Metropolitan) — I thank the minister for the background. Are there any other groups with an interest in this matter that were consulted or needed to be consulted both in relation to the preparation of the standard for American pit bulls and also in terms of the mechanics of preparing, implementing and running this legislation — for example, the Royal Society for the Prevention of Cruelty to Animals or any dog breeder groups and so forth?

Hon. P. R. HALL (Minister for Higher Education and Skills) — In respect of consultation with other groups, I can advise Mr Barber that the persons involved in the consultation on the development of the standard — I do not know the actual names of the people — included an all-breeds judge, a veterinarian and an authorised officer of council. They represented their groups on the development of the standard. In terms of consultation groups, I have mentioned the Municipal Association of Victoria. That is the knowledge I possess at the moment as to the groups that have been consulted on aspects of this legislation.

Clause agreed to; clause 2 agreed to.

Clause 3

Mr BARBER (Northern Metropolitan) — Clause 3 amends the definitions section of the Domestic Animals Act 1994. Initially the definitions section defines 'restricted breed dog' as the Japanese tosa, the fila Brasileiro, the dogo Argentino, the perro de presa Canario and the American pit bull terrier. At the end of the definitions section it states:

> (3) A dog that falls within a standard prescribed by the regulations for a breed of dog specified in a paragraph of the definition of restricted breed dog —

that is, those breeds that I have just read out —

> is taken to be a dog of that breed.

The proposed amendment states that it will no longer be a standard prescribed by regulations; it will simply be an approved standard. That means the minister will be able to approve a standard for all those breeds, particularly in this case the American pit bull terrier, and that standard will effectively be it. Whatever the definition states becomes the standard of that breed without a lot of correspondence being entered into or much in the way of further process. That is important. Once a dog is defined as being a member of that breed according to that standard, then division 3B of the act

kicks in and a person is not allowed to keep that restricted breed dog unless they have had it registered prior to the end of the amnesty, and the amnesty is now going to be foreshortened.

The owner must take strong steps to restrain the breed when it is on their premises so that it cannot escape, display warning signs, muzzle the dog and control it when it is off their premises. There are also limits on the number of dogs a person can own, and there will be prohibitions on the transfer of ownership and minors having control of such a dog. All the restrictions hang off the definition, so this definition is going to become quite important in the next month. First of all, everybody will have to assure themselves, both owners and councils, as to how all these dogs are defined and whether they do or do not fall within the definition. I think Mr Hall said that 49 restricted breeds of dogs had already been referred to the hotline. If that is 49 a day for the next month, then that will be a lot of dogs. It is good that those dogs are being identified, but it will also obviously create a burden of activity for council officers and so forth to sort all that out.

After the close of the amnesty, if the hotline continues to work and more and more dogs are being declared as restricted breed dogs, then there will be further work for the council because the council will be entitled, in fact required, to collect those dogs and destroy them. There could be a considerable amount of work there, and all of it will hang around the definition.

I have already stated some level of concern about the removal of the process of creating regulations and replacing it with the minister simply deciding one and gazetting it. Can the minister therefore tell me a few things about the process for creating this definition? First of all, what is the definition now, and what state is it in? Secondly, how long has it been under preparation, and what other steps have been gone through? Thirdly, how is that definition going to actually operate? What does the definition consist of, and how will it be used by various people in the next month and beyond?

Hon. P. R. HALL (Minister for Higher Education and Skills) — The first thing I want to say is that when I was reporting on some feedback from the operation of the dangerous dog hotline I mentioned that there were 122 calls received, 39 of which resulted in the reporting of dangerous dogs. I think we need to also make it very clear here that the principal act, the Domestic Animals Act 1994, and the Domestic Animals Amendment (Dangerous Dogs) Act 2010 together talk about dangerous dogs and about restricted dog breeds. The terminology ‘dangerous dogs hotline’ was used because it was terminology that people could readily understand, and so it is that the 39 reports of dangerous dogs may not be of restricted dog breeds; I think the member has indicated that. But those 39 phone calls were of a substantial nature and the people on the end of the hotline felt they needed some further investigation. In due course those 39 reports will be followed up. They may turn out to be dogs of a dangerous nature or they may turn out to be acceptable animals. The by-laws officers, those who conduct that business at the council, will make the determinations. They may turn out to be, in the assessment of the authorised officer, restricted breed dogs. The first point I want to make is the 39 reports are reports that warrant further investigation.

The second point is, and I think it is worth putting on the record here, the change in process that is brought about by clause 3(1) is a change from what was previously ‘a standard prescribed by the regulations’ to the new terminology ‘an approved standard’. Yes, there is a significant difference there. A ‘standard prescribed’ was previously a regulation made under the act and ‘an approved standard’ will now be ‘a standard that has been approved by the minister’ and it will come into force once it is gazetted.

The reason for the change in process with respect to that matter is purely one of immediacy. It was the view of the government, and we think also the community, that we needed to act quickly on this particular matter, and if it had to go through a regulation process, there would be a mandatory period during which the regulation would be available for public comment and it would not become law until such time as the process of the regulation being approved had been gone through. The advantage of having an approved standard means that that can be implemented once gazettal is planned. I just wanted to explain the difference in process there.

The next point I want to make is in respect of the question of the development of the standard. When the Domestic Animals Amendment (Dangerous Dogs) Act 2010 was passed by the Parliament my understanding is that a working party was put in place at that time by the previous government with the aim of developing a standard that could be used by authorised officers of councils to assess matters associated with these restricted breed-type dogs. Since that act came into being in 2010 a working party has been formed that has gone about the task of developing these standards. Following the 2010 legislative amendment the working party consisted of a veterinarian who previously participated in the then minister’s restricted dog breed

panel and was on the executive of the Australian Veterinary Association. There was also a world-recognised all-breeds judge and there was an experienced authorised officer from a local council, so pretty much the same composition that the previous government had in place has been carried over to the finalisation of the standard that we now have applying to this piece of legislation.

The process of developing the standard has been in place since the legislation of 2010. With the curtailing of the amnesty period for the registration of restricted breed dogs there was a requirement to have this standard in place at that point in time. The standard has now been finalised. I am not sure whether the member has access to that. I think it was available during the course of briefings that were offered to parties. It sets out fairly extensively — I am not an expert on this — the best practice advised by those within the industry for describing the characteristics of these restricted breed dogs.

As the minister said in the second-reading speech, it is not always an easy task to identify a restricted breed dog, given there may be crossbreeds, not purebreds, which also fall into the category of restricted breed. DNA testing is not the only way to decide whether a dog is of a restricted breed, so the standards describe a lot of physical characteristics of the restricted breed dogs in a way that has been agreed to by those who have some expertise in this area.

The government is confident that the proposed standard, while not part of the legislation, has been made available to members. We believe it is a robust document that will assist authorised officers of councils to implement the provisions of this piece of legislation, and that is proposed, as I understand it, because there is no other acceptable standard way that authorised officers can identify such dogs, given that not all of them will be purebred dogs.

Mr LENDERS (Southern Metropolitan) — I would like to explore a bit further with Mr Hall his interpretation of why a standard set by a minister, which is not a disallowable instrument, is imperative on this occasion rather than the regulation which was previously in the act. Again, the Labor Party does not oppose the proposition he makes; I make that quite clear. We will support this legislation in its spirit; we said we would enable it to go through both houses of Parliament in the one day to deal with the tragedy that has already been alluded to by many in the second-reading debate. However, I put to the minister that a regulation made by the Minister for Agriculture and Food Security that did exactly the same as the standard, provided the Premier gave it an exemption from a regulatory impact statement, could be dealt with as expeditiously as this particular standard that is being proposed by the minister.

The reason I say that is despite the urgency of this bill, which is the reason we will support it on this occasion, my concern is that the Parliament yet again is being asked to hand over authority to the executive. In the end I know the reality of the numbers in this house and in the other house. The government controls both houses in this Parliament, and that is fact. But the reality is that this legislation removes from this house and the other house the ability to disallow regulation from an individual minister. If we talk about scrutiny in this particular instance, there is none. On this occasion the minister has courteously given the opposition a copy of his proposed determination. We have had a couple of days in which to have a look at it, and we have no particular issue with it. But, hypothetically, if the minister wishes in a week's time or a fortnight's time to vary that, there is no recourse whatsoever for this Parliament to review the minister's variation.

Even the regulatory vehicles we have — for example, the Scrutiny of Acts and Regulations Committee — will not scrutinise it. No-one will. So I guess the question I raise for the minister — it is probably more a statement than a question — is: if my assessment is correct that it could have been done as expeditiously and as quickly by a regulation, the only impediment to that is the need for the Governor in Council. For that to happen, two ministers could go down to the Governor's study — it has happened before; it happens all the time — and the Premier could sign an exemption from a regulatory impact statement. Then there would be no need to take away from the Parliament the ability to disallow regulation by any minister for agriculture and food security in the future.

I guess it is more a statement, and probably a plea, to the minister. While it is very easy when there is 'emergency' legislation and you have the numbers to do it, the practice of removing from the Parliament the ability to disallow regulation is one that we on this side of the house flag that we will oppose vigorously. This is the second time that this particular minister has proposed legislation that has asked the house to do exactly this. This is a plea to the minister: let us not get into more discussions on this than are necessary in this place. We will let this bill go through, but I put to the minister that two ministers and the Premier down in the Governor's study signing a regulatory impact statement exemption would have let the Parliament keep the authority to disallow regulation. We will not oppose clause 3, but we flag that if this comes forward in any

further bills from this minister, there will be a lot of very strong opposition from this side of the house.

Mr BARBER (Northern Metropolitan) — The minister said the government is confident that this standard will do its job, and those are the words that I needed to hear. I think it is important that the government believes it has a viable way forward. The standard itself is essential, just as this act is needed for the standard to be brought to bear. It also means that the act is dependent on the standard being created, but the standard is necessary for the act to function, because within a month all these dogs have to be registered as restricted breeds — and they need the standard in order for them to be registered — or if they are not registered, the act requires those dogs to be taken and destroyed at a future time.

If the standard were to fail or to be revisited and revisited, there is no way back under the act for that to happen, because at a certain point the amnesty no longer applies. That is the difficult plight the government has got itself into. There has been some delay in creating a standard, and now in the government's mind it is imperative to create the standard simultaneously with the act to put them both through. It very much hangs on the standard.

When we first voted for these provisions to come into the act back in 2010 we had a lot of representations from dog breeders about the difficulty of creating standards. It could be that it is just dog breeders who have this view. The government is very confident that it can define a dog of a particular breed in that way. I suppose time will tell. It could play out over a very long time that people are unwittingly brought under the provisions of this act by difficulties or arguments about the standard, and when they are brought under those provisions they will suddenly be hit with various fines or simply have the dog taken from them because they own a different dog to the one they thought they owned.

We are doing this because we are erring very much on the side of caution. However, we will not know for a very long time exactly how many dogs we are dealing with. It could be that the government's hotline operates very effectively but that for a very long time we continue to get these dogs being reported, processed and dealt with. From now on that definition issue will mean the immediate destruction of the dog, whereas previously it meant that the owner could be required to do certain things in order to avoid the destruction of the dog.

I suspect that at the end of the amnesty period, which is coming soon, we will be able to get some more information from the government about how many dogs were registered during that period, and from then on the question will be: how many dogs have been detected and destroyed on the basis of Mr Hall's confidence that the standard itself will not need to be changed from hereon in? Those were I think the key points I wanted to flesh out and elucidate in relation to this clause.

Hon. P. R. HALL (Minister for Higher Education and Skills) — In reply to both Mr Lenders and Mr Barber, I appreciate the sincerity with which they have made some points and comments on this particular clause. I say to Mr Lenders that his plea has been heard, and I will convey that plea. I remember making the same plea many times in recent years under the previous government when I looked at the process of regulations. Their ability to be disallowed by either or both houses was a point I constantly made. He makes the same plea in respect of this matter, so I will convey that to my colleagues in cabinet.

The other point I wanted to make was in relation to Mr Barber's comment about the quality of the standards and whether from time to time they may need to be revisited and refined to reflect the experience of the act. One of the advantages of this being an instrument which is approved and gazetted by the minister is that that will allow for refinements, if they are needed, to be made promptly. I take his point that perhaps the granting of an exemption certificate could have achieved the same ends. I will satisfy my own mind about why an exemption certificate process was not sought as an alternative to this, but I do know that the issue of immediacy and the need to put these particular provisions into effect quickly was the reason given to me for the approved standard process being sought rather than a normal process of regulation.

The only alternative that was suggested to me was that the standard could have been applied as part of the act. We could have legislated the standard, but if refinements to the standard were needed, to have to come back and change legislation each time would have slowed down the process as well, and we did not believe that was an appropriate method. That is my response to those items that have been raised in relation to clause 3.

Clause agreed to; clauses 4 and 5 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

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

That the bill be now read a third time.

I again thank the opposition and the Greens for their support of this bill.

Motion agreed to.

Read third time.

JUSTICE LEGISLATION AMENDMENT (PROTECTIVE SERVICES OFFICERS) BILL 2011

Committee

Resumed from earlier this day; further discussion of clause 1.

Mr BARBER (Northern Metropolitan) — I will pick up where Ms Pennicuik left off with Minister Dalla-Riva. In summary, the minister has told us that when operating in their designated place PSOs have a whole series of extra powers — much like those of police officers — and therefore they are getting extra training. However, they are not getting as much extra training as a full police officer. The minister has described how they go from 12 to 21 weeks of training, and the minister wants to tell us that in those extra weeks they get training in powers that make them the same as regular police officers. Yet regular police officers get 33 weeks of training; therefore PSOs are not getting all the training that regular police are getting. Given that they have in these circumstances all the powers of police, we are trying to ascertain in what aspects of a regular police officer's job PSOs are not being trained.

Mr LENDERS (Southern Metropolitan) — I move:

That progress be reported.

I move this motion again, just as I moved it an hour and a half ago. Amongst other things, in the last 1½ hours the Greens spokesperson on this bill has gone home ill and one of the opposition members has gone home ill, and it is now 1.30 in the morning. This is a piece of legislation that requires attention. Mr Barber is valiantly pursuing Ms Pennicuik's case, and I am sure he will do it well. However, I make the point that a member of this house has gone home ill and that clause 2 of this bill does not take effect until 1 July 2012. There is no urgency about this bill such that it cannot be delayed until Thursday of this week.

The standard procedure is that these bills go to the Governor for his signature on Tuesdays, so the difference between this bill being dealt with now, at 1.30 a.m., when a person who has taken the bill into committee and spoken on clause 1 has gone home ill, versus it being done on Thursday, when it can be done under scrutiny and in the bright light of day, is, I put to you, Deputy President, negligible. I therefore urge that progress be reported so this important bill can be considered in the bright light of day on Thursday.

Mr BARBER (Northern Metropolitan) — I will be supporting Mr Lenders's motion — and so should the government — for the following reason: we intend to spend a considerable amount of time interrogating this bill. We have to. It does not matter whether it is 9 o'clock in the morning or 2 o'clock in the morning — we are going to spend exactly the same amount of time interrogating the issues of this bill.

In addition to the issue I have just put back into the lap of the minister we are going to have to go into detail on this clause as to the specifics of the training of the PSOs. We want to know why the pass rates of that training are different for PSOs, and we want to know about the oversight of them through the Office of Police Integrity and the independent, broadbased anticorruption commission. Under clause 6 we will address the issues of the power to arrest and detain and how that will actually be implemented; under clause 10 we will be looking at the weapon search powers; under clause 17 we will look at the question of how PSOs deal with indictable offences; and under clause 20 we will look at the power to intervene regarding volatile substances. You can imagine how long we will want to interrogate the government on that last issue, because that is an extraordinarily sensitive and difficult task for a PSO to deal with. We will also be going to clauses 35, 36, 42 and 48. It is going to take a long time. The government should be aware of that. It is simply the government's choice whether we do that in the light of day or in the very early light of day, because I suspect it is going to take at least a couple of hours to properly address these issues.

Hon. D. M. DAVIS (Minister for Health) — The government will oppose the motion and intends to press on with the debate on this bill. It is important that the bill — an important election commitment of the government — receives full attention. The government is determined to allow a full and proper — —

Mr Lenders — You could have done it instead of your Israel motion last Thursday.

Hon. D. M. DAVIS — Mr Lenders may not think the Israel motion was an important one, but we certainly did. He may not think it is important — —

The DEPUTY PRESIDENT — Order! We will stay on the motion before the Chair.

Hon. D. M. DAVIS — Deputy President, thank you for your guidance. I was provoked, as you heard.

The DEPUTY PRESIDENT — Order! I understand. It is an instruction to all members of the committee to stay on the matter before the Chair, which is the question of whether we report progress.

Hon. D. M. DAVIS — As I said, the government will oppose the motion. We intend to press forward with the committee. The minister is at the table and is prepared to work with the members of the chamber to deal with the bill in detail, clause by clause. We will seek to achieve that.

I note the point made by Mr Barber that Ms Pennicuik has gone home ill. She was ill earlier in the day; I think I saw her well before the chamber began sitting and she was clearly quite crook at that stage. In deference to that and the desire to bring this bill on at an earlier point we were prepared to allow the mental health bill to wait until Thursday; we had initially intended to do that today. We were quite prepared to work cooperatively with other members of the chamber to provide an earlier opportunity for this bill to come forward. Nonetheless, it is a long and complex bill, and I understand that people will have full questions. The government is determined to allow democracy to operate in a fair and full sense and for people to be able to make those points.

Mr Lenders — At 1.30 in the morning?

Hon. D. M. DAVIS — Mr Lenders, we do not prevent members asking questions like that. We are quite prepared to do the work to enable the bill to pass properly.

Ms HARTLAND (Western Metropolitan) — Considering that Ms Pennicuik has gone home ill and considering the fact that she is the lead speaker for the Greens on this bill, I think some consideration from the government would be appropriate. The Greens have never, in the four and a half years we have been in Parliament, had a member go home sick who was involved in an important bill. It is not something the Greens ask for lightly, but considering our lead speaker on this bill has gone home ill I think the government should reconsider its position.

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I just point out that there was a comment raised in relation to clause 2. I did seek advice about the 1 July 2012 date. That is the default commencement date, and we do have an election commitment. Mr Pakula and I had some discussion earlier about the appointment process, and I indicated that we had the intention of appointing 93 PSOs for deployment to the rail network in the 2011–12 financial year. Therefore the notion that was put forward by Mr Lenders that it can commence on 1 July 2012 is in fact incorrect.

Committee divided on motion:

Ayes, 16

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

Noes, 19

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

Pairs

Mikakos, Ms	Kronberg, Mrs
Pennicuik, Ms	Ramsay, Mr

Motion negatived.

Mr BARBER (Northern Metropolitan) — Deputy President, if I could be of assistance, I had completed my question earlier so I am waiting for the minister to provide an answer.

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I thank the member for his question. The advice I have is that Victoria Police has looked at the bill. It has looked at the range of powers that would be appropriate, and it considers that 12 weeks, including the 2 weeks of operational tactics and safety training, is appropriate.

Mr BARBER (Northern Metropolitan) — PSOs have all the powers of police officers. When they are in

their designated area — that is, railway stations — they have all the powers of police officers, but they will only receive 12 weeks training while police officers receive 33 weeks training. That is 21 weeks difference. The minister keeps saying that they have all the powers of police officers, and then we say, 'Why are they not getting all the training of police?'. The minister is saying that they are getting extra training, but what we want to know is what training they are missing out on.

This is going to become pretty important when we start to address all the other individual powers that the PSOs have been given under each clause. How can it be that in 12 weeks you can train someone in how to use the powers that police officers have when those officers take 33 weeks to be trained in those powers? Has the government developed some radical new way of fast-tracking the training process and squeezing into 12 weeks what would normally be done in 33 weeks?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — As I said, PSOs deployed on a rail network will receive 12 weeks training — including operational tactics and safety training plus two days of rail safety training — whereas PSOs now receive 9 weeks training. Mr Barber may not like the answer. The fact is this has been reviewed by Victoria Police in the context of the legislation that is before the chamber. The advice is that Victoria Police considers the 12-week training course takes into account the additional powers and responsibilities that the new PSOs will have. As I indicated, PSOs will undertake the same two weeks of operational tactics and safety training as police currently undertake, and they will be required to requalify every six months. I also indicated earlier, I think in response to a question from Mr Pakula, once they have graduated PSOs will undergo a period of on-the-job training where they will gain hands-on experience.

The additional training that police undertake is targeted at the broader range of powers and responsibilities they have in protecting the community. PSOs will perform a narrower range of duties and exercise a narrower range of powers, so they do not require the same training period.

Mr BARBER (Northern Metropolitan) — The minister has read that answer out a couple of times now, but it is contradictory. At the beginning of the answer we heard that PSOs have the same powers as police, but then we heard that they have less training because they do not have the broad range of powers and duties that police have.

The minister said I may not like the answer. That is absolutely correct; I do not like the answer. A lot of people do not like the answer. I think the Police Association does not like the answer. People who have been asking questions about this ever since the coalition launched the policy do not like the answer. That is because to our minds PSOs will be performing a broad range of duties involving a wide range of powers in a complicated environment. I would imagine that working on the rail network, in the rail system, a PSO will deal with a vast number of complicated, difficult and tricky situations, just as a regular police officer would when patrolling broader areas. The minister has not answered the question. He has not described how the broader responsibilities of a police officer account for the 21-week difference in training. We will have to return to this question as we proceed through the clauses.

I move onto another aspect of clause 1. Will PSOs receive training in dealing with vulnerable groups and ethical conduct equivalent to that given to police recruits?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — My understanding is that PSOs training will include elements on how to deal with vulnerable groups. They will be required to deal with agitated people and alcohol and/or drug-affected persons as part of their duties and have done so successfully over a number of years. PSOs will be able to detain for their own protection a person reasonably believed to be suffering a mental illness who is at risk of self-harm or harming others and will be able to deal with under-age persons inhaling or using volatile substances or consuming alcohol in public. The answer is clearly yes.

Mr BARBER (Northern Metropolitan) — The answer is not clearly yes, because the minister just contradicted himself. The question I asked was: will PSOs be receiving training in vulnerable groups and ethical conduct equivalent to that given to police recruits? In the minister's answer he said they would be given elements of that vulnerable group training. I am asking if they will be given training in vulnerable groups equivalent to that of regular police recruits, not a couple of PowerPoint slides worth.

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I have already indicated that the PSOs' powers are narrower. I have indicated previously that the powers relate to designated places whilst on duty and that the training that is being proposed and provided by Victoria Police

is the appropriate training to deal with vulnerable groups.

Mr BARBER (Northern Metropolitan) — No, the minister has previously said the opposite of that. The minister has previously said that PSOs will have all the powers of police when they are in those places. PSOs will be able to deal with people — arrest them, help them, detain them, restrain them, chase them or whatever it is — in exactly the same way as any regular police officer would. They will also in those situations meet all the same vulnerable groups that a regular police officer will, and that is why I asked the minister — and it would be helpful if he did not answer the question in one way and then contradict himself at the end, because we are just trying to get a straight answer — if PSOs will be given training equivalent to regular police recruits in relation to vulnerable groups.

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — The PSOs training will include elements on how to deal with vulnerable groups; I have indicated that. The training, as I indicated earlier to Mr Pakula, is a 12-week course. It is not the equivalent of a Victoria Police officer course. It is specific training that has been designed for the PSOs and that deals with the elements contained within this bill. Twelve weeks is considered appropriate, and it takes into account the additional powers and responsibilities that the new PSOs will have.

Mr LEANE (Eastern Metropolitan) — In line with this issue, given that the minister is saying that the PSOs have narrower powers compared to a fully fledged police officer, can the minister give instances of where a PSO operating in their correct jurisdiction, a train station, will have to call in a police officer to act on an issue which is not encompassed by the powers provided to the PSO by this legislation?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — One example is the PSO can do a pat-down search; they cannot do a strip search. Police can do a strip search.

Mr BARBER (Northern Metropolitan) — The minister is clearly not interested in exploring this issue of vulnerable groups, but there are a lot of people out there who are. Obviously police officers themselves have put in extraordinary efforts over the years to develop programs, procedures and practices for vulnerable groups. The minister just keeps reading out the same answer, so I will take it as a no. PSOs will not be getting equivalent training in relation to vulnerable groups; they will get what the minister describes as elements of that training, which could be anything. It could be a few PowerPoint slides saying, 'By the way, these are some vulnerable groups you might want to look out for'. If that is the case, it is a great shame, because the police are continuously striving to respond better to vulnerable groups. Vulnerable groups are by definition very hard to deal with. They have to be dealt with in very special ways to get the right outcome — the outcome we all want. They are just as prevalent on public transport, if not more so, as they are in regular policing work. The second question I asked was: will PSOs be receiving ethical conduct training equivalent to that given to police recruits? Can the minister have a go at that question?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — The advice I have is that they will get the same training in terms of the ethical training that was indicated by Mr Barber, and as I have indicated, it will be determined by Victoria Police in the broader scheme.

Mr LEANE (Eastern Metropolitan) — I appreciate the minister's previous answer where he gave me one example about a pat-down search and not a strip search. Can the minister provide one or two other examples where the powers of the protective services officers are too narrow and where they will need to call in a fully fledged police officer?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — When they make an arrest they have to hand the matter over to a police officer. That is another one. It could involve myriad offences.

Mr BARBER (Northern Metropolitan) — What disciplinary procedures will be in place for PSOs in the situation of non-compliance or inappropriate use of powers?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — The PSOs are subject to the same complaint investigation and discipline processes as apply to operational police. Overall responsibility for the investigation of complaints against PSOs will rest with the Victoria Police ethical standards department under the supervision of the Office of Police Integrity (OPI).

Mr BARBER (Northern Metropolitan) — I understand it is the government's intention to dissolve the OPI and replace it with an IBAC (independent, broadbased anticorruption commission), which the government has stated will not be investigating

low-level incidents of misconduct. Is that correct, and if so, what will be our recourse at that point?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I am not here to speculate on legislation that may or may not be coming forward. I mean the — —

Hon. M. P. Pakula — It may not.

Hon. R. A. DALLA-RIVA — You are putting forward that the OPI will be disbanded. The current — —

Hon. M. P. Pakula — It is your policy.

Hon. R. A. DALLA-RIVA — If Mr Pakula would listen to me without getting excited, the investigation of complaints against PSOs rests with the Victoria Police ethical standards department, which is obviously currently under the supervision of the Office of Police Integrity.

Mr BARBER (Northern Metropolitan) — I do not think I was speculating on anything; I was simply putting it to the government that it is its policy to absorb the OPI into an IBAC and that the government has stated that that body will not be investigating low-level incidents of misconduct. In his previous answer the minister said the OPI would do it. Now I am asking: when the government abolishes the OPI, which the minister has said it will do, who will do it then?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I have already provided that answer. It is exactly what I have said before in terms of the ethical standards department operating under the supervision of the OPI.

Mr BARBER (Northern Metropolitan) — The ethical standards division will be supervised by the Office of Police Integrity, but then the OPI will not exist. Who will supervise the ethical standards division when the OPI no longer exists?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — It is hypothetical. As I said, the ethical standards department will deal with complaints, and it will be under the supervision of the Office of Police Integrity. If it becomes the IBAC, then it will be under the IBAC.

Mr BARBER (Northern Metropolitan) — Yes, but the government's policy has told us that the independent, broadbased anticorruption commission will not deal with the low-level issues of misconduct, so who will?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — It will be the chief commissioner, because, as outlined in clause 1, the amendment will allow a protective services officer to be on duty at a designated place, as defined in the Police Regulation Act 1958, so they will be under that act.

Mr BARBER (Northern Metropolitan) — Can the minister tell me why the pass rates for police entrance exams are different to the entrance exam pass rates for protective services officers?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I answered that before. The process of appointments to Victoria Police are obviously taken from the large number of applications from persons seeking to join the force. As I indicated before, as a result of the number of pre-appointment checks and the training courses recruits undergo, Victoria Police are able to appoint the best of those recruits as police officers. The fact that a recruit is not appointed as a police officer does not mean that he or she has failed. It may be for any of a number of reasons identified during the recruit training course for police officers that some applicants would be better suited for appointment as PSOs. However, the great majority of PSOs will be appointed from persons who only applied for appointment as a PSO.

Mr BARBER (Northern Metropolitan) — The minister uses the euphemism 'better suited', and the only problem with that as an excuse is that now the PSOs will be doing many of the same duties with many of the same powers under circumstances likely to be equally as complex, stressful and variable — perverse, if you like — as those for a transit police officer. We are trying to get to the bottom of it, and it is not to say that one person is superior or inferior to another or that one person makes one grade or another.

The question we have been asking is that if the PSOs have the same set of powers, then in many cases they have the same set of duties. The minister has said that in some respects they have identical training and that they will be trained in the exact same matters, such as ethical standards, which he said would be exactly the same, so the capacity to understand and to have those judgements raised through ethical standards has to be identical. In other areas the minister has said they will get less training, so perhaps the requirement to be able to absorb and implement that training is different, but they are people with different standards, which are brought in at the beginning and which are now increasingly converging on the same types of high-level duties. That is why we are asking the question.

The minister is simply using the euphemism that those people are better suited for protective services officers duties. If the minister cannot explain why the pass rates are different and why some people make one grade and not another, then fair enough, that is his choice, but it is one of the questions that has been asked about this all along, and it is being asked even more frequently now. I am sure it will continue to be asked.

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — As I indicated earlier, I think it was to Mr Pakula, the fact that you are a protective services officer does not preclude you from moving into the Victoria Police as a member. As I have indicated before about the PSOs, the legislation contained in this bill is not narrower. It relates to designated places, and it relates to when they are on duty.

Mr Barber is talking about the duties of PSOs being equivalent to members of the Victoria Police, who have a wider understanding of law enforcement legal processes, a significantly wider understanding of traffic laws and domestic laws, significantly more involvement in court processes and a whole range of investigative powers that are extended well beyond their station. They have a detective capability, and they can undertake a detailed crime study and investigation. Mr Barber is perhaps trying to draw a long bow when he outlines the extent to which sworn police members, who undertake 30-plus weeks of study, have an extensive understanding of criminal and traffic laws and other areas, which extends far beyond what this bill is providing for today.

Mr BARBER (Northern Metropolitan) — That is what we were asking the minister about half an hour ago — the difference in the two lots of training. I presume those things just detailed by the minister are what the police do in the rest of their training. But for most of the issues that we have been talking about — and a whole set of issues that we will soon be talking about — when it comes to those powers the minister has characterised it as the PSO sitting down in the same classroom with the same teacher learning the same unit as the regular police officer. That is fine with me. The minister has outlined it; I am quite happy to move onto other clauses where we will go into the specific duties of these officers and ask the minister some more about what is different between PSOs and regular police.

Mr SCHEFFER (Eastern Victoria) — I want to come back to the question that Mr Leane asked of the minister on two occasions. He wanted to know when security officers would require police to come to a railway station. On the first occasion I think the minister answered that it would be when there was a pat-down or a body search, and on the second occasion he said it would be when there was an arrest. The minister then said there were myriad circumstances where this could happen. Is that just a figure of speech or does the minister literally mean it is infinite — or are the circumstances coded? How will PSOs know when it is appropriate for them to call police to undertake a certain action?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — It will be every arrest under either section 458 or section 459 of the Crimes Act 1958.

Mr SCHEFFER (Eastern Victoria) — Forgive me, but I am not familiar with those sections of the Crimes Act 1958. Could the minister spell out what that means?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — Section 458 relates to civilian arrests — we can all do it. Section 459 relates to arrest powers for serious indictable offences.

Mr SCHEFFER (Eastern Victoria) — Is that then the totality of the circumstances in which a PSO would require a police officer? Do those sections of the Crimes Act 1958 limit them?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — They have the powers that all people have under section 458, and they have powers under section 459 when they are on duty in a designated area.

Clause agreed to; clauses 2 to 4 agreed to.

New clause

Hon. M. P. PAKULA (Western Metropolitan) — I move:

Insert the following New Clause to follow clause 4 —

'AA New section 118I inserted

After section 118H of the **Police Regulation Act 1958 insert** —

"118I Review of operation of Justice Legislation Amendment (Protective Services Officers) Act 2011

(1) The Drugs and Crime Prevention Committee must commence to inquire into and consider the operation of the amendments to legislation made by the **Justice Legislation Amendment (Protective Services Officers) Act 2011** no later

than 12 months after the first date on which all the provisions of that Act have been proclaimed.

(2) Within 6 months after the commencement of its inquiry and consideration, the Drugs and Crime Prevention Committee must make a final report to the Parliament on the outcome of its inquiry and consideration.

(3) The report must include —

(a) the number of incidents involving protective services officers that have occurred; and

(b) for each incident —

(i) the nature of the incident; and

(ii) the location of the incident; and

(iii) whether force or weaponry was used; and

(iv) whether the action taken by the protective services officer or officers is considered an appropriate response to the matter giving rise to the incident; and

(c) the number of offences committed against protective services officers in the course of their duties and the nature and location of each of those offences.

(4) Sections 34, 35, 36 and 37 of the **Parliamentary Committees Act 2003** apply to the report as if it were a report of a matter referred to a Committee under section 33(1)(a) of that Act.

(5) In this section —

Drugs and Crime Prevention Committee means the committee established under section 5(a) of the **Parliamentary Committees Act 2003**;

incident, involving a protective services officer, means any incident in which the protective services officer exercises, in relation to a member of the public, a power that the officer has by virtue of an amendment to legislation made by the **Justice Legislation Amendment (Protective Services Officers) Act 2011**.".'.

In speaking on this amendment I will be brief, because during the second-reading debate and in my contribution to the debate on Ms Pennicuik's amendment I indicated why the opposition is moving this amendment. The opposition believes that this debate, along with the public debate and that in the passage of the last bill relating to protective services officers (PSOs), bears out very starkly that there are a huge range of unknowns in how this policy will be implemented and its implications not just for the public transport network but also for the relationship between Victoria Police and PSOs, the way their roles will be delineated in future, the additional powers PSOs will be given, where they will exercise those powers, in what circumstances those powers will be exercised and how in the long run the ongoing definition of and distinction between the role of a police officer and that of a PSO will be viewed by the community and the government of Victoria.

For those reasons we consider it appropriate that, 12 months after the first date on which all the provisions of this act have been proclaimed, the Drugs and Crime Prevention Committee of the Parliament inquire into and consider the operation of the PSOs policy and its implementation and that, within six months of the commencement of that inquiry, a report be provided to the Parliament on the outcome of that inquiry. That report should address a range of details, including the incidents that have involved PSOs, what the nature of those incidents was, where they occurred and whether they were incidents that required the use of force or weaponry et cetera.

Over and over again this government has indicated that it is a government that wants to be open, transparent and accountable. It has indicated that it is happy to subject itself to scrutiny. Just half an hour ago it indicated that it is prepared, via this all-night sitting, to be subjected to as much scrutiny as we can subject it to tonight. The opposition believes very strongly that what is outlined in the amendment would be a prudent and appropriate course of action for the Parliament to take, given all the issues that have been raised in committee, in the second-reading debate, in the media, in Public Accounts and Estimates Committee hearings and by the public more generally.

All those issues can be tested, and the implementation of the policy can be reviewed by that parliamentary committee a year after the bill comes into effect. We would hope that any government that believes its own rhetoric and puts into effect the things it says it is committed to in regard to openness, transparency and accountability would support it as well. With those few words I commend the new clause to the committee.

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I thank the member. I recall his second-reading contribution, but I do not think the proposed clause had been circulated. I have read through it now and understand it in the context of his contribution to the second-reading debate and the committee of the whole.

I indicate that prior to the 2010 election the coalition clearly stated that it would, if elected, deploy PSOs at every metropolitan train station and major regional train station from 6.00 p.m. until the last train, seven days a

week. As the house would be aware, there was extensive debate leading up to, during and then post the election in relation to that election commitment. Our commitment should come as no surprise to those opposite. The fact I would put forward is as was indicated by the Minister for Police and Emergency Services in his second-reading speech: he commenced by stating that the government had a mandate to introduce PSOs on the rail network and that that mandate was to protect the community, particularly those travelling at night, against violence and other antisocial behaviour. The commitment was to deploy 940 PSOs by the end of the first term. This bill will fulfil that commitment and provide the appropriate mechanisms by which PSOs will be able to deal with the issue and the incidence of crime and public disorder.

We are also of the view that the PSOs' new powers have been carefully selected to support their community safety role on the rail network and that the execution of these powers is deliberately constrained to their duties at or in the vicinity of designated places, as was indicated. I know those opposite may not like the election commitment, but it was very clearly laid out and I do not believe we should be in the situation of supporting the clause proposed by Mr Pakula.

Mr BARBER (Northern Metropolitan) — The Greens will be supporting the insertion of a provision in the bill requiring a review. The answers to these questions will be just as important in 12 or 18 months time as they are tonight, but we are not getting any answers tonight. The questions will not be hypothetical in 12 or 18 months time, they will be matters of fact. There is nothing novel about having a built-in review clause in legislation. We have done that before.

In addition the arguments that Ms Pennicuik put forward earlier tonight included that at one point in the last four years the coalition and the Greens agreed that the Police Regulation Act 1958 needed to be reviewed and for that reason we were not supporting ad hoc changes to the Police Regulation Act 1958.
Ms Pennicuik lost that argument in relation to her amendment. Now we have a much narrower and simpler amendment, which is simply that these provisions — the ones we are creating tonight — be reviewed at the end of 12 months.

There is no doubt that the provisions the government is creating are very complicated and open up a whole range of new questions. The minister says it is all about protecting people on the rail system at night, but the questions we are asking will be about some of the very complicated interactions between the different arms of authority on the system. The government is rapidly heading for a shemozzle with what it is doing here. There are already police out there with one set of powers and authorised officers with another set of powers. There are private security officers at Southern Cross station with another set of powers and responsibilities. There are station staff and direct employees of the rail operators, and they have different powers and responsibilities.

There will be various incidents occurring, and it is possible that all those groups could be involved in the one incident. It is entirely possible that you could have some guy pinned to the ground by an authorised officer holding him down, using one set of powers, based on something that triggered the use of those powers. You could have a PSO holding his legs down using a different set of powers triggered by a different set of actions and a police officer running in to try to sort it all

Mr Leane interjected.

Mr BARBER — Let us just hope the member for Frankston does not play stacks on to that, or they will all have to break off. They were not laughing on the government side at Mr Leane's gimme gag there. In any case, when all that is sorted out, we may find that an incident has occurred, a person is to be charged or is raising issues where different officers with different sorts of powers which they can use in different circumstances have all been involved in the one melee, and personally I do not know that that is the way I would be wanting to go. But the government, in a fairly non-responsive manner, simply said, 'We have a mandate, and we are not supporting your provision'. There was not any great attempt to argue its case. I think there will be plenty of incidents to report and to be reviewed by this committee.

By the way, we will be dealing with a bill next week in relation to authorised officers, who will be interacting with this same group of people, PSOs, over many of the same incidents, and in that bill we will be laying out some additional reporting and control requirements for authorised officers who are a sort of private police force. We will be introducing new law around the timeliness and reporting of those incidents involving authorised officers, so Mr Pakula's amendment to set up an inquiry which would look into a range of incidents and how the action of the PSO played out is quite important.

If the government thinks that will not be scrutinised, it is kidding itself. Maybe because it is planning to abolish the OPI (Office of Police Integrity) and roll it into the IBAC (independent, broadbased anticorruption

commission) it thinks it will not be scrutinised. Authorised officers have been scrutinised by the Ombudsman, and we have even had released closed-circuit television (CCTV) footage of their various accidents and incidents leading to a sweeping set of changes to authorised officers' powers. I am confident that the same thing will occur, almost regardless of the type and nature of the incidents.

The other thing I would say is that the minister characterises PSOs as authorised officers out there in lonely parts of the rail system, but we already know the situation is not going to go down like that. The implementation that is going to be commencing over the next couple of years is not going to start like that. At the moment the way we deal with incidents on the rail system is through what is called intelligence-based deployment — that is, there is intelligence collected about where incidents are occurring and what their nature is, and then resources are marshalled in order to deal with those incidents. This policy proposal is the opposite of intelligence-based deployment. It is actually no-intelligence-based deployment. It says we just deploy people, two to every railway station, from 6.00 p.m. till midnight. Then we hear, 'Well, maybe, but the police commissioner will also make a bit of a decision'. I would really like to know which it is.

Is it going to be part of the intelligence-based deployment system, which seems to have been effective, or is it going to continue to be this no-intelligence-based system where we just put two guys on every railway station, even if it is Officer in the middle of the night with barely a patron to be seen? Because I believe that in reality the government will at some point relent and commit these PSOs to an intelligence-based deployment system — and they necessarily will be involved in incidents involving other types of officers such as security guards, station staff, authorised officers and transit police — I think Mr Pakula's proposed clause is quite appropriate. It is the analysis the government should have done, but in any case it is the analysis that we think the Parliament should be doing post the implementation of this measure.

Mr LEANE (Eastern Metropolitan) — Just briefly, as a current member of the Drugs and Crime Prevention Committee I am a bit surprised at the government's position on this new clause, because it is inconsistent giving the minister a reference to that committee regarding the deployment of PSOs to the emergency departments of hospitals. That reference came from the minister, and it is very surprising that he would not accept an amendment which provides that this same committee look at the implementation of the PSOs on train stations. It seems a very inconsistent position to take.

Hon. M. P. PAKULA (Western Metropolitan) — In reply, let me just say that I am really disappointed at the contemptuous way in which the minister has dealt with this amendment. I say that reluctantly, because the minister did not have a contemptuous attitude to it, but his contribution was quite extraordinary when you think of the reasons that were put for the amendment, which were that a year after this legislation is brought in, given all the concerns, the newness of this policy and all the implementation issues that have been raised, it would be appropriate for Parliament to have a look at the way the legislation has operated. That is, in a nutshell, the rationale behind the amendment.

The minister's response was to completely ignore all the points that surrounded the amendment, to completely ignore the arguments in favour of the amendment and to simply fall back to, 'We have a mandate. You might not like it, but we are not going to support the amendment'. There was no attempt whatsoever to deal with the substantive issues behind the amendment. There was no attempt whatsoever to rebut the suggestion that there would be some real work for this committee to do 12 months down the track in looking at the way the legislation has been implemented and whether or not there are issues, whether or not there are incidents that need to be looked at and whether or not there are any challenges that have been thrown up by the implementation of this legislation. There was simply an acceptance by the minister that the government has 21 votes, which means that it can get up and oppose the amendment without having to give a single reason for doing so. That is the approach the government took in responding to the amendment.

There is a pattern of behaviour emerging, which is that the government punts off to committees any and all bills that it would be inconvenient for it to have to make any kind of commitment to or comment on, like the container deposit legislation today. It rejects each and every suggestion by the opposition or the Greens about any bill being examined by any committee in this Parliament either before it comes into operation or, as in this circumstance, a year after it has come into operation — not for the purpose of delaying it or frustrating the mandate but simply for the purpose of examining how it has been implemented over the previous 12 months. It is an absolute disgrace.

An honourable member interjected.

Hon. M. P. PAKULA — You do not get another go, mate.

The DEPUTY PRESIDENT — Order! I advise Mr Pakula that members can contribute as many times as they wish. Members can raise issues on any matter before the Chair in the committee stage.

Committee divided on new clause:

Ayes, 16

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

Noes, 19

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

Pairs

Mikakos, Ms	Kronberg, Mrs
Pennicuik, Ms	Guy, Mr

New clause negatived.

The DEPUTY PRESIDENT — Order! Whilst we have been meeting I have been considering the hour and the length of time members and staff have been in this place. When arriving here this morning I noticed staff were here at 9.00 a.m. It is my view that after every 3-hour period there should be a 15-minute break. I think this is an appropriate time to implement that 15-minute break. I therefore suspend the committee, and I will resume the chair at 2.51 a.m.

Sitting suspended 2.35 a.m. until 2.53 a.m.

Clause 5 agreed to.

Clause 6

Mr BARBER (Northern Metropolitan) — I would like to ask the minister why there is no maximum time that a person can be detained by a PSO.

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — Mr Barber is obviously talking about the Bail Act 1977 in that a PSO:

> … must hand the person into the custody of a member of the police force as soon as practicable after the person is arrested.

I guess that 'as soon as practicable' covers the time it would take for the police to arrive.

Mr BARBER (Northern Metropolitan) — That could be any amount of time. That is a fundamental difference to being arrested by the police, in which case you have been arrested by the police. They may put you in the back of a divvy van or take you to jail, whereas here there is a different situation. The PSO has to detain you until the police can do something with you. That means you are detained right there at the railway station. In that case you are waiting for the police to come so the PSO can hand you over to the police. I would have thought that time was quite a critical issue, because it leads to other questions. How and where will people be detained by PSOs at train stations with limited amenities and no private or enclosed areas?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — They will be held and detained in the normal course of operations for which PSOs have been trained, and the police will attend in the normal course of their operations to have the person handed over pursuant to the act. As the member is aware, the protective services officers have certain capacity in terms of handcuffs and other things, depending on the circumstances. There will be situations where the mere arrest could calm the situation down or it may escalate it, depending on the circumstances. Specific to an arrest of a person released on bail, that would be the appropriate manner in which the PSOs would deal with that matter.

Mr BARBER (Northern Metropolitan) — I say to the minister that it could escalate the situation. This is the key difference. If a PSO has arrested somebody, that guy's mates might still be hanging around. Or maybe when the next train comes in that guy's mates will get off the train and suddenly the PSO will have a difficult choice to make. Could it be that a person detained by a PSO could be handcuffed to a railing, post or fence in open view of the public until police arrive?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — As was rightly advised, it would be like a police officer who is on foot patrol. They would execute an arrest, in particular under the Bail Act 1977, which we are talking about, and that would be the appropriate course,

but I do not think handrails and other things would be at the top of the operational list.

Mr BARBER (Northern Metropolitan) — I ask the minister to talk to me like I am a PSO going through my training course and I ask you as my trainer, 'Okay, we're supposed to arrest these people and we're given powers to arrest these people. When we arrest them what do we do with them? Do we put the handcuffs behind their backs and sit them in a chair, do we sit them on the ground, do we put them in the lunchroom or do we chain them to something? What do I do if suddenly I have other incidents to deal with? What is my expectation for when the police arrive? What should I do in the meantime?'. Presumably PSOs will be instructed on this during their training as a matter of operational procedure. Given that we will be passing a bill to give them certain powers, I am asking the minister: what is the expected procedure when a PSO arrests someone? Do they handcuff them to an object? How long should they hold them while waiting for police?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — As I indicated earlier, and I will say it again, the PSOs deployed on the rail network will receive 12 weeks of training. The additional training, as was indicated, will be designed to better acquaint the PSOs stationed on the rail network with the additional powers they will be required to exercise. The fact that all new PSO recruits will be required to undergo 12 weeks training will give them an understanding of the powers of arrest.

Mr Barber makes it sound like a member of the police force on foot patrol would somehow have a different arrest process than a PSO who has undergone 12 weeks of training. That would be an operational matter. It is a decision by Victoria Police in the process of their training as to how PSOs will deal with arresting offenders or as to how they deal with the arrest process under the Bail Act 1977 pursuant to clause 6 of this bill. I think it is for the police to deal with in the appropriate place.

Might I also remind Mr Barber that where a PSO arrests or detains a person he or she will be required to hand the arrested person into the custody of a member of the police force as soon as practicable. In practice a PSO will contact his or her supervisor by police radio and the supervisor will arrange for police to attend and take custody of the person arrested. I think it would be dependent on the training. It would be dependent on the circumstances, and in the circumstances as outlined I think the PSOs would be very well equipped to deal with it.

Mr BARBER (Northern Metropolitan) — This raises another point, because in this provision the PSO borrows certain powers from a provision that has been written for police, but then we create a requirement for the PSO to hand a detained person into police custody as soon as practicable after they make the arrest. Does that then mean that the PSO must detain the person until police arrive? Or does the PSO have the discretion to say, 'I am going to release you. Off you go. You are on your own.'?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — The clause that we are talking about, clause 6 — and I will be seeking some guidance from Mr Barber on this — refers to a circumstance where it is believed a person may be about to breach their bail. I think what Mr Barber is advocating is that where PSOs reasonably believe that a person will breach bail and not appear or may abscond from attending they should just let them go. We do not believe that is appropriate. We believe that we should uphold the law, and the PSOs are being empowered by clause 6(3) to uphold the law and bring persons to justice where the circumstances warrant. We will have to differ on that. If someone is arrested, it is outlined in the bill that they will be handed to a member of the police force as soon as practicable after they have been arrested.

Mr BARBER (Northern Metropolitan) — I was not advocating anything. I was asking the minister a question about the powers of a PSO under this bill. What I said was that this provision says that a PSO must hand someone they have arrested to the police. What I am asking the minister is: does that mean, therefore, that the PSO, having arrested somebody, is incapable of releasing that person under any circumstances because the law requires them, having once arrested them, to hand them to the police officer? Is that how this piece of law works? Is it that, having arrested someone, PSOs have no choice but to hand them to a police officer and there are no circumstances in which they can legally release that person?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I will take it in the context that clause 6 is for those breaching their bail or suspected to be about to breach their bail. The government does not believe that where there is a reasonable belief that a person is breaching bail or about to breach bail they should be released. If the Greens are advocating that, we will disagree, because clause 6 relates exactly to that situation, and we are not advocating for the release of persons arrested.

Mr BARBER (Northern Metropolitan) — Chair, I think the minister is being deliberately dense. There was no suggestion of a 'should' anywhere in what I said. I was simply asking the minister about the mechanical operation of this clause. The clause says that once someone has been arrested the PSO must hand them over to the police. The way I read this is that therefore the PSO has no option at that point. There is no point at which they can arrest someone and then release them, no matter what the circumstances are at the time. Unlike other circumstances where they arrest a person and then it is not quite clear exactly what happens to them, in this circumstance when a person has been arrested using these provisions PSOs have got no choice but to simply hold that person until they can give them to the police. Is that correct?

The DEPUTY PRESIDENT — Order! I have been in this business now for 11½ years, and very late at night I have seen debates disintegrate. I am just cautioning the minister to perhaps, rather than interpreting what the member asks him in the way that he has on a couple of occasions, try to keep the debate at this late hour as straight as he can so we avoid any kind of disintegration.

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — Thank you, Deputy President, for your guidance. In relation to clause 6, which relates to the bail act and arrests pursuant to the bail act, I am advised that when the PSO arrests or detains a person pursuant to the provisions of the Bail Act 1977, he or she will be required to hand the person arrested into the custody of a member of the police force as soon as practicable. I understand that they will be in contact via radio, as they are around the Parliament here, and the supervisor will arrange for police to attend and take custody of the person who was arrested.

The DEPUTY PRESIDENT — Order! I thank the minister. I think Mr Barber has a clear answer to his question.

Mr BARBER (Northern Metropolitan) — I thank the minister. Can the minister tell me, by the way, how often PSOs in their current operational duties arrest people?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I gave the real-life example of the member for Southern Metropolitan Region who observed somebody breaking into a staff car at the back of Parliament. The arrest was executed by a PSO of the Parliament. The person was detained and held, radio contact was made and police attended. How do I know that? Because I saw it.

Mr BARBER (Northern Metropolitan) — There are about 150 PSOs now. They are involved in a range of duties, and they have had to exercise powers, including their regular citizen arrest powers. I am just asking how often PSOs who are currently working have been involved in arresting people. With this legislation the government is giving them a whole bunch of different ways in which they might arrest people, including because the person has skipped bail and has in some way been identified to that PSO, so the PSO has been given the job of grabbing them.

This all started with a desire to make it safe for people to get off the train and go out to their car in the car park, but now PSOs are being involved in arresting bail jumpers, for example. It may very well be something that the police want them to do, but it is a long way from the original purpose for which this bill and this measure were brought forward, which was simply safety on railway stations. I imagine that usually someone who has jumped bail is not an immediate personal threat to my security, and if they are, it is because they have done something else. You would not be relying on the Bail Act 1977 to get them arrested. You would arrest them for whatever threatening behaviour they displayed on the railway station.

The government has chosen to give these PSOs a whole range of other enforcement duties, including grabbing people who might have been reported as skipping out on their bail, so I have asked the minister how often it is that PSOs have to arrest people now, because I want to get a sense of how much a part of their job it will very soon become to arrest people on perhaps a more regular and frequent basis.

Mr DRUM (Northern Victoria) — I want to take the opportunity to convey to the house my personal story about this issue. I think Mr Barber's question is two-pronged. Firstly, the PSOs at Parliament House are protecting what one would call a reasonably benign piece of real estate, and that is Parliament House, as opposed to a late-night train station, which probably has a far greater chance of hosting a violent attack, an act of vandalism or some other crime.

Secondly, my story is that on the way to work one morning, walking to Spring Street from Little Lonsdale Street, I came across a drug transaction. It was in broad daylight at 8.30 a.m. outside the university just up the road. I clearly saw the cash go in the window and clearly saw the drugs that came out of the window. It is only 100 to 150 metres away from the Parliament. I

walked straight up to a PSO and informed him of what I had just seen. He said, 'Yes, I saw it myself'. I asked, 'What are you going to do about it?'. By now the guy who had bought the drugs was walking past the Imperial Hotel. The PSO said, 'I can't do anything because I just look after this patch here'. That chap walked away. There may have been a radio call put in to see if the police were able to turn up on time. It was probably three years ago that this happened, and that perpetrator simply walked away.

All I am suggesting is that this legislation will enable the PSOs to walk across the street and apprehend someone who has just committed a crime. I think it is a great example of why this legislation will work and what the Greens are advocating may not work.

Mr BARBER (Northern Metropolitan) — I am sure Mr Drum was very excited the first time he saw a drug transaction, but where I have been hanging out for the last 10 to 20 years you see them every day of the week. You see them around railway stations too if you live in this part of the world, and you see people chroming around railway stations in this part of the world. If the police wanted to stop these activities, they would have stopped them already. We will get to the provision about indictable offences all in good time.

Mr Drum interjected.

Mr BARBER — I thank Mr Drum for that contribution. Ten years ago I was living above a shop which was in the main drug-dealing area of Smith Street. When the police came in and busted it, they moved it to the corner of Bourke and Russell streets, where I was then working. I am not entirely sure what that observation did for the debate we are having here, but we will deal with the PSOs powers for indictable offences in a later clause.

I also want to ask: if a PSO detains a young person, will the PSO be required to contact that person's guardian or a responsible adult and inform them of where the child is being detained?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — In relation to the Bail Act 1977 I am advised that the approach would be that the young person, or the person, would be arrested pursuant to the bail act. The applicable handing over to a member of the police force by the protective services officer would then take effect pursuant to what I have indicated previously.

Mr BARBER (Northern Metropolitan) — The PSO does not have the responsibility of talking to the responsible parent or guardian. The PSO holds on to the person until they can hand them over to the police and then the police do it. Is that the answer just given by the minister?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — The protective services officer must hand the person in to the custody of the member of the police force as soon as practicable — so the answer is yes.

Mr BARBER (Northern Metropolitan) — If it took a couple of hours, if the PSO reported that they had arrested a young person and said, 'He's not giving me any trouble, he's just sitting here. I've got him chained to a pole', and if it took a couple of hours, then that 15-year-old's parents would not actually be notified during that period. It would only be when the young person arrived at the police station. During the entire period — and we cannot know how long it would be — that person would actually be held without a parent or responsible adult or independent advocate being informed or being present. I presume also that that person would have no right to demand to be able to contact a family member and ask the family member to come to the railway station where they were being detained awaiting handover. Is that also correct?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I have already answered the question on the substantive issue around clause 6.

Mr BARBER (Northern Metropolitan) — I am sorry, I think I must have missed something in the minister's answer. Does the young person — —

The DEPUTY PRESIDENT — Order! The minister's answer was that he had already answered the substantive issues that Mr Barber raised.

Mr BARBER (Northern Metropolitan) — No, I was raising a new issue, which is whether this young person has the right to a phone call, to put it simply, if they have been arrested by a PSO but not yet handed over to the police.

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — As I have indicated previously, the PSO would have their radio, and if they had the name of the person they had arrested, they would provide those details to the supervisor, and the supervisor would then deal with it. As I indicated earlier, once the police arrive that person would be handed over pursuant to the clause 6 outline.

Mr Leane — Deputy President, I draw your attention to the state of the chamber.

Quorum formed.

Mr BARBER (Northern Metropolitan) — I do not know what the procedure is, but I presume that if the minister continues to not answer the question, then I can continue to ask the same question, or maybe the Deputy President will tell me the appropriate time to stop.

I will restate the question. Take a situation where a PSO detains a young person. If the police had arrested that young person, you would expect that the police would ask that person to call a parent, guardian or independent advocate. Here we have this never-never land, a gap where the PSO arrests a person, but it is not a real arrest; they are just waiting for the police to come so that they can hand over the arrested person. Therefore that young person's rights — or whatever it is we are trying to achieve for that young person — are not actually given to them, because they are just sitting in a room waiting to be handed over to police.

The minister has not been able to or has not wanted to elucidate what the situation is in relation to a young person who is in one of those vulnerable groups that I referred to earlier on when I was asking about training. This situation could just as easily apply to any other vulnerable person. It could be a person with a mental illness. It could be a person with no English. These are all the things that we very much hope will be handled in the training for PSOs. I just hope the minister is not standing in front of the class explaining to PSOs what their powers are, because he has not been able to explain them to me.

The DEPUTY PRESIDENT — Order! Before calling Minister Dalla-Riva, in answer to Mr Barber's question of me I refer the member to standing order 12.23(3), which says:

> During committee of the whole when the Chair is satisfied that the debate on a clause or amendment is repetitious or frivolous, the Chair may accept a motion without notice from a minister 'That the question be now put'.

There are two factors: firstly, the minister would have to seek to put the question; and secondly, I would have to be satisfied that reasonable debate had occurred on a matter. I can further advise the member that in such circumstances I would be prepared to hear points of order as to whether or not a matter had been adequately debated.

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I am advised that the Crimes Act 1958 only requires an independent person or guardian when there is an interview process. As it is an arrest, there is no interview. I am further advised that in the case of a young person where there is radio contact with a supervisor — to use my earlier example — if the name and details are made available, then I am advised that police would be despatched and the process begun of that person being handed over to the custody of a member of the police force pursuant to clause 6. Most likely the parents, guardian or independent person would be at the station by the time police arrived. I think the member is getting confused about an interview process as opposed to an arrest under clause 6, which is for breach of bail.

Mr BARBER (Northern Metropolitan) — It is not just under clause 6 because there are other clauses where the power to arrest and detain also pops up. I was just trying to cover the general issue. The minister now says there will be an expectation that the parents would be called, and he said that the parents might be at the station at the same time as the police. I do not know if he means the police station or the railway station.

I can see a whole range of different complexities in how that might be handled. If you have a PSO alone, or certainly in a lonely environment, who has arrested a young man, would they realistically send the young man's father, three brothers and two mates to the railway station before the police got there, or would they be more likely to say, 'Hang on, until the police are there we are not going to tell you where he has been arrested. We are just going to tell you that he has been arrested'? Borrowing these powers from different sections of the relevant acts and then just handing them to a PSO who does not really have the power to follow through on all of the other procedures that are normally applied to someone, such as in the Bail Act 1977 and the whole court system, for example — PSOs are never going to deal with that person through the courts as they come back on breach of bail — creates a whole new set of complexities which are quite undesirable.

Clause agreed to; clauses 7 to 9 agreed to.

Clause 10

Mr BARBER (Northern Metropolitan) — This clause relates to various weapon search powers. I have seen weapon searches going on under the newly created provisions of the Control of Weapons Act 1990, but now we will be seeing something quite different. We will be seeing an individual PSO taking it upon themselves to search a person or vehicle for a weapon they believe is a controlled weapon. It will not be happening with anything like the level of scrutiny that happens during one of the now familiar weapon-screening operations by police.

Personally I find it offensive that we created a law that says someone can be stopped and searched as part of a random screening. If there is a reasonable suspicion that someone has done something wrong, then the police have the power to stop them and search them, but when there is no reasonable suspicion — when the person is in fact simply walking down the road and gets dragged into a random screening operation — then I think we have lost a chunk of our freedom, and I do not know why it has been given up so easily. Here we have provisions whereby PSOs will now be doing it on their own on a railway station somewhere late at night. They will not necessarily be monitored by closed-circuit television, and there is a whole range of safety risks associated with moving this operation over in this way, including risks to the person being searched, to the PSO and to any other members of the public who get caught up in it. We also need to be aware that in new section 10AA, which is being inserted by clause 10, we have the following provision:

> (3) For the purposes of subsection (1) —

that is, the protective services officer developing reasonable grounds —

> the fact that a person is present in a location with a high incidence of violent crime may be taken into account in determining whether there are reasonable grounds for suspecting that the person is carrying a weapon or has a weapon in his or her possession.

Can you dig this? It now says that if you live in a bad neighbourhood, that is cause for suspicion that you might be a bad person. On top of the fact that you have to live in a bad neighbourhood because you cannot afford to move out of that bad neighbourhood, you now have the double punishment of there being reasonable suspicion that you are carrying weapons because you live in a place that is infested by gangs.

I think this is an absolutely ludicrous approach to developing a reasonable suspicion. It is saying, 'I am already a victim in the sense that I live in an area that has a high incidence of violent crime' — however the hell that is defined — 'and so now I have become an automatic candidate for a stop and search'. I think this is completely open ended, particularly the reference to 'high incidence of violent crime'.

There could be all sorts of reasons for suspecting someone of carrying a weapon and therefore wanting to search them, but this is not even racial or ethnic or aged-based profiling. This is now suburb profiling. Once a certain postcode has a high incidence of violent crime a PSO has the right to stop everybody and search them for weapons. This seems to go well above, beyond and over the top of other legislation that, I remind members, the Labor Party brought in and of course the coalition supported. My question is: if a PSO finds and seizes a weapon, what will the PSO be required to do with the weapon?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I might just need to clarify a few issues. In answer to the last question asked by Mr Barber, it would be secured and then handed over to the police.

There were also a couple of statements made which I need to correct for *Hansard*. Regarding the notion that under clause 10 there will be random searches by the PSOs, there will be no random searches by the PSOs. They can only be carried out by police officers, and in terms of the supposed strip search, that is again incorrect. In terms of whether PSOs will be able to carry out a strip search of a person believed to be carrying a weapon regulated by the Control of Weapons Act 1990, the answer is no. PSOs will be able to require a person reasonably believed to be committing an offence under the act to remove outer clothing, such as a coat and hat, and they can conduct a pat-down search or one with a wand. If the weapon cannot be located as a result of that search and the PSO continues to have a reasonable belief that the person is in possession of a weapon covered by the act, the PSO will be required to call a police officer, who could take the offender to a police station for the purposes of conducting a strip search.

Regarding the final notion that a high incidence of violent crime may be taken into account et cetera, for the record that has been in the act for years and years already.

Mr BARBER (Northern Metropolitan) — New section 10AA(6), inserted by clause 10, reads:

> A protective services officer must conduct the least invasive search that is practicable in the circumstances.

Can the minister point me to a provision that says that that cannot involve a strip search or anything on the way to a strip search?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — That matter is referenced in clause 5 above, which relates to schedule 1. It gives a definition of what the search would be, and it specifically does not include a strip search. It only includes the search that I outlined earlier. That is in clause 5.

Clause agreed to; clauses 11 to 16 agreed to.

Clause 17

Mr BARBER (Northern Metropolitan) — This relates to indictable offences, which of course covers a very wide range of different matters, and often they are very complicated in terms of what represents the various offences, the elements of the offences and so forth. We are simply amending the Crimes Act 1958 to say that PSOs will have the power to apprehend offenders. How will the PSOs understand the full range of different indictable offences in all their complexity?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I went through the section 458 offences earlier. Section 459 differs from section 458 in that it applies to police officers. With the commencement of this act and this clause PSOs will be allowed to arrest a person reasonably suspected of having committed an indictable offence. The arresting officer does not have to witness the commission of the crime if he or she has reasonable grounds to believe that the crime has been committed by the offender. If a PSO arrests a person, under clause 3 they must hand the person into the custody of a member of the police force as soon as practicable. Previously under section 458 the PSOs would have had to find the person committing the offence, and there were a whole range of reasons for that. This power pertains to situations where PSOs reasonably suspect that a person has committed an indictable offence, bearing in mind that that offence relates to a PSO's designated place.

Mr BARBER (Northern Metropolitan) — However, it goes much wider in the sense that it could pertain to an indictable offence committed anywhere in Victoria at any time. Going back to Mr Drum's example, under this legislation someone can now go up to a PSO and say, 'I just saw that guy bash that other guy. Arrest him!'. This power gives that PSO the power to do that.

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — It is a good question, but the advice I have is that it can only relate to an indictable offence having occurred in the designated place or in the vicinity of the designated place.

Mr BARBER (Northern Metropolitan) — That is interesting, because we did not read this amendment that way at all. Section 459 as amended will state:

> … a member of the police force, or a protective services officer on duty at a designated place, may at any time without warrant apprehend any person —
>
> (a) he believes on reasonable grounds has committed an indictable offence in Victoria …

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — The protective services officer has to be on duty at the designated place or in the vicinity thereof to execute the arrest — —

Mr Barber interjected.

Hon. R. A. DALLA-RIVA — For an indictable offence, yes, but the officer has to be on duty at the designated place. That is the advice I have.

Clause agreed to; clauses 18 and 19 agreed to.

Clause 20

Mr BARBER (Northern Metropolitan) — This relates to protective services officers exercising police powers under the Drugs, Poisons and Controlled Substances Act 1981. How would a newly recruited PSO with 12 weeks training and little on-the-job experience respond appropriately to a 15-year-old who is observed chroming?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — In the same way a young constable would deal with such a matter. However, as I indicated earlier, it has been suggested that there may be a lack of training to deal with these types of vulnerable young people. My understanding is that PSO training will include elements of how to deal with those vulnerable groups. PSOs will be required to deal with agitated and alcohol and/or drug-affected persons as part of their duties. PSOs have already been doing this for a number of years. With Parliament being close to a number of party areas, the PSOs serving here have already successfully dealt with such people.

PSOs will be able to detain for the protection of that person a person reasonably believed to be suffering mental illness who is at risk of self-harm or harming others. They will also be able to deal with under-age persons inhaling or using volatile substances or consuming alcohol in public. As I said, the bill will allow that, but I think the training is important. My understanding is that the police will ensure that training is extended to the PSOs under the bill.

Mr BARBER (Northern Metropolitan) — That intensive training will certainly be action packed, because in addition to being trained simply to do their jobs — to protect people at railway stations — PSOs will now have to be trained to exercise a number of different powers. From the sound of it their job will be

extraordinarily busy. They will not just be keeping the peace. They will be grabbing people who have skipped bail, arresting people and sitting on them while waiting for the police, searching people for weapons and arresting people on reasonable suspicion that they have committed an indictable offence, possibly on the other side of the state.

Under these provisions they will also now be required to detain a person under 18 years of age and take all reasonable steps to release that person into the care of a suitable person. They may release them or continue to detain them until they can be handed into the custody of a member of the police force. We think the PSOs are going to be extraordinarily busy both in their training and on these railway stations dealing with some highly complex issues. Doubts have already been expressed about whether the government is really applying the right tool to the job.

Clause agreed to; clauses 21 to 34 agreed to.

Clause 35

Mr BARBER (Northern Metropolitan) — This clause relates to PSOs being given powers to execute arrest warrants but not, as far as we can tell, being trained or able to follow through on all those aspects of court processes and requirements like police are. Can the minister shed any light on that?

Hon. R. A. DALLA-RIVA (Minister for Manufacturing, Exports and Trade) — It would be a warrant that has been issued for the arrest of a person. The process would be that the protective services officer would not have to deal with the matters subsequent to the arrest. They would be dealt with by a member of the police force after the person is arrested.

Mr BARBER (Northern Metropolitan) — It is another one of these pass-the-parcel exercises where we are executing a power but not really doing it. We are just holding the person long enough to give them to the police. Can I ask the minister if these PSOs are going to be given access to the LEAP (law enforcement assistance program) database or access to information contained in the LEAP database so that they know this person has an outstanding warrant and that they should hold them using these powers?

Hon. R. A. DALLA-RIVA (Minister for Manufacturing, Exports and Trade) — I am advised that the PSOs have access to the LEAP database now, and they will have access to it into the future with this bill. Obviously they meet all the requirements to use the LEAP database, as a member of the police force does, and all the requirements and controls that are contained therein.

Clause agreed to; clauses 36 and 37 agreed to.

Clause 38

Mr BARBER (Northern Metropolitan) — This clause will give PSOs an additional source of powers, which are those under the Mental Health Act 1986. Generally, it gives the ability to have regard to the behaviour and the appearance of the person, decide that the person is mentally ill and then do everything, including enter premises and use force in the case of the police, but in this case use force as is reasonably necessary and then, as soon as practicable, hand the person into the custody of a member of the police force or a mental health practitioner and then hand them to the police, who will arrange for an examination. Again, I think this is an extraordinary burden of training being put onto PSOs to deal with the many large and complicated issues that are brought up under this part of the bill, including training to deal with people who are in extreme distress and at risk of self-harm or suicide, particularly when this bill was originally set up to deal with criminal and antisocial behaviour.

I think that using these powers a PSO could detain a person, again given their limited facilities for detention, by handcuffing them to a fence in public view. It is not at all clear to me, and perhaps the minister can elucidate, whether a PSO is now required to inform both the police and the mental health professionals or just the police that they have detained a person under the Mental Health Act 1986, because both provisions seem to be in the bill — both the pass-the-parcel provision to the police and also the requirement for the handover to the mental health practitioner.

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I thank Mr Barber for his comments. In fact he is correct. The issue is about community protection. I put it to Mr Barber that in certain circumstances mentally ill persons should be protected. This does allow for PSOs to be trained. My understanding is that PSOs will have training that includes elements of how to deal with vulnerable groups, as I indicated before, and PSOs will be able to detain a person for the protection of that person or a person believed to be suffering a mental illness who is at risk of self-harm or of harming others. A key objective of providing PSO powers under the bill, specifically in relation to the Mental Health Act 1986, is to enable the PSOs to act in the event that they suspect that someone at or in the vicinity of a designated place is contemplating self-harm. The

powers are intended to ensure that PSOs can act to safeguard the individual and, where necessary, potentially to detain the person while the PSO calls for assistance.

In terms of the assistance, the advice I have is, as Mr Barber indicated, that it could be both. It would either be a member of the police force or a mental health practitioner, depending on who was available at the time and given the circumstances. As I said, it would be determined by the radio contact and by the supervisor, by the training and by the circumstances. The government thinks this is an important addition. Yes, it goes outside community protection, but it does deal with those in our community who have a mental health issue. If we can provide that support through the PSOs, then that is appropriate.

Mr BARBER (Northern Metropolitan) — Yes, but all the previous powers and provisions we have referred to say that the PSOs are able to detain until handing over to the police. They all have that path: detain, then hand over to the police, regardless of which of the various heads of power we have been discussing. In drafting this legislation the government has chosen a slightly different path. The PSO now has the option to detain and give the person to the police or detain and then give the person to the mental health practitioner.

The legislation could in fact direct the PSO to detain them and hand them to the police, who would then decide what to do with them under the Mental Health Act 1986 provisions, but instead the government has chosen a different way. It has said the PSO exercises the judgement as to whether to hand them to a mental health practitioner or to the police. That will be different to all the other provisions.

If a person is suffering mental health issues and chroming, for example, PSOs will have two sets of laws from which to decide to detain the person under and then what to do with them. In a way, there are really three different choices. I wonder why the government has chosen this particular way. Was it intended, and is my reading correct, that in this case the PSO actually has the choice of whether to give the person to the police or to a mental health practitioner rather than giving them to the police and letting the police make the decision about where they go next?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I was looking at the Mental Health Act 1986. Even the police officer has two choices, and this legislation is providing the same sort of parameters where either a member of the police force or a mental health practitioner could deal with it. That is just the policy decision. The indications are, for example, that the rail station might be near a hospital. That is the reason.

Mr LEANE (Eastern Metropolitan) — Respecting the intent of the clause and where the government wants to go with it, I want to relate this discussion to the protective services officers employed at Parliament who, we have all agreed, do a fantastic job in the role that they perform. From the front steps on Spring Street in the early hours of the morning I am sure they would have frequently come across people with mental health issues over the years, when one sees the volume of people out there. The question is: how would the current PSOs on these premises deal with that now without this provision? And if they can deal with it without this provision, why would this be necessary going forward in other jurisdictions?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — The advice I have is that the PSOs located here are in close proximity to police who are able to come to their early assistance; they would have access. Whereas if they are in the vicinity of a railway station, they are further away and the power to detain people would allow them to hold them until police or a mental health practitioner could arrive. There are different circumstances in the city; there is closer access to police around the area.

Clause agreed to; clauses 39 to 44 agreed to.

Clause 45

Mr LEANE (Eastern Metropolitan) — Clause 45 gives PSOs the power to serve parking infringement notices. In the discussion of a previous bill regarding PSOs on train stations I am not sure whether it was clear that train station car parks were part of the precinct. Would they actually be part of the designated zone? The other question I have on clause 45 is: what was the driving force for the government to include this particular clause in this particular bill? Along the theme of a comment made earlier by Mr Barber, the original commitment was for PSOs to make train travel safe for people, but this bill seems to be going a lot further than the original intent flagged by the government in its election commitment.

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I thank the member for his question. The issue of car parks came about because a designated place will cover the entirety of the rail network. It will include any land on which there is a track, buildings et cetera required for the rail network; any land leased by the state to the rail

providers required for the provision of rail servicing, including any car-parking area on the premises and a roadway or other thoroughfare giving access to the rail premises; or any area on or adjoining a rail premises used by other modes of transport, including bus stops and taxi ranks. It will also include any local government-controlled car park adjoining or in the vicinity of the rail premises.

The PSOs will be able to exercise their powers in car parks located within rail network premises. These will normally be controlled by the rail operators, or they will be located adjacent to rail network premises and controlled by the rail operators or the Department of Transport, located adjacent to rail network premises and controlled by local government bodies or located in the vicinity of rail network premises and privately operated — for example, Watergardens. The idea will be to ensure that hoon behaviour, burnouts and behaviour of that nature can be dealt with.

Clause agreed to; clauses 46 to 63 agreed to.

The DEPUTY PRESIDENT — Order! That concludes the committee consideration. I will report the bill to the house. In doing so, I thank all staff, particularly Hansard, for their forbearance with the committee tonight.

Reported to house without amendment.

Report adopted.

Third reading

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

That the bill be now read a third time.

I thank members for their contributions.

Motion agreed to.

Read third time.

ADJOURNMENT

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — I move:

That the house do now adjourn.

The PRESIDENT — Order! Given the hour, I think that proceeding with an adjournment debate now is not in anybody's interest. Obviously I will not enforce this, but I seek leave of the house not to proceed with the adjournment debate tonight. From my point of view, I would perhaps be a little more lenient on the following two days in terms of the adjournment debate. Is the house willing to accept that we forgo the adjournment debate this evening? Can I have an indication of those in favour?

Leave refused.

The PRESIDENT — Order! As there is opposition, we will proceed with the adjournment debate.

North–south pipeline: government policy

Mr LENDERS (Southern Metropolitan) — The matter I raise is for the Minister for Water. The issue we have here, President, is that your proposition is a thoroughly reasonable one, but I make the comment that if members of this house wish to raise a matter on the adjournment and we are being asked not to do so on the basis that the government has kept us here until after 4 o'clock in the morning, that stifles debate. That is not the Chair's intention. The Chair's intention is to respect the staff — and people are tired — but the reason I gave is why on my part I am not willing to give that leave.

The PRESIDENT — Order! We normally stop at 10.

Mr LENDERS — President, we do, but the reality is that there are 10 people who have issues they want to raise about their constituencies. The nature of how this house has proceeded tonight means that we are effectively gagged if we do the reasonable thing. That is the dilemma that we on this side are all in.

I will keep my matter brief. It is for the Minister for Water. I raise a new matter regarding the Sugarloaf Dam. I have previously raised an issue about protocols for the north–south pipeline. The issue I raise this evening and the action I seek from the minister is that he not direct Melbourne Water to leave water in Sugarloaf Reservoir so we cannot take water out of the pipe and therefore disadvantage Melbourne in the years ahead. Some members opposite laugh and think they should gag debate — —

Honourable members interjecting.

Mr LENDERS — But in these circumstances we have a dam that is full by choice. At this stage that water could be put into approximately 50 subreservoirs around Melbourne. It could be put into those places.

Honourable members interjecting.

Mr LENDERS — Those opposite may wish to shout down criticism and opposition, but I will give this advice to them: they will not succeed. What we have here is a dam that is 3 to 4 per cent of Melbourne's water storage. That water could be put into a series of subdams across the northern, western and central suburbs.

Mr Drum interjected.

Mr LENDERS — Because, Mr Drum, people use water every day, and if the choice is made to not take it out of a dam, the dam remains full. That is why, Mr Drum. The current government has clearly intervened in this area so the dam cannot empty water into these subreservoirs, so it can make a political point which suits it at the moment.

The action I seek is that the minister acts in the interests of 4 million Victorians and removes this artificial requirement so that water can be freed up and the other 38 per cent of Melbourne's water capacity can be used so that this city is not on restrictions in two or three years time and these consumers are not paying more for water in two or three years time. The action I seek is that the minister take off the ideological blinkers and let the water go where it can go and not penalise Melbourne consumers because he has an obsession.

Energy: price comparison

Mr BARBER (Northern Metropolitan) — My adjournment matter is for the Minister for Energy and Resources, Mr O'Brien. Back in May I raised a related adjournment matter in relation to energy switching sites — those websites that purport to give you the best deal on your energy bills. At that stage I requested that the minister convene a meeting of those operators and suggest to them some better ways of operating. The minister rejected that suggestion and simply pointed to the general consumer law and said that that would be enough to ensure that the operators' claims were correct.

Conveniently the minister is both the Minister for Energy and Resources and the Minister for Consumer Affairs, but I believe his softly-softly approach failed. The ACCC (Australian Competition and Consumer Commission) clearly believes that it failed because it has now launched action against one of the sites, Energy Watch, on various grounds that I do not want to elucidate here tonight.

While not taking action on these energy sites and sitting back and letting the ACCC do his job for him, the minister was not averse to suggesting that the ACCC should crack down on people who boycott Israeli products. The great irony is that during that entire time the minister had the power to regulate these sites through the electricity retail code. Where these sites are acting as agents or, in the terms of the code, marketing representatives for retailers the minister has the power, firstly, to amend that code and, secondly, to direct those retailers to direct their marketing representatives to act in certain ways.

My adjournment request is that the minister use the provisions he already has under his electricity industry legislation and regulate energy switching websites where they are involved in agent or marketing representative relationships with energy retailers, and that he ensure through his power that those websites do not continue to peddle false claims about their independence or say they offer the best deal for consumers when in fact they offer the best deal only amongst their selected energy retail partners.

Ambulance services: Grantville

Mr O'DONOHUE (Eastern Victoria) — My adjournment matter this evening is for the attention of the Minister for Health, the Honourable David Davis. It relates to the new Grantville ambulance station currently under construction. The construction of this new ambulance station is greatly appreciated by the local community. The Grantville community and the surrounding Bass Coast community are experiencing significant population growth, and the volume of traffic in that area is also growing significantly as a result of the desalination plant and other works that are bringing about increased traffic movements.

Since 2005 the community emergency response team has been covering this area and has done a terrific job, but clearly it does not have the resources to manage that population growth and the growth in traffic that the area is experiencing, so I am very pleased that the government is delivering on a commitment that the Liberal Party made in 2006 and that the coalition made in 2010 after years of Labor neglect and failure to listen to the Shire of Bass Coast and the local community.

The new coalition government is delivering a new ambulance station for the Grantville community and the people of Bass Coast. The action I seek from the minister is that he provide an update on the progress of the new ambulance station so I can inform my constituents when it is anticipated that the station will be operational.

Autism: program funding

Mr LEANE (Eastern Metropolitan) — I think every MP has recently been emailed regarding Moomba Park Primary School's specialised autism program, the IDEA (Innovative Developments in the Education of Children with Autism) program. I call on the Minister for Education to make sure his department funds this program.

The reason I add my voice to this request is that I have dealt with a number of parents of children who have autism, and I understand that these children cannot be put in a bunch and labelled as a group for the purposes of education. They are all individuals and need individual programs. This particular program does that. It tailors programs for and nurtures individual children with autism to best meet their needs for the future.

Once again I call on the minister to make sure his department funds this program and other good programs across the state that assist parents of children with autism.

Hanging Rock: harvest picnic

Mrs PETROVICH (Northern Victoria) — My adjournment matter is for the Minister for Tourism and Major Events, Louise Asher. It gives me great pleasure to speak about a great passion of mine, the Macedon Ranges. It is a wonderful region for tourists to visit with its natural beauty and great restaurants and wineries serving superb local produce. In particular I wish to speak about the *Age* Harvest Picnic at Hanging Rock. Quite simply, it is a celebration of Victorian food and wine. The event provides significant branding opportunities for the region and raises the profile of the Macedon Ranges and people's awareness of the area. The event also promotes Victoria as a premier food and wine destination.

The annual food and wine event is managed by the Harvest Picnic Foundation, which is a not-for-profit organisation. The event also has a comprehensive program of activities designed to maximise visitor interaction, including live entertainment, cooking demonstrations, gourmet food and wine displays in marquees, along with tastings.

The harvest picnic at Hanging Rock is a weekend-long event that features on the Saturday a farmers market, a cooking education session and afternoon teas at various local wineries. Small food and wine producers from all around Victoria gather to showcase the tasty and exotic flavours of a variety of delicious smallgoods, cheeses, preserves, ice-cream and a great deal more.

The 2011 *Age* Harvest Picnic at Hanging Rock attracted over 8500 visitors, 75 per cent of whom were from Melbourne. Almost 3000 tickets were sold in advance, and for most visitors this event was a day trip, although 3 per cent stayed at least one night in the region, with some making a weekend of it.

The next *Age* Harvest Picnic at Hanging Rock is on Sunday, 26 February 2012, a date members should put in their diaries. I may sound like a walking, talking advertisement for the event, which I am, as I thoroughly enjoy it with my family and friends each year. I cannot recommend it highly enough. The action I seek is to request that Minister Asher provide funds to help market this event.

I would also like to invite the minister to visit the Macedon Ranges when her schedule permits, as we would like to like to showcase our small business and tourism outlets and the innovation of many of these things in our region.

The PRESIDENT — Order! I am quite concerned about the occupational health and safety aspects of tonight's sitting in respect of members. Recognising that some members are going to be lucky to get 2 hours sleep, those who live within a 28-kilometre radius of the city — in other words, those members who do not receive the overnight allowance or the boundary allowance, let us say — and who are intending to go home tonight will be provided with taxi vouchers to go home and to come back in the morning. I ask that members quietly advise the clerks if they intend to go home tonight and avail themselves of those taxi vouchers. I do not want somebody running off the road in their car tomorrow morning because they have not had enough sleep. The taxi vouchers will only apply to members who live within the 28-kilometre boundary and who do not receive the other allowance — that is, the vouchers for tonight and tomorrow morning. I ask that members advise the clerks in the course of this adjournment debate if they require that facility this evening.

Crime: Colac

Ms PULFORD (Western Victoria) — My adjournment matter is for the attention of the Attorney-General, and it relates to a recent incident in Colac. I was saddened to read in the Warrnambool *Standard* about a young comedian, Joel Creasey, being chased to his car by a group of youths hurling homophobic abuse and threatening violence.

Joel is an up-and-coming Perth-based comedian. He has been a Green Faces finalist, a RAW Comedy state

finalist, a finalist in Quest for the Best and was nominated for the Best Newcomer's Award in Melbourne last year. Joel is on the festival circuit with a new show called *Political Animal — A Beginner's Guide to Becoming Prime Minister*, a topic that may be of interest to a group of politicians. In June this year Joel was doing a gig in Colac as part of the 2011 Melbourne International Comedy Festival. Joel told me that regional touring is one of his favourite things. During that gig Joel was the target of a homophobic comment. It was partly because of the June incident that local youth group Dynamic, or Diverse Youth Networking Against Discrimination in Colac, asked Joel to participate in its official launch in Colac. At this launch a group of about 10 youths confronted Joel and three of his mates outside the venue. The interaction caused Joel and his mates to run for the safety of their cars. This incident took place in Colac not last century but earlier this month.

Any attack of this nature on an individual is appalling; however, what made this event so horrible was that Joel was targeted because he is gay. Extraordinarily, Joel had been performing at an antidiscrimination forum. After hearing about this appalling incident I was compelled to call Joel Creasey. I reassured him that this was not a normal occurrence and is not typical of the attitude of the majority of people in Western Victoria. Nevertheless, this type of behaviour cannot go without a response from the government.

I call on the Attorney-General to require the Department of Justice to immediately initiate a program that, firstly, promotes awareness of Victoria's anti-hate crime laws and the reasons for their existence and, secondly, promotes greater acceptance and tolerance of diversity in Colac through means such as the local media, schools, community and sporting groups and other organisations as deemed appropriate by the department.

Huyck.Wangner Australia: government support

Mr KOCH (Western Victoria) — My matter is for the Minister for Manufacturing, Exports and Trade and concerns the future operations of the Huyck.Wangner Australia manufacturing plant in Breakwater, Geelong. Huyck.Wangner Australia is the leading manufacturer and supplier of specially engineered consumable products used mainly in the production of paper. The company is a fully owned subsidiary of its US parent, Xerium Technologies Incorporated and exports 90 per cent of what is produced in Geelong throughout Asia. Huyck has been a successful manufacturing employer in Geelong since 1966 and is the last manufacturer of its kind in Australia. The company currently employs 45 highly skilled manufacturing workers who operate machinery not used elsewhere in Australia. Due to international pressures the Geelong plant was shut down between April 2009 and June 2010, with 150 workers made redundant at the time. It was no small effort for current operating manager Dale Smith to get the plant up and running again and to convince the parent company that the Geelong plant would become a viable operation once more. Management set a goal of producing 150 tonnes of product in 2011, and orders have already been received for this entire production.

The direct economic benefit of the Geelong plant to the local community and the state is $10 million. Indirectly up to $30 million is injected into the Geelong and Victorian economies. For Huyck to continue operating in Geelong its local management is seeking support from the government to strengthen its business case to its US parent so that manufacturing can continue beyond 2012. Local management is looking, along with a commitment to Geelong from its head office, at increasing production and significant capital investment in new equipment. The company's head office plans to establish a new plant somewhere in Asia beyond 2013. The major driver behind this decision is the low cost of manufacturing labour overseas. With the strong demand for its products and the skills and knowledge accumulated over many years by its workforce in Geelong, the Geelong plant will work in conjunction with the new Asian plant.

To strengthen its case to head office the Geelong plant is seeking state government support, including financial assistance, to increase its production and labour force; to attract, recruit and train an additional 30 employees; to help with a capital investment of $l million for equipment to produce a range of new products; and to help with a $350 000 investment in recommissioning existing equipment to enable an increase in production. My request to the minister is that he explore opportunities to support the ongoing operations of the Huyck.Wangner Australia plant in Geelong.

Government: advertising

Ms BROAD (Northern Victoria) — I wish to raise an adjournment matter for the attention of the Premier. The action I seek is that the Premier ensure a fairer distribution of government advertising in relation to country newspapers. Country newspapers make an immensely valuable contribution to rural communities,

and they are not looking for special treatment — just a fair share.

To take the example of Pyrenees Newspapers — publisher of the *Pyrenees Advocate*, *Nhill Free Press*, *Rainbow-Jeparit Argus*, *Kaniva Times* and *Tarrangower Times* — this newspaper group prints 4800 newspapers each week, reaches over 15 000 readers and employs 15 people. The Pyrenees Newspapers group has provided me with examples of government advertising campaigns that have not been placed in newspapers published by the group or in other smaller rural publications. These examples of government advertising campaigns include police recruitment, Viclink and WorkSafe. Victorians in smaller rural communities deserve to be just as well informed as Victorians in large regional cities and the metropolitan area.

In the case of police recruitment, if the government truly believed that it was important to attract police to small rural communities, then it should consider advertising in small rural communities a very good move. Country newspapers most certainly do not deserve to be ignored by the government. For all of these reasons the Premier should act now to ensure a fairer distribution of government advertising for country newspapers.

The PRESIDENT — Order! Did Ms Broad raise that matter last week?

Ms BROAD — No.

The PRESIDENT — Order! Was it Ms Pulford who raised it?

Ms Pulford — That was me; yes.

The PRESIDENT — Order! Because it was almost word for word, I reckon.

Ms BROAD — I would not have thought so.

The PRESIDENT — Order! It was extraordinarily intuitive, because it was very close to what Ms Pulford said in terms of naming publications, the same campaign and so forth. As long as the same matter is not raised by the one member, it is fine.

Ms BROAD — The newspaper group has written to quite a number of members. I checked Ms Pulford's contribution, and I can assure the President my contribution is not copied word for word from Ms Pulford's contribution.

North–south pipeline: government policy

Mr DRUM (Northern Victoria) — My adjournment matter is for the attention of the Minister for Water, Peter Walsh. In recent weeks, including recent minutes, the former Treasurer has been advocating for the north–south pipeline to be switched on, which would take water from the Goulburn River in the Goulburn Valley all the way over the ranges for 70-odd kilometres and drop it into Sugarloaf Reservoir.

Mr Lenders would know that Sugarloaf Reservoir is currently full; he would also be aware that it would take a substantial effort to reduce the amount of water capacity in Sugarloaf Reservoir by a minimal amount. If we were trying to connect it to as many houses and areas as we possibly could, we would diminish the amount of water by a minimal amount.

Mr Lenders would have Victorians pay for all excess water that is currently going down the Yarra River, which is about 2 kilometres away from Sugarloaf Reservoir; he would have the pumps and pipes at that pumping station continually switched off. He does not want us to fill Sugarloaf Reservoir, which is 2 kilometres away from the Yarra River, with all the surplus water that is running down the Yarra River and running into Port Phillip Bay. He wants that water to continue to run into Port Phillip Bay, but he would rather have us leave that pumping station turned off and turn the pumps on at Yea and pump water for 70 kilometres.

I would like the Minister for Water to give us a cost-benefit analysis in terms of the difference between Mr Lenders's plan and the current plan. The current plan is that if water is ever needed in Sugarloaf Reservoir, then it can be pumped from the Yarra River, which is 2 kilometres away; Mr Lenders's plan is to pump water for 70 kilometres. I wonder if the Minister for Water can compare Mr Lenders's brilliant plan with the current plan.

Ms Pulford interjected.

Mr DRUM — It is genius; he is a genius! I just cannot quite work out where it is coming from, but I am sure he is a genius!

Hendra virus: government action

Hon. M. P. PAKULA (Western Metropolitan) — Fancy being called a genius by Mr Drum! The matter I raise is for the attention of the Minister for Racing. It concerns the recent outbreak of hendra virus in Queensland and northern New South Wales and the potential impact on the Spring Racing Carnival.

I accept that the opposition accepts that the hendra virus is a different kettle of fish to equine influenza (EI) — it is not as easily transmissible from horse to horse as EI, but the CSIRO, amongst others, suggests that the virus is transmissible by horse urine and nasal secretion. Hendra virus is a lot more deadly than EI for both horses and humans. I can tell Mr Ondarchie that horses from New South Wales and Queensland will be coming to Victoria for the Spring Racing Carnival. All that, I believe, is enough to raise serious concerns about why there does not appear to be any kind of coordinated government response to the threat of hendra virus to the Spring Racing Carnival, one of the city's major tourist events which is almost upon us.

It is a matter that demands a coordinated approach from the Minister for Racing, the Minister for Tourism and Major Events and the Minister for Agriculture and Food Security — whether it be an interdepartmental working group or some other kind of coordinated approach — because even if the threat of an outbreak is low, the consequence of any outbreak could be devastating, both in terms of human and equine life and in its potential impact on racing.

It is clear from conversations I have had over the last few days that at least one of the major race clubs raised concerns about this matter with Racing Victoria Ltd some weeks ago. I can also say with some confidence that there does not appear to have been any thorough consideration given to a plan to guard against hendra virus appearing in Victoria or to deal with a breakout if one occurs. The Spring Racing Carnival is far too important to leave to chance, so the action I seek is that the Minister for Racing immediately implement and coordinate a plan to guard the Spring Racing Carnival against an outbreak of hendra virus and to do so in conjunction with other ministers if necessary.

Responses

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — Mr Lenders raised a matter for the Minister for Water.

Mr Barber raised a matter for the Minister for Energy and Resources.

Mr O'Donohue raised a matter for the Minister for Health.

Mr Leane raised a matter for the attention of the Minister for Education.

Mrs Petrovich raised a matter for the Minister for Tourism and Major Events.

Ms Pulford raised a matter for the Attorney-General.

Mr Koch raised a matter for the Minister for Manufacturing, Exports and Trade.

Ms Broad raised a matter for the Premier.

Mr Drum raised a matter for the attention of the Minister for Water.

Mr Pakula raised a matter for the attention of the Minister for Racing. I will pass on those 10 matters to the respective ministers.

I have three written responses: to Mr Koch for a matter he raised on 4 May; to Mrs Coote for a matter she raised on 15 June; and to Ms Mikakos for a matter she raised on 30 June.

The PRESIDENT — Order! Thankfully, the house stands adjourned.

House adjourned 4.35 a.m. (Wednesday).

Attorney-General

121 Exhibition Street
Melbourne, Victoria 3000
GPO Box 123
Melbourne, Victoria 3001
Telephone: (03) 8684 1111
Facsimile: (03) 8684 1100
DX 210220

CD/11/397726*

Mr Wayne Tunnecliffe
Clerk of the Legislative Council
Parliament House
EAST MELBOURNE VIC 3002

Dear Mr Tunnecliffe

PRODUCTION OF DOCUMENTS

I refer to the Legislative Council's resolution of 17 August 2011, seeking the production of documents relating to "the arrangement and/or contract between the Department of Justice and the *Herald Sun* newspaper to conduct the on-line sentencing survey".

The Government is in the process of responding to this resolution.

Regrettably, the Government is not able to respond to the Council's resolution within the time period requested by the Council. The Government will endeavour to respond as soon as possible.

Yours sincerely

ROBERT CLARK MP
Attorney-General
29/8/11