PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-SEVENTH PARLIAMENT

FIRST SESSION

Tuesday, 3 May 2011

(Extract from book 6)

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By authority of the Victorian Government Printer

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

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

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

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

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

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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.

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Heads of parliamentary departments

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

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FIFTY-SEVENTH PARLIAMENT — FIRST SESSION

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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, 3 MAY 2011

Tuesday, 3 May 2011

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

DISTINGUISHED VISITOR

The PRESIDENT — Order! I extend a welcome to His Eminence Mor Malatius Malki Malki, Archbishop of the Syriac Orthodox Archdiocese of Australia and New Zealand, who is visiting us from Lidcombe in Sydney. We extend a warm welcome to His Eminence.

GOVERNOR OF VICTORIA

The PRESIDENT — Order! I also take this opportunity to report to the house that at the end of the last sitting week I, in the company of many members of this house, attended the installation of the new Governor of Victoria, the Honourable Alex Chernov, AO, QC, who was sworn in and took office on 8 April 2011, as many members would know. I take this opportunity to record in this house his elevation to the governorship and wish him, and his wife, Elizabeth, well in the journey he will make as the officiating Governor of Victoria for the current term.

I would be remiss if I did not also comment that the house and the Parliament appreciate the work of the former Governor, David de Kretser, and his wife, Jan, during his term of office. They distinguished themselves in their roles on behalf of all Victorians, and no doubt Governor Chernov and his wife, Elizabeth, will continue in the same vein. We wish them well.

ROYAL ASSENT

Message read advising royal assent to:

12 April

Building Amendment Act 2011
Bushfires Royal Commission Implementation Monitor Act 2011
Parliamentary Committees Amendment Act 2011
Regional Growth Fund Act 2011
Sentencing Further Amendment Act 2011.

QUESTIONS WITHOUT NOTICE

Health: metropolitan plan

Mr JENNINGS (South Eastern Metropolitan) — My question is for the Minister for Health. I congratulate the printer on getting the health plan delivered today. I note that this plan has been discussed greatly in the community over the last couple of weeks, at the very least in relation to the 12-year horizon and the 150 days. I know Mr Knowles, whose name is attached to the document, was a Minister for Health 12 years ago, and I know he has been associated with this work. I think it is pretty important for us to know whether 11 years and 6 months were used by the government to prepare this plan or whether it had a 12-month gestation or consideration. The plan's shelf life is 150 days, given that there are six plans that this plan calls on before $1 will be spent in accordance with the framework. Can the minister explain the connection between the 12 years and the 150 days?

The PRESIDENT — Order! That question strained the bounds in terms of commentary and the prelude to the question. The question actually made up the last 5 seconds. I call on the minister to respond.

Hon. D. M. DAVIS (Minister for Health) — I thank the member for his question. He is correct in pointing out that the metropolitan health plan has been released today. It is an important plan. It looks to 2022, which is a longer period for planning than has hitherto been the case. I make the point that the former government had a flimsy metropolitan health strategy in 2003 based on data and background population estimates from the flawed Melbourne 2030 proposals. Those 2030 proposals were known to be flawed population estimates when they were brought forward, and the then opposition said so at the time.

I invite people to look at the document that the former government operated under in some way for seven years from 2003 until 2010. That document talks about women and children's health, which is a health service that no longer exists.

The government has gone out and consulted widely in the period since January. It has put together a document that lays out the future of health care. There is also an important technical paper that lays out many of the background issues. In effect the plan looks at three terms of government. We are quite aware of the importance of the document, and I welcome the opposition's questions on these matters.

Supplementary question

Mr JENNINGS (South Eastern Metropolitan) — I notice that the minister did not actually outline when any investment would flow from the framework or plan that has been outlined today — not one example was given of that. My supplementary question is therefore: what is new in this document? What has been added to the knowledge the government has called upon apart from the $16.4 billion on offer from the commonwealth, which, as the document itself says, has not been secured yet? Apart from that item, what additional knowledge or framework has been delivered today, after 150 days?

Hon. D. M. DAVIS (Minister for Health) — As the former minister well knows, budget allocations are the time for precise funding commitments. Those funding commitments will come a little bit later in the day. Mr Rich-Phillips probably would not like it if I was to lay out a whole series of budget spending announcements. Despite the enormous temptation, I am not going to do so.

Housing: Victoria in Bloom awards

Ms CROZIER (Southern Metropolitan) — My question is to the Minister for Housing. I ask the minister if she can inform the house about the recent Victoria in Bloom awards ceremony and its importance in the context of the housing portfolio.

Hon. W. A. LOVELL (Minister for Housing) — I thank the member for her ongoing interest in the public housing sector and particularly in good stories associated with public housing.

I was delighted last month to officiate at the annual Victoria in Bloom awards, which recognise the efforts and work of public housing tenants on the natural beautification of the environment through the growing of unique and often inspiring gardens within the grounds of their Office of Housing properties. At a time when the media like to concentrate on stories that are not so flattering to public housing and that tend to highlight the negatives regarding public housing tenants, it is nice to see something happening in public housing that is positive.

The Victoria in Bloom awards are a celebration of the efforts of residents to look after and enhance their homes for the benefit of all in the community. We all know gardening is renowned for its therapeutic benefits, so these tenants are not only beautifying their surroundings but also enhancing their health and wellbeing. Run in partnership with the Royal Botanic Gardens, the Victoria in Bloom awards attracted 149 entries this year. There was a highly competitive field, and I would like to congratulate all those who entered the competition. There were some outstanding entries, but there could only be a few winners.

The winners of the Victoria in Bloom awards are as follows: for the best waterwise household garden, Mrs Wilma Ackland of Grovedale; best waterwise common area garden, the McKean Street gardening group of Mooroopna; best waterwise balcony or small enclosed garden, Carolyn Slevin of Norlane; best edible waterwise garden, Mr Momir and Mrs Lee Tripkovic of Hastings; most creative waterwise garden, Nhi Tran, Lillian Pinuela and Milka Rajak of Braybrook; and best individual waterwise plot in a community garden, Ms Anna Gelfand of South Melbourne.

I had much pleasure in presenting these awards, and I again congratulate the winners and all public housing tenants who took the opportunity to enter the awards this year.

Hospitals: protective services officers

Mr JENNINGS (South Eastern Metropolitan) — My question is for the Minister for Health. It relates to last week's public discussion about the policy of the incoming government of introducing protective services officers to emergency departments in Victorian hospitals. I note the Minister for Police and Emergency Services responded to that matter, but I ask the Minister for Health what involvement he had in the preparation and consideration of that policy and any restrictions or any concerns he may have had about the appropriate application of that policy in emergency departments of Victorian hospitals?

Hon. D. M. DAVIS (Minister for Health) — The safety of staff and patients in emergency departments and more generally in our health services is important. It is a matter about which there is genuine concern in the community and across this chamber. I have no doubt that many members of the Labor Party would share my concerns for the challenges that nurses, doctors and other workers in hospitals face from time to time.

Hospitals — again this is a bipartisan point — should be safe and secure for patients and staff. For that reason the government is determined to make sure everything that is reasonable and that can be done will be done so that emergency departments are safe for both staff and patients. It is clear that over the last period of the former Brumby government things had become increasingly risky and threatening in many of our emergency

departments. There needs to be a significant community response to that to ensure that safety and security in those departments is to the fore.

The government has said it will send a reference to the Drugs and Crime Prevention Committee asking that it look closely at what can be developed to provide for that security. This is a matter for which there is significant cross-community support. No-one wants to see the violence that grew up on our streets in the last decade of the Brumby government spill into our hospitals and emergency departments. We will be tackling this issue seriously. We will be seeking to make sure that there is the greatest level of safety.

The code calls that are regularly done in emergency departments make many staff members concerned for their safety. If we want to retain high-quality staff in our major emergency departments, we need to make sure they are safe and secure in those positions. I have no doubt that Mr Jennings and the rest of the Labor Party would join me in that wish.

We look forward to the cooperation of the non-government party members on the Drugs and Crime Prevention Committee in dealing with this reference, and that will be introduced soon.

Supplementary question

Mr JENNINGS (South Eastern Metropolitan) — I share the minister's concern to make sure that hospitals are safe places for patients and staff alike and for anybody who wants to visit them. That is not in doubt or in question. What is in doubt or in question is the role the minister has played in the policy development and what role he will play in terms of ensuring that the protocols and procedures will provide that safety into the future. Are we to assume from the minister's answer that the minister who will be responsible for this matter from here on in will be the Minister for Police and Emergency Services?

Hon. D. M. DAVIS (Minister for Health) — The opposition spokesperson should not presume that at all. What he should presume is that the government is concerned to see that safety and security of staff and patients in our emergency departments and hospitals is to the fore. That is part of a broader challenge across our community to make sure that security is to the fore. I will be working in every way I can to ensure that that security is a major focus in our public hospitals and elsewhere in our health system.

Manufacturing: defence contracts

Mr O'BRIEN (Western Victoria) — My question is to the Minister for Manufacturing, Exports and Trade, the Honourable Richard Dalla-Riva. I ask the minister to update the house on how current commonwealth defence purchasing is impacting on Victoria's defence industry.

Hon. R. A. DALLA-RIVA (Minister for Manufacturing, Exports and Trade) — I thank the member for his interest in this important part of the manufacturing industry in this state and in particular regional Victoria. As the house, including members opposite, would know, the defence industries sector is vital in delivering high-return economic benefits to Victoria and linking this state's manufacturing industries to global supply chains. The Baillieu government is committed to ensuring that the defence industry remains viable, competitive and skilled. We are looking at the numerous challenges the Victorian defence industries face, not least the Gillard government's lack of urgency in delivering as promised on its defence procurement plans.

On 27 April this year the *Australian Financial Review* reported, and I quote:

> Australia's largest defence contractor, BAE Systems Australia, has sheeted home the blame to the Gillard cabinet for a dearth of investment in job-sustaining defence work.

For those opposite who may have an interest in the defence industry, BAE Systems is a major defence employer in this state. In Victoria alone there are 1000 highly skilled staff at its Williamstown naval shipyard, 524 at its Albury-Wodonga site, 120 at Seymour and almost 300 at its Richmond aerospace engineering facility. These facilities generate in excess of $1.5 billion of sales into Australia every year. That is a great achievement. It has been a privilege to visit a number of the BAE sites. I visited the Williamstown naval site in February this year and the Richmond munitions and autonomous systems site on 13 April.

It is important to understand the significance of the shipbuilding industry here in Victoria and how dependent it is on federal contracts to survive. However, due to a gap in shipbuilding work right now, the BAE Systems Williamstown site could be left without substantial opportunities for the period 2014 to 2017. This again demonstrates the lack of certainty the federal government is providing in this area. It made a commitment to develop procurement outcomes, and those outcomes have not been delivered. This is having an impact. I have said many times in this chamber that if skills in the important defence and aerospace industry

in Victoria are moved offshore, they will be lost forever. This government is committed to retaining skills in the defence industry.

The same rules apply to Thales in Bendigo, about which I have spoken many times. Under the Land 121 phase 3 project the federal government will be replacing the entire Australian Defence Force truck fleet from 2013. The total value of this project is in excess of $4.6 billion. I know members opposite will be aware that a rally held in Bendigo was attended by more than 250 people who called on the federal government to make very clear what its procurement policy is going to be. I have been to Thales many times, and I have also advocated for its contracts to be maintained and continued.

Those opposite may wish to talk down manufacturing in regional Victoria, but we on this side of the chamber are not about to. We understand the importance of the Bushmaster vehicle in saving lives, and we have engaged strongly with the commonwealth government in relation to it continuing to support the program. However, I again remind the federal government that we need to maintain our home-based industries here in Victoria. Unlike those opposite, we have a commitment to advance manufacturing, especially in the regional centres of Victoria.

Planning: native vegetation

Mr BARBER (Northern Metropolitan) — My question is for the Minister for Planning, Mr Guy. His party's election platform, specifically its planning policy, talks about introducing a number of exemptions to the native vegetation requirements, those exemptions being if the clearing is for a firebreak, where land is within 6 metres of the edge of a home or where land is within 6 metres of a sealed roadside. Is the minister able to tell me whether these are the only changes to the native vegetation rules that he is contemplating and, additionally, whether he has asked his department for any other advice in relation to any other changes to the native vegetation rules?

Hon. M. J. GUY (Minister for Planning) — At this point in time I can inform Mr Barber that that is the case. That is the only change we are contemplating.

Supplementary question

Mr BARBER (Northern Metropolitan) — This section of the government's policy was actually entitled 'Native vegetation and net gain requirements'. I think on one occasion the previous government reported statistics in relation to whether the net gain objective had been achieved. Will the government be reporting so that we are able to ascertain whether a net gain in native vegetation is being achieved?

Hon. M. J. GUY (Minister for Planning) — I am happy to take that part of Mr Barber's question on notice, but what I would point out is that I have seen some bizarre net gain propositions put forward, including one in which people were seeking offsets for blackberries in Gippsland because they had formed a habitat for some animals. I am happy to take that point on notice and follow it up.

Albury-Wodonga: cancer centre

Mrs PETROVICH (Northern Victoria) — My question is for the Minister for Health. I ask: can the minister inform the house of recent successes the Baillieu government has had in securing a cancer centre for Albury-Wodonga?

Hon. D. M. DAVIS (Minister for Health) — I thank the member for her question and her strong advocacy for health services in northern Victoria and over the border. Albury-Wodonga has an integrated health service, one that brings together the old services in Albury and Wodonga into one — —

Mr Lenders interjected.

Hon. D. M. DAVIS — It may be that members of the opposition find this a funny matter, but the fact is we are seeing $65 million of federal money matching $5 million of community money going into a health service in Albury-Wodonga and the development of a regional cancer centre.

Mr Lenders — So you are going to thank the federal government, are you?

Hon. D. M. DAVIS — I am actually going to give credit to the federal health minister and say I agree with this allocation. Indeed it was strongly supported by the Baillieu government in its application to the regional priority round of the commonwealth Health and Hospitals Fund. This was a detailed document that put together a strong case for Albury-Wodonga and its regional cancer centre. I welcome the preparedness of the federal minister to work with the state government, the local health service and the community of Albury-Wodonga by putting forward $65 million to match $5 million put forward by the community to make a $70 million integrated cancer centre.

An honourable member interjected.

Hon. D. M. DAVIS — No, this is one that we have firmly advocated for with the commonwealth. We advocated very strongly for it. We made the point that this is a border service that obviously has New South Wales and Victorian patients involved and that we saw this as very appropriate for an allocation from the commonwealth government's Health and Hospitals Fund. We are very prepared to give credit to the commonwealth minister and the regional minister on this occasion. It is entirely appropriate. We look forward to working with the commonwealth on these matters.

I note the strong support of the new coalition government in New South Wales for this particular funding proposal. I have had conversations with the new health minister in New South Wales. This is an example of how two state governments working with a local health service can cooperate with the commonwealth.

In particular I make the point that this is an occasion where the commonwealth has been prepared to listen to and work with the states and to work to some of the priorities that the states as managers of the health system have laid out. Local, state and commonwealth parties have worked together well here, and I am very prepared to give credit to all of them and make it clear that $65 million is a significant commitment. It means that regional cancer services will be available in Albury-Wodonga. We will work with the health service to ensure that is implemented in an integrated way and that the skills of the broader health service in Victoria are brought to bear.

Planning: coastal developments

Mr TEE (Eastern Metropolitan) — My question is to the Minister for Planning. It relates to the planning scheme amendment that will strip planning control from Glenelg Shire Council for coastal land between Portland and Narrawong. This means that the state government will determine the future of planning applications for land that is predicted to be subject to storm surges and flooding. My question to the minister is: will the government indemnify the local council for any liability for loss or damage caused by floods or storms? In other words, will the state government take over the financial liability and risk for these decisions?

Hon. M. J. GUY (Minister for Planning) — I thank Mr Tee for his question in relation to issues in Narrawong. This chamber will note that about four weeks ago Mr Tee asked me to run down to Portland and to look people in the eye and tell them about some of my policies. I simply say that Mr Tee and the Australian Labor Party need to run down to Narrawong and look into the eyes of the people who had permits issued and then overridden by the previous government — his government — by Justin Madden, the former Minister for Planning — —

Mr Tee — How about answering the question?

Hon. M. J. GUY — I will get to that. They should look those people in the eye and tell them why they should not be able to build houses on blocks of land that they own — private land at private risk. The Labor Party has yet to explain why it thinks a big government, Soviet, top-down, government-knows-best attitude in planning is what is going to work in country and regional Victoria, because it will not work.

The silly thing about this debate is that Labor Party members, who have had their questions written by maybe one or two upset councillors in the Shire of Glenelg or by a couple of Trotskyites out of Melbourne University, have to understand that when the state government has a policy position, such as the one we are discussing that it took to the election, we expect it to be honoured in a time frame that is succinct and in a proper manner.

I saw Shire of Glenelg councillors face to face. I have sent departmental officials to see them face to face and to tell them to get on with implementing this government's electoral commitments to the people of Portland and Narrawong. We have made it very clear that any issues that follow from a government takeover of the planning responsibility will be issues that we will manage into the future. The Shire of Glenelg should get on with the job of running its municipality rather than having Brian Tee, the Labor Party and the municipality running around and denying people the right to build houses on land that they own.

Supplementary question

Mr TEE (Eastern Metropolitan) — I note the minister's response that the permits will be granted at private risk, but I also note that people like Associate Professor Geoff Wescott from Deakin University, Associate Professor Jacqueline Peel from Melbourne University's law school and Mr Andrew Beatty from the law firm Baker and McKenzie have all said that there is no such thing as private risk. They have all said that the government, as the issuer of the permits for these areas, will be liable for any damage that arises from changes in sea levels. My question is: has the minister obtained advice about state or local government liability should permits be issued on this land, and will the government make that advice

publicly available so that we all know what taxpayers will inherit as a result of the minister's decisions?

Hon. M. J. GUY (Minister for Planning) — I thank Mr Tee for his supplementary question and his refit and rehash of academia from Parkville and what their views might be about people living in Portland and Narrawong and how they believe they know better, like he believes he knows better than people who live in regional Victoria. We on this side of the house believe very clearly that we will stand up for the rights of regional Victorians over people like those in the Labor Party and people from the intellectual left who want to talk down people who have a right to build on land that they own at private risk.

As you can imagine, I have taken much advice on this decision, as I do on many others. This decision — —

Mr Tee interjected.

Hon. M. J. GUY — Mr Tee, if you pay $29, you can make an FOI application and find it. Go and do the work for yourself rather than asking me to do it. The reality is that those of us on this side of the chamber will always stand up for the rights of residents first.

Higher education: TAFE concession enrolments

Mr P. DAVIS (Eastern Victoria) — I direct a question without notice to the Minister for Higher Education and Skills, who is also the Minister responsible for the Teaching Profession. Can the minister give the house a progress report on the government's reinstatement of concession places for low-income TAFE students enrolled in diploma and advanced diploma-level courses?

Hon. P. R. HALL (Minister for Higher Education and Skills) — I thank my colleague Mr Philip Davis for giving me the opportunity to present to the house a progress report on what was an important and popular coalition election commitment to reinstate concession places for diploma and advanced diploma students in TAFE institutes across Victoria. Indeed, with the will of the new government, we brought that election promise forward to 1 February. I am able to advise the house that to date there are in excess of 4200 students who have taken the opportunity to take up one of these concession places in TAFE institutes right across Victoria. I am pleased to say that I am most enthusiastic and pleased with that outcome. It means that many of those students, being from low-income families, would probably not have had the opportunity to study at that level. I am pleased that this has meant that instead of paying a fee of $2000 on enrolment in those courses, they have only had to pay a $100 fee.

I am also pleased to advise the house that the spread of those enrolments have been across all 18 TAFE institutes in Victoria and have covered 130 different course programs. One of those that has been most popular is the advanced diploma of building design in architecture, in which there have been 197 concession enrolments; and they range right through to some important areas that have been listed as job needs by the particular industry training advisory bodies — for example, the diploma of nursing has attracted 136 concession enrolments and the diploma of building and construction has attracted 98 of those more than 4000 enrolments. As I said, they cover 130 different diploma and advanced diploma programs.

The enrolments are also spread across Victoria's 18 TAFE institutes. As one would suspect, some of the bigger institutes have attracted the most concession place enrolments, such as Victoria University in the western region of Victoria. Members representing that region would be pleased to know that it had the greatest take-up rate of 816 concession enrolments. Swinburne University of Technology had 607 and RMIT had 451. But country TAFE institutes also had significant numbers, and in the area for which Mr Davis and I share responsibility I note that Chisholm Institute of TAFE had 360 concession enrolments, Central Gippsland Institute of TAFE had 82 enrolments and East Gippsland Institute of TAFE had 20 enrolments.

The success of this program has been outstanding and we look forward to its continuation. I suggest that members who are interested in this should look carefully at the budget papers this afternoon, because we expect some good news in this particular program to continue over the next few years.

Housing: homelessness strategy

Ms MIKAKOS (Northern Metropolitan) — I direct my question without notice to the Minister for Housing. I refer the minister to media reports that the Baillieu government has abandoned Victoria's commitment to halve homelessness by 2020 on the basis that it is too difficult to count the number of homeless Victorians, and I ask: can the minister advise the house what targets for reducing homelessness the Victorian government is committed to under the Council of Australian Governments national partnership agreement on homelessness?

Hon. W. A. LOVELL (Minister for Housing) — I remind the shadow minister that when she asks a

question she should quote the source of the paper that she has that information from.

The shadow minister is quite wrong. Victoria has not walked away from any commitments to reduce homelessness in this state. The former government did not sign up to halving homelessness in this state either. What we have signed up to is a national partnership that commits to reduce homelessness by 7 per cent by 2013. It is difficult to count the number of homeless people. In fact last night I met with Senator Mark Arbib. In his comments to me he also acknowledged that it is very difficult to count the number of people who are homeless.

Supplementary question

Ms MIKAKOS (Northern Metropolitan) — Victoria remains committed to the national partnership agreement which sets targets for percentage reductions in the number of homeless people. How does the minister reconcile this position with her public commentary?

Hon. W. A. LOVELL (Minister for Housing) — As I said in my substantive answer, we remain committed to the national partnership that is to reduce homelessness by 7 per cent by 2013.

Planning: commercial development

Mr ONDARCHIE (Northern Metropolitan) — My question is to the Minister for Planning and my colleague in Melbourne's north, the Honourable Matthew Guy. Could the minister inform the house of any actions being taken by the Baillieu government to address the shortage of premium office accommodation in Melbourne?

Hon. M. J. GUY (Minister for Planning) — I thank my great colleague Craig Ondarchie, a member for Northern Metropolitan Region, who has done a huge amount for Melbourne's northern suburb communities since he has been elected. He shares my concerns about the future of Melbourne's competitive commercial accommodation space and the lack of bringing forward proper projects or encouraging those under the previous 11-year regime of the Australian Labor Party.

I can inform the house that recently I have brought forward two projects for Melbourne — 80 Collins Street and 685 La Trobe Street — which will together add around 84 000 square metres of premium office accommodation to the Melbourne CBD and Docklands market. More to the point, those two projects languished with the previous minister and the previous government, with constant delays and without being properly brought forward and without a properly negotiated settlement being arranged between council and proprietors.

This government has got on with the job of ensuring that Melbourne does not lose its advantage in terms of commercial office accommodation. We have got on with the job of ensuring that Melbourne can maintain a price-competitive advantage in commercial accommodation as it should have with residential accommodation.

The 80 Collins Street project is now 20 per cent smaller than what was originally proposed. It is a proposal — —

Mr Lenders interjected.

Hon. M. J. GUY — Thank you, Mr Lenders. I would like to take you up on that. I appreciate Mr Lenders saying how good this government is. Compared to the previous minister, Justin Madden, who is now the member for Essendon in the Assembly, it is not hard to look good. It is not that hard to look good, because we have to benchmark ourselves with the people opposite.

As I said, we are getting on with the job of making sure that that space in Collins Street can once again value-add to our great city. The proprietors — QIC — the Melbourne City Council and the state government have resolved a range of issues so that we have been able to issue a notice for decision for 80 Collins Street for that 44-storey commercial tower.

The project at 685 La Trobe Street is 34 000 square metres of office accommodation in the Docklands precinct — two twin towers of around 13 and 15 floors. We have brought that forward so that we can maintain the construction industry in and around the Docklands precinct but, more to the point, to ensure that Docklands retains itself as a premier commercial accommodation destination for companies not just in Melbourne but for those who want to come to Melbourne. This is why this government sees urban renewal and places like Docklands — and indeed Port Melbourne and Fishermans Bend — as incredibly important to the growth and development of this city. That is why we see projects like 685 La Trobe Street as exceedingly important to bring forward to ensure that those construction jobs remain.

In conclusion, I note that it is this side of the house that is standing up for those construction and commercial jobs and maintaining Melbourne's position as a place to invest and do business.

QUESTIONS ON NOTICE

Answers

Hon. D. M. DAVIS (Minister for Health) — I have answers to a number of questions: 110, 111, 119–23, 125, 127–9, 131, 132, 134, 142, 155, 160, 174, 176, 177, 180, 182 and 186–204.

PETITIONS

Following petitions presented to house:

Schools: Southern Metropolitan Region

To the Legislative Council of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council reports that the government is considering cutting over $300 million from schools and early childhood programs over the next four years.

The petitioners therefore request that the Council take action to ensure that state schools in Ashburton, Ashwood and Glen Iris do not have their funding cut, thereby ensuring continued high-quality education for our children.

By Mr LENDERS (Southern Metropolitan) (83 signatures).

Laid on table.

Autism: eastern suburbs school

To the Legislative Council of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the house the current uncertainty of funding for the establishment and construction of the eastern autistic school in Ferntree Gully.

The petitioners therefore request that the Legislative Council of Victoria asks that the Minister for Education provides funding in the 2011–12 Victorian state budget to complete stage 2 of the eastern autistic school to benefit the children and their families for whom this facility is urgently needed.

By Mr LEANE (Eastern Metropolitan) (144 signatures).

Laid on table.

AUSTRALIAN CATHOLIC UNIVERSITY and MELBOURNE COLLEGE OF DIVINITY

Reports 2010

Hon. P. R. HALL (Minister for Higher Education and Skills), by leave, presented reports of the Australian Catholic University and the Melbourne College of Divinity.

Laid on table.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 4

Mr O'DONOHUE (Eastern Victoria) presented *Alert Digest* No. 4 of 2011, including appendices.

Laid on table.

Ordered to be printed.

PAPERS

Laid on table by Clerk:

Adult Multicultural Education Services — Report, 2010.

Bendigo Regional Institute of TAFE — Report, 2010.

Box Hill Institute of TAFE — Report, 2010.

Central Gippsland Institute of TAFE — Report, 2010.

Centre for Adult Education — Report, 2010.

Chisholm Institute of TAFE — Report, 2010.

Crown Land (Reserves) Act 1978 —

Minister's Order of 20 April 2011 giving approval to the granting of a lease at O'Donnell Gardens.

Minister's Order of 11 April 2011 giving approval to the granting of a licence at Edinburgh Gardens Reserve.

Deakin University — Report, 2010.

Driver Education Centre of Australia Ltd — Report, 2010.

East Gippsland Institute of TAFE — Report, 2010.

Gordon Institute of TAFE — Report, 2010.

Goulburn Ovens Institute of TAFE — Report, 2010.

Holmesglen Institute of TAFE — Minister's report of failure to submit report for 2010 to the Minister within the prescribed period and the reasons therefor.

Kangan Batman Institute of TAFE — Report, 2010.

La Trobe University — Report, 2010.

Monash University — Report, 2010.

Northern Melbourne Institute of TAFE — Report, 2010.

Parliamentary Committees Act 2003 — Government Response to the Drugs and Crime Prevention Committee's

Report on the Impact of Drug-Related Offending on Female Prisoner Numbers.

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

Brimbank Planning Scheme — Amendment C143.

East Gippsland Planning Scheme — Amendment C71.

Frankston Planning Scheme — Amendment C53.

Glenelg Planning Scheme — Amendment C60.

Greater Bendigo Planning Scheme — Amendment C128 Part 2.

Greater Dandenong Planning Scheme — Amendments C114 and C118.

Hume Planning Scheme — Amendment C151.

Latrobe Planning Scheme — Amendments C30 and C57.

Mornington Peninsula Planning Scheme — Amendment C154.

Mount Alexander Planning Scheme — Amendment C37.

Nillumbik Planning Scheme — Amendment C40.

Yarra Planning Scheme — Amendment C112.

Yarra Ranges Planning Scheme — Amendment C104.

Victoria Planning Provisions — Amendment VC79.

Royal Melbourne Institute of Technology — Report, 2010.

South West Institute of TAFE — Report, 2010.

Special Investigations Monitor's Office — Report for the period 1 July to 31 December 2010, pursuant to section 30Q of the Surveillance Devices Act 1999.

Statutory Rules under the following Acts of Parliament:

Alpine Resorts (Management) Act 1997 — No. 17.

Building Act 1993 — Nos. 20, 21 and 22.

First Home Owner Grant Act 2000 — No. 25.

Infringements Act 2006 — No. 16.

Local Government Act 1989 — No. 19.

Magistrates' Court Act 1989 — Criminal Procedure Act 2009 — No. 18.

Residential Tenancies Act 1997 — No. 23.

Supreme Court Act 1986 — No. 15.

Transport (Compliance and Miscellaneous) Act 1983 — No. 24.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 17, 18 and 20 to 24.

Sunraysia Institute of TAFE — Report, 2010.

Swinburne University of Technology — Report, 2010.

University of Ballarat — Report, 2010.

University of Melbourne — Report, 2010.

Victorian Law Reform Commission — Final Report on Easements and Covenants.

Victoria University — Report, 2010.

William Angliss Institute of TAFE — Report, 2010.

Wodonga Institute of TAFE — Report, 2010.

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

Police Regulation Amendment (Protective Services Officers) Act 2011 — 21 April 2011 *(Gazette No. S125, 19 April 2011)*.

Sentencing Amendment Act 2010 — Part 1, sections 3 (other than paragraphs (b) to (e)), 12, 27 and 28 — 1 May 2011 *(Gazette No. S125, 19 April 2011)*.

Transport Legislation Amendment (Compliance, Enforcement and Regulation) Act 2010 — Remaining provisions of Part 2 — 1 May 2011 *(Gazette No. S125, 19 April 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, 4 May 2011:

(1) the notice of motion given this day by Ms Pulford relating to JobWatch;

(2) order of the day 5 relating to kindergarten funding;

(3) notice of motion 53 standing in the name of Ms Pennicuik relating to the production of alpine grazing documents;

(4) notice of motion 57 standing in the name of Mr Barber relating to the production of advanced metering infrastructure documents;

(5) order of the day 7 relating to a reference to the Economy and Infrastructure References Committee;

(6) the notice of motion given this day by Mr Barber relating to a reference to the Environment and Natural Resources Committee; and

(7) notice of motion 23 standing in the name of Mr Tee relating to the cost of living.

The PRESIDENT — Order! I seek clarification. The Leader of the Government gave notice of a motion concerning the constitution of committees, which is not referred to in this motion. Does Mr Davis intend to proceed with that motion tomorrow?

Hon. D. M. DAVIS (Minister for Health) — I could do it by leave tomorrow, or we could discuss it in the first instance. I have given notice of the motion as an initial step.

The PRESIDENT — Order! It can be taken into account on Thursday in government business.

Motion agreed to.

MEMBERS STATEMENTS

Racing: jumps events

Ms PENNICUIK (Southern Metropolitan) — This week the Warrnambool jumps racing carnival starts, with five jumps races scheduled over three days. This includes the Grand Annual Steeplechase, which is 5.5 kilometres long and includes 33 obstacles. Five horses have been killed at the Warrnambool May racing carnival over the last three years. I hope that is not going to happen again this year.

An honourable member — One today.

Ms PENNICUIK — I have just heard that one horse has already been killed today. That is six horses killed over the last three years at the Warrnambool carnival, and this year's event still has another two days to run. The highlight of the carnival is the Flying Horse Bar and Brewery Grand Annual Steeplechase, which, as I said, is 5.5 kilometres long with 33 jumps. The Warrnambool Racing Club website says that this annual event:

> … brings out the best in man and horse, with some superb examples of strength and courage shown over the events history.

This is an extraordinary statement and is deeply distressing to the majority of people in the community who are sickened by horses being killed every year in jumps racing. I am very disappointed to hear that the Minister for Racing has allocated $2 million towards jumps racing over the next four years while telling us that Racing Victoria Ltd is independent. It is not; it is relying on $2 million of government money for it to continue jumps racing over the next four years when it should be banned once and for all on the grounds of cruelty and inhumanity.

Anzac Day: commemoration

Ms CROZIER (Southern Metropolitan) — Easter this year coincided with Anzac Day, and the conjunction of these events provided an added incentive for many of us to reflect on their significance. Regardless of their religious beliefs, for the vast majority of Australians Easter is at the very least a time for giving and for families to be together. The historic landing of the Australian and New Zealand Army Corps at what is now known as Anzac Cove in Turkey on 25 April 1915 was undoubtedly a defining moment for both nations; in fact no other single event in our short history has had a more profound influence. In spite of the passage of time and the increasing diversity of our society, the Anzac tradition remains at the very core of our national consciousness.

This year I attended an Anzac Day service organised by the Caulfield sub-branch of the RSL. Also attending was a group of young Air Force cadets, whose presence not only contributed to the occasion but was also a reminder of the increasing involvement of young Australians in Anzac Day observances in recent years both here and overseas — in particular, the annual pilgrimages to Gallipoli and Villers-Bretonneux in France. Eleven years ago I visited Gallipoli. It was an unforgettable experience to see for myself the now famous beach where the landing took place, the harsh terrain that the Anzacs encountered, the trenches that were the scene of many bloody battles and of course the cemeteries that mark the final resting places of so many fine young Australians.

Over time the commemoration of those events has expanded to become the focus for remembering the courage and sacrifice of all those who have died in the service of their country in every subsequent campaign in which Australians have been involved. In honouring their legacy, we are reminded that the freedoms we enjoy today and so readily take for granted have been safeguarded at enormous cost.

Casey Fields Regional Athletics Centre: opening

Mr TARLAMIS (South Eastern Metropolitan) — On 9 April I had the pleasure of attending the official opening of Casey Fields Regional Athletics Centre. Casey Fields in Cranbourne East is a first-class sporting and leisure facility in the south-east which offers a range of recreation and sporting opportunities in addition to the new athletics facility. The new athletics

centre includes a pavilion, spectator facilities, an international standard athletics track with floodlighting and a covered grandstand with seating for 1000 people. It will be home to the Cranbourne Little Athletics Club and will play host to major regional athletics events as well as to a multitude of school athletic carnivals and will provide the wider community with a first-class athletics facility.

This was made possible through federal government funding of $8.9 million, City of Casey funding of $1.6 million and an investment of $400 000 by the former Labor government. I look forward to attending and supporting the many events run by clubs which call Casey Fields home, and I congratulate the council and the state and federal governments for investing in this essential community infrastructure.

Brenda Gabe

Mr TARLAMIS — On another matter, I rise to pass on my sincere condolences to the family of Brenda Gabe, who passed away at age 61 on 14 April after a 17-year battle with multiple sclerosis. Brenda was wife to Peter and mother to their two daughters, Adele and Felicity, and a favoured nan to six grandchildren.

Brenda was a strong and active advocate for the disability community who generously devoted her time to a number of boards and committees. She was a board member of Leadership Plus, past president of Mulgrave neighbourhood house, vice-chair and director of MonashLink Community Health Service and an active member of the City of Monash Disability Consultative Committee, to list only a few of her activities. She was a very positive and generous advocate who will be greatly missed.

Anzac Day: Villers-Bretonneux

Mrs COOTE (Southern Metropolitan) — On 25 April 2011 at the Australian war memorial in Villers-Bretonneux, France, in the cold clear moonlight, pre-dawn, young and vibrant students from Wesley College, Melbourne, led the assembled crowd of 4500 in the singing of the Australian and French national anthems. It was rousing, patriotic and poignant and made me so proud to be an Australian, to be the official representative of the Victorian government and to see young Victorians excel.

Amongst those gathered were a very special group of Victorian students, the recipients of the Premier's Spirit of Anzac prize. These impressive young people from across Victoria, accompanied by Paul Jenkins, a former member for Ballarat West in the Legislative Assembly, are fine ambassadors for Victoria, whom I know will honour and acknowledge the sacrifice of those young men killed in the First World War and will always remember that moving ceremony on 25 April 2011.

The fields of Villers-Bretonneux were resplendent a week ago. The fertile land was adorned with green wheatfields and blazing canola crops, and it was as if those former killing fields were saying a special thankyou to Australia with their green and gold patchwork. The magnitude of what transpired on those same fields on Anzac Day in 1918 cannot be overstated. In the words of historian Charles Bean, quoted in the official record of the day:

> What these men did nothing can alter now. The good and the bad, the greatness and smallness of their story will stand. Whatever of glory it contains nothing now can lessen. It rises, as it will always rise, above the mists of ages, a monument to great-hearted men; and, for their nation, a possession for ever.

For me, the following phrase will forever be revered — lest we forget.

The PRESIDENT — Order! I saw the Wesley contingent at the airport on their departure. They were a fine bunch of young people who were looking forward to that trip.

An honourable member — Where were you going?

The PRESIDENT — Order! I was going to Sri Lanka.

Chernobyl: 25th anniversary

Mr SCHEFFER (Eastern Victoria) — The 25th anniversary of the nuclear disaster at Chernobyl in Ukraine was commemorated on 26 April in many countries as well as in the General Assembly of the United Nations where a special meeting was held in observance of this important and tragic event.

The disaster occurred in the last years of the Soviet Union. Its isolation and secretive culture meant that many of the details of the collapse of the reactor and its aftermath were kept secret for four years before international assistance was sought. Valuable time was lost as the radioactivity from the leaking reactor spread over Europe, exposing some 8.4 million unsuspecting people to radiation poisoning. The Soviet Union collapsed in 1991, and it was only then that an organised international effort under the United Nations was able to put in place a staged plan to address and mitigate the consequences of the explosion at Chernobyl and the world came to see the full impact of the disaster.

The management and recovery of the ruins of the reactor is an ongoing task and requires international cooperation. Currently more than 230 research projects are examining the health of the population in the affected countries, monitoring nuclear plant safety, rehabilitating the environment and working out ways to ensure food is clean. In contrast, the damage to the reactor at Fukushima occurred in an open society, and while there is always the risk that corporations will try to hide such calamities, the disaster was for the most part worked through in the public eye.

Western Victoria Region: community events

Mr RAMSAY (Western Victoria) — I would like to remind the house of some tremendous and unique events celebrated in western Victorian towns in recent weeks. Among them is the famous foot race hosted by the town of Stawell in the foothills of the Grampians in Victoria's west. I was delighted, along with the Minister for Sport and Recreation, Hugh Delahunty, and the Minister for Agriculture and Food Security, Peter Walsh, to be part of the huge crowd that attended the Easter athletics carnival.

I extend my congratulations to the eventual winner, 19-year-old Mitch Williams from Brisbane. I also extend my congratulations to the organisers of the event and applaud the many community groups in Stawell that contribute to the success of the Stawell Gift. Through their tireless efforts Stawell is able to showcase itself not only to a nationwide audience but to the world. This is a true celebration of athleticism, spirit and community, and I say to others, 'Hands off the Stawell Gift'.

Further south in the state I was able to join in the celebrations at the Koroit Irish Festival. Like Stawell, this town is able to look to its heritage to create a tradition for now and the future. At one point Koroit boasted the largest Irish immigrant population in Australia. The Irish impact on this nation is indeed worth recognising and celebrating.

Nearby Port Fairy is another small town able to celebrate what makes it special. In March it hosted yet another successful folk festival, and again it was of international note. I applaud all those involved.

I speak of these celebrations to remind us of the importance of continued investment in these towns and the events that make them stand out. The branding of these events is important, and ongoing investment in these iconic celebrations of sport, music and heritage is the key to western Victoria — —

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

Anzac Day: Ivanhoe

Mr ELASMAR (Northern Metropolitan) — On Sunday, 17 April, I attended the Ivanhoe RSL Anzac Day ceremony. With my parliamentary colleagues from both houses and members of the Ivanhoe RSL, I was proud to march and lay a wreath, commemorating our brave Anzacs who fought and died in the Great War. This year the occasion was marked by members of the community laying red poppies, the symbol of the Anzacs, at the Shrine. It was touching to see all the youngsters who took part. Lest we forget!

Victorian Amateur Football Association

Mr ELASMAR — On another matter, in April I attended the Victorian Amateur Football Association's season launch and annual dinner with my wife, Heam. The VAFA prides itself on being amateur, and since 1982 no alcohol has been allowed to be served during the games. However, the association's home ground is desperately in need of an upgrade. Many schools use the ground, and the umpires also train there. The VAFA runs a truly community competition. I wish it well in its endeavours to acquire Victorian government funding.

Governor of Victoria

Mr ELASMAR — On a further matter, I would like to place on record my sincere good wishes to the former Governor of Victoria, Professor David de Kretser. I wish him all the best on his return to the medical science field. I have not yet had the honour of meeting our newly appointed Victorian Governor, His Excellency Alex Chernov, but I warmly welcome and congratulate him on his appointment to this vice-regal position.

Greyhound racing: Beckley Park

Mr KOCH (Western Victoria) — I would like to highlight to the Parliament Geelong's new state-of-the-art greyhound racing dual track at Beckley Park. With more than 3000 registered trainers, breeders and industry specialists, Geelong is a major centre for the greyhound industry. By providing tracks of varying length, this new facility will enhance Geelong's ability to host a range of events.

The dual track is a world first. The facility's short course is suited to sprinters, while the longer course will have only one turn for the dogs to negotiate, giving them all a chance of wining regardless of their starting box. To complement the dual track, the new facility

boasts a fully air-conditioned ground floor kennel block, a grandstand and a convention centre that will comfortably accommodate 300 patrons.

Greyhound racing is a vital and growing part of the Victorian racing industry and the state's economy. This development is yet another example of how serious the Baillieu government is about supporting racing in regional Victoria. I congratulate the Minister for Racing for seeing this project through to completion and for contributing S4.3 million to the $8.2 million project. I recognise this development has come about as a result of the dedication and hard work of many racing club stalwarts and leaders. I also congratulate the Geelong Greyhound Racing Club and Greyhound Racing Victoria for having the vision to successfully deliver such an ambitious project.

Greyhound racing: Beckley Park

Hon. M. P. PAKULA (Western Metropolitan) — Along with my colleague the member for Lara, I was also pleased to attend the opening of the magnificent new Geelong Greyhound Racing Club's facility at Beckley Park. I acknowledge that Mr Koch was in attendance along with Mr O'Brien and the new racing minister, Dr Napthine, who had the good fortune to draw back the little curtain and to read his name on the plaque as having opened the facility. It would have also been open to the minister to acknowledge in his remarks the previous racing minister, the member for Niddrie in the other place, for funding the project and commencing the construction, but I suppose to the victors go the spoils.

This is a magnificent new facility for the people of Geelong and for greyhound racing fans more generally. It is an $8.2 million project with, as Mr Koch says, a state-of-the-art dual track configuration, the inner one of which is named after legendary trainer Graham Bate — and I should have backed at least one of his dogs on the night! Tributes rightfully go to Maurie Blair and the board of the Geelong Greyhound Racing Club for their work but also to Nick Caley, John Stephens and the team at Greyhound Racing Victoria.

This track is a fantastic Labor legacy for greyhound racing and the Geelong community, and I am pleased that the minister, Mr Koch and Mr O'Brien were able to be there to celebrate that fact on 15 April.

Anzac Day: Jeparit

Ms PULFORD (Western Victoria) — The sun hitting the water at Lake Hindmarsh on 25 April was a poignant reminder of how the sun hits the water on the edge of the Gallipoli Peninsula. It was my honour on this day to attend the Anzac commemoration service at the memorial hall in Jeparit. On 25 April people across Australia take time to acknowledge the courage and sacrifice of all Australian military personnel — past and present — and their families, people who have served or do serve our nation in war or in peace. Anzac Day is not a day of celebration, nor do we seek to glorify war. It is a day on which we count the cost that our nation has borne when asked to pay the price for the lifestyle we enjoy today. The price has been high and its cost great.

I would like to thank Eric Altman, Campbell McKenzie and Cr Mick Gawith, returned services personnel of Jeparit and their families for the opportunity to participate in such a moving service.

Rail: Stawell service

Ms PULFORD — On another matter, I would like to take this occasion — I suppose a little tongue in cheek — to congratulate the government for taking credit for a fabulous Labor initiative.

Recently the Minister for Public Transport announced the return of passenger rail services to Stawell with a carriage being available on the Overland service as an extension of the V/Line service for passengers travelling within Victoria. This is the extension of an initiative that the Brumby Labor government supported and established in partnership with the operators of the Overland service. This service is a wonderful addition to the communities of Nhill, Horsham, Dimboola and now Ararat. I am glad the minister has finally seen the light on this matter.

Schools: Western Metropolitan Region

Mr EIDEH (Western Metropolitan) — In 2010 the then Minister for Planning, Justin Madden, announced that the state government would fund much-needed upgrades to two schools within my electorate — Niddrie Secondary College and Strathmore Primary School. These upgrades should be seen as essential if all children and staff are to have access to safe and clean environments and to the very best in education.

I therefore find it deeply concerning when I read in local newspapers that the Baillieu government has not as yet committed to following through on these much-needed upgrades. Our children are our future, and if the environment in which they learn is substandard, then what are we saying about them and ourselves? If the environment in which teachers educate is substandard, then what value do we place upon them? I call upon the

government to commit to these key projects in my electorate as a matter of priority.

Milleara Road, Avondale Heights: pedestrian crossing

Mr EIDEH — In addition, there was a commitment to a small crossing over Milleara Road, Avondale Heights. This crossing would primarily benefit the older members of the community who cross at that particular location to shop at Centreway. All members of our community deserve our respect and they deserve to have their safety ensured through responsible government. Each of these commitments are essential to good government. I once again call on the Baillieu government to deliver to members of my electorate.

LIQUOR CONTROL REFORM AMENDMENT BILL 2011

Statement of compatibility

Hon. M. J. GUY (Minister for Planning) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility with respect to the Liquor Control Reform Amendment Bill 2011.

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

Overview of bill

The bill amends the Liquor Control Reform Act 1998 to impose further restrictions on the supply of liquor to minors.

Human rights issues

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

This bill does not engage any of the rights under the charter act.

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

As the bill does not engage any of the rights under the charter act, it is not necessary to consider section 7(2) of the charter act.

Conclusion

I consider that the bill is compatible with the charter act because it does not engage any human rights issues.

Hon. Matthew Guy, MLC
Minister for Planning

Second reading

Ordered that second-reading speech be incorporated into *Hansard* on motion of Hon. M. J. GUY (Minister for Planning).

Hon. M. J. GUY (Minister for Planning) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

This bill amends the Liquor Control Reform Act 1998 to make changes to the way in which people under 18 years of age obtain access to alcohol in private residences. The amendments to the Liquor Control Reform Act 1998 make it an offence to supply liquor to a minor in a residence without parental consent. This change will strengthen the role of parents in making decisions regarding children and alcohol.

Alcohol consumption by young people is a significant concern for our community. The level of alcohol consumption amongst persons under the age of 18 is striking. The Victorian Drug and Alcohol Prevention Council's 2009 Victorian youth alcohol and drug survey found that 84 per cent of 16 and 17-year-olds surveyed confirmed they had consumed alcohol. Thirty-one per cent had consumed 20 or more standard drinks in any one day at least once in the past 12 months.

Recent studies suggest that frequent and excessive consumption of alcohol by young people leads to a range of health and social harms. These include alcohol-related injuries, hospital admissions, mental health problems and criminal and antisocial behaviour. Moreover, evidence suggests that patterns of alcohol consumption established in adolescence can influence patterns of drinking in later life. It is therefore essential that the way in which young people are exposed to alcohol is carefully managed.

Under the current law, it is an offence for any person to supply liquor to a person under the age of 18. However, the Liquor Control Reform Act 1998 provides an exception to this offence where the supply is in a residence. This means that any adult may legally supply liquor to a minor in a private home, including at events such as private parties. In this context, it is notable that the 2009 Victorian youth alcohol and drug survey also found that over half of the minors surveyed indicated that they usually consumed alcohol at a friend's house. Sixty-one per cent of respondents had received alcohol from a friend or acquaintance.

The bill addresses this issue by prohibiting the supply of liquor to a minor in a private residence unless a parent, guardian or spouse over the age of 18 provides it, or the supplier has obtained the consent of the child's parent, guardian or spouse over the age of 18. This will provide parents with greater confidence and control over whether, and how, their child is consuming alcohol.

The fine for supplying alcohol to a minor in a private residence has been set at a maximum of 60 penalty units (or $7167). This should act as a deterrent for adults contemplating supplying alcohol to children other than their own without parental consent. It is intended that the new provision enables enforcement action where an individual seriously disregards the new laws. The laws are intended to

provide scope for prosecution where liquor has been irresponsibly provided to a minor in a way that may lead to harm.

Of course the exemption allowing parents to consent to the provision of alcohol to their children does not mean those given permission should allow minors to consume alcohol recklessly.

The objective of the bill is to provide parents with greater support in deciding how their child is exposed to liquor. This objective will be supported by a comprehensive information and education campaign that will provide the community with a greater understanding of the issues associated with under-age drinking.

I commend the bill to the house.

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

Debate adjourned until next day.

RESIDENTIAL TENANCIES AMENDMENT (PUBLIC HOUSING) BILL 2011

Statement of compatibility

Hon. W. A. LOVELL (Minister for Housing) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility with respect to the Residential Tenancies Amendment (Public Housing) Bill 2011.

In my opinion, the Residential Tenancies Amendment (Public Housing) Bill 2011, as introduced to the Legislative Council, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

Overview of bill

The purpose of the bill is to amend the Residential Tenancies Act 1997 (act) to enable the director of housing (director) to issue a notice to vacate premises the tenant rents from the director, after at least 14 days notice, if the tenant has illegally carried out any of the following on the tenant's rented premises or in common areas:

trafficking or attempting to traffic a drug of dependence;

supplying a drug of dependence to a person under 18 years of age;

possessing a preparatory item with the intention of using the item for the purpose of drug trafficking;

possessing, without lawful excuse, a tablet press or a precursor chemical;

cultivating or attempting to cultivate a narcotic plant; or

an indictable offence prescribed in the residential tenancies regulations 2008.

It will not be necessary for the director to wait for criminal prosecution before issuing the notice to vacate. Rather, the director must believe on reasonable grounds that the tenant has engaged in the above conduct on the rented premises or common areas.

Human rights issues

There are a number of rights (section 13, section 17 and section 20) which are engaged by the bill.

Section 13 — Privacy and reputation

This right is engaged with respect to interference with the tenant's home and family, and with respect to the tenant's right not to have his or her reputation unlawfully attacked.

Home and family

The right of a tenant not to have the tenant's home unlawfully or arbitrarily interfered with is engaged when a notice to vacate is issued. If the tenant is residing at the rented premises with his or her family, the tenant's right not to have the tenant's family unlawfully or arbitrarily interfered with is also engaged.

Under the proposed new provisions of the act, the director may only issue a notice to vacate to a tenant for engaging in certain illegal activities. This notice may only be issued in accordance with the act and in accordance with the director's obligations under section 38 of the charter and the principles of administrative law. Therefore, any interference with the tenant's home or family will be lawful.

While the director is not required to wait for criminal prosecution prior to issuing the notice, in accordance with the director's administrative law and charter obligations, the director must have a reasonable belief that the tenant has engaged in the illegal conduct specified in the new provisions of the act, or committed the indictable offences prescribed by the regulations. Accordingly, prior to issuing the notice to vacate, the director must consider all the available evidence, the circumstances of the case and the tenant's response to the allegations.

Given the above, and that serious illegal activity, such as drug trafficking, manufacture and cultivation, have been identified as impacting negatively on public housing estates, and that it is important to protect the safety of other public housing tenants in their home, any interference with the home and family will be proportionate.

Indictable offences may be prescribed by the regulations. This will provide the government with the power to make regulations which allow the director to promptly address any serious future safety concerns on public housing estates. The threshold has been set at 'indictable' offences to ensure only the most serious crimes are targeted by any future regulations. Thus, where the director is satisfied that the tenant has committed a prescribed indictable offence, any interference with the home and family as a result of the director issuing a notice to vacate will be proportionate.

As noted above the director may only issue the notice to vacate under the proposed new provisions if this is compatible with the charter. Accordingly, the director may only issue the notice to vacate if any interference with the home and family is proportionate in the particular circumstances of the case.

If a notice to vacate is issued under the proposed new provisions and the tenant remains in the rented premises, the director may only regain possession of the rented premises if the Victorian Civil and Administrative Tribunal (VCAT) grants a possession order. VCAT may only grant the possession order if VCAT is satisfied of a number of factors, including that the director was entitled to give the notice to vacate (section 330 of the act). At the VCAT hearing, the tenant will have an opportunity to test the evidence on which the director based the director's decision to issue the notice to vacate.

As demonstrated above, whilst this right is engaged, any interference with the family or home will not be arbitrary or unlawful and will be subject to review. Accordingly, this right is not limited.

Reputation

The right of a tenant not to have his or her reputation unlawfully attacked is also engaged.

However, as stated above, the director may only issue a notice to vacate under the proposed new provisions in accordance with the act, and in accordance with the director's obligations under section 38 of the charter and the principles of administrative law. This requires the director to consider all the available evidence and circumstances.

Accordingly, in issuing a notice to vacate a tenant's reputation will not be 'unlawfully attacked', because the director's decisions must be based on the director having a reasonable belief that the tenant has engaged in the illegal activity set out in the new provisions of the act or prescribed by the regulations.

Given the above, this right is not limited.

Section 17 — Protection of families and children

This right is engaged if the tenant is given a notice to vacate under the proposed new provisions and is living in the rented premises with the tenant's family or children. The right is also engaged with respect to other families and children residing in the public housing estate.

Tenant's right

If a tenant is living in the rented premises with their family and children, the right of the family and children to be protected may be engaged when the director issues a notice to vacate under the proposed new provisions.

Whether or not the right will be limited will depend on the particular circumstances of the case, including the circumstances of the family and children living at the rented premises, and the objective of addressing problems associated with certain illegal activities on public housing estates.

However, as stated above, a notice may only be issued under the new provisions in accordance with the act and the director's administrative law obligations. Additionally, the notice may only be issued if this is compatible with the charter. Accordingly, where the director decides to issue a notice to vacate under the new provisions, the notice will be compatible with the charter in the individual circumstances as, for the reasons outlined under 'Section 13 — Privacy and reputation', the decision to issue a notice will be lawful, not arbitrary, proportionate, and thus justified.

Rights of other families and children

The right of other families and children who are not subject to a notice to vacate under the proposed new provisions to be protected will also be engaged.

Given the overall safety objective of the proposed new provisions, the right of other families and children (on the specific public housing estate) to protection is promoted.

Section 20 — Property rights

The right of a tenant not to be deprived of his or her property (i.e., the tenant's lease over the rented premises) other than in accordance with the law is engaged.

Although issuing a notice to vacate under the proposed new provisions may lead to a tenant being deprived of his or her property, the notice to vacate may only be issued in accordance with the act. In addition, before deciding to issue a notice to vacate, the director must comply with the director's obligations under administrative law and section 38 of the charter.

Accordingly, this right is not limited as the tenant will only be deprived of his or her property in accordance with the law.

Conclusion

I consider that the bill is compatible with the charter because the rights which are engaged by the bill are not limited. If additional rights are engaged by the bill in individual circumstances, to the extent that those rights are limited, those limitations will be reasonable and demonstrably justified in a free and democratic society.

Hon. Wendy Lovell, MLC
Minister for Housing

Second reading

Ordered that second-reading speech be incorporated into *Hansard* on motion of Hon. W. A. LOVELL (Minister for Housing).

Hon. W. A. LOVELL (Minister for Housing) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

The Residential Tenancies Amendment (Public Housing) Bill 2011 will strengthen the director of housing's (director) ability to address certain illegal drug activity occurring on the director's land.

The bill will amend the Residential Tenancies Act 1997 (act) to enable the director to evict a tenant from their rented premises, after at least 14 days notice, if the director reasonably believes that the tenant has illegally carried out any of the following conduct on the rented premises or in common areas:

trafficking or attempting to traffic a drug of dependence;

supplying a drug of dependence to a person under 18 years of age;

possessing a preparatory item with the intention of using the item for the purpose of drug trafficking;

possessing, without lawful excuse, a tablet press or a precursor chemical; and

cultivating or attempting to cultivate a narcotic plant.

These offences are consistent with those contained in the Drugs, Poisons and Controlled Substances Act 1981.

The bill will also enable the director to evict a tenant after at least 14 days notice if the director reasonably believes the tenant has committed an indictable offence which is prescribed by the regulations.

This is an important means of addressing other serious illegal activities as the need arises. These will be indictable offences that have been identified as impacting negatively on the director, or the safety, security and wellbeing of the director's tenants.

Current provisions

Currently, the director may evict a tenant after at least 14 days notice if the director reasonably believes that the tenant has used the rented premises (or permitted its use) for an illegal purpose. However, under current case law, the director may only evict the tenant if the rented premises was integral to and facilitated the commission of the illegal activity, as opposed to the rented premises being the scene of a crime.

Additionally, there is no provision in the act to permit the director to evict a tenant who has engaged in illegal activity in a common area, such as a playground, car park, hallway or stairwell.

Although the director could issue a notice to vacate without specifying a reason to evict a tenant for engaging in illegal activity on the director's land, this would involve a notice period of at least 120 days (four months). This notice period may be unacceptably long in some circumstances.

The bill will address these shortcomings in the act by ensuring that the director may issue a tenant with a notice to vacate the premises after at least 14 days, where the director is reasonably satisfied that the tenant has engaged in certain illegal drug activities, including drug trafficking, manufacturing and cultivation, or if the tenant has carried out other indictable offences prescribed by the regulations, in his or her rented premises, or in the common areas.

It will not be necessary for the director to wait for criminal prosecution to occur before taking this action. This will allow the director to take action swiftly to ensure the safety and wellbeing of all tenants.

A need to create a safe environment

Victorians who live in public housing have the right to feel safe and secure in their homes. Public housing should help create opportunity for individuals and families to engage in their community, as opposed to a place where tenants and residents feel fearful or unsafe. It is important, for example, that parents feel they are able to let their children use the playground on an estate without worrying that they are at risk of harm or will be exposed to drug trafficking. Similarly, tenants should feel comfortable about using common facilities and amenities to socialise and enjoy a range of activities, or simply use the laundry or stairs, without fearing for their safety.

Unfortunately, some tenants ignore their obligations under the act and their tenancy agreement by engaging in illegal activity, such as drug trafficking, drug manufacturing and drug cultivation on public housing estates. While these tenants are only a small minority, their actions have a significant impact on those around them, particularly neighbouring tenants and families.

The director, as Victoria's provider of public housing, effectively the state's largest landlord, has a unique statutory responsibility to ensure that Victorians have adequate and appropriate housing. The director is responsible for housing the greatest concentration of tenants, and as a result, the effects of drug trafficking can impact significantly on many. The community also expects that tenants who ignore their obligations and whose illegal activity has an impact on others should not be entitled to remain in their subsidised housing.

Public housing is in high demand. At all times, the director must balance the needs of existing tenants with those who are waiting to be housed. Therefore, it is crucial that the director has effective means of managing the public housing program. This includes mechanisms to end a tenancy agreement, in a timely manner, where that tenant has engaged in certain illegal activity, particularly drug trafficking, manufacturing and cultivation, in their premises or on the common areas of public housing estates, since that illegal activity impacts on the safety, security and wellbeing of the director's tenants and their families.

Conclusion

This bill provides for the strengthening of the director's powers to respond, in a timely manner, to those who commit illegal activity in their rented premises, or in common areas of public housing. This is necessary for the director to ensure the safety, security, health and wellbeing of public housing tenants by reducing the risk of significant adverse impacts caused by the commission of illegal drug activity, and other indictable offences set out in the regulations, on the director's land. Responding firmly and efficiently to certain illegal activity is critical to the director's ability to effectively manage public housing whilst ensuring that public housing is a safe place for tenants and their families to live.

I commend the bill to the house.

Debate adjourned on motion of Ms MIKAKOS (Northern Metropolitan).

Debate adjourned until next day.

HEALTH SERVICES AMENDMENT (HEALTH INNOVATION AND REFORM COUNCIL) BILL 2011

Statement of compatibility

For Hon. D. M. DAVIS (Minister for Health), Hon. W. A. Lovell tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility with respect to the Health Services Amendment (Health Innovation and Reform Council) Bill 2011.

In my opinion, the Health Services Amendment (Health Innovation and Reform Council) Bill 2011, as introduced to the Legislative Council, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

Overview of bill

The purpose of the bill is to establish the Health Innovation and Reform Council. The function of the council is to provide advice to, and report to, the Minister for Health and the Secretary of the Department of Health on the effective and efficient delivery of quality health services at the request of the minister.

Human rights issues

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

The bill does not engage any human rights protected by the charter.

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

As the bill does not engage any of the human rights protected by the charter it is unnecessary to consider the application of section 7(2) of the charter.

Conclusion

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

Hon. David Davis, MP
Minister for Health

Second reading

Ordered that second-reading speech be incorporated into *Hansard* on motion of Hon. W. A. LOVELL (Minister for Housing).

Hon. W. A. LOVELL (Minister for Housing) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

The Baillieu government is committed to undoing the damage done to the Victorian health system under Labor over the last 11 years.

The government has a clear objective; that Victoria should be a leader in health reform and innovation. Already we have released for the first time median waiting times by hospital and procedure as we adopt additional transparency measures outlined in the recent state election.

The Health Innovation and Reform Council will assist in restoring Victoria as a world leader in health innovation. It will allow for the early consideration of practices, methods and technology which will foster both incremental and transformational change to our health system.

This council will have a very clear focus on improving the quality and safety of our health system, moving patient health outcomes to the forefront of how we as a community think about health system management. It will also ensure there is a clear focus on evidence-based medicine in decision making and health planning.

The work of the Victorian Quality Council has helped to strengthen the performance of Victorian health care and the Health Innovation and Reform Council will work with the VQC to retain and build the reforms achieved over several decades.

The HIRC will be able to work in partnership with national bodies, professional associations and other organisations committed to leadership in health innovation and reform.

The Baillieu government is committed to meeting the growing demand for hospital services and ensuring that Victorians have access to high-quality services that meet their needs.

Reducing patient waiting times, improving rates of admissions to our public hospitals and reducing the rate of re-admissions are important elements of improving health service performance, as well as realising cost efficiency so patients can receive greater levels of service.

To this end the government proposes to establish the Health Innovation and Reform Council. The council will provide advice to the government on clinical and hospital administration best practice.

Leaders in health planning and policy development will be chosen to form this new council, and will include senior clinicians, senior health service management leaders and leading academics.

The council will provide advice to, and report to, the minister and the Secretary of the Department of Health on matters referred to the council by the minister. The council may, with the approval of the minister, establish committees to assist it in carrying out its functions, and may coopt other experts to those committees.

The HIRC will be enshrined in legislation as a statutory body to give it the focus that the Baillieu government believes should be afforded to health innovation and reform. The work of existing bodies has been important and those bodies will continue to work with the HIRC and build on their good work to ensure that the better patient outcomes that come from improved quality and safety are realised for Victorians.

I commend the bill to the house.

Debate adjourned for Mr JENNINGS (South Eastern Metropolitan) on motion of Mr Leane.

Debate adjourned until next day.

The PRESIDENT — Order! Before we proceed, in case there is any debate with respect to the next order of the day, I indicate as a courtesy to the house that

Ms Hartland in recent days has not put her best foot forward! She suffered an ankle injury. She will be participating in the debate on the next bill and indeed in other proceedings during the week, and I have extended her the courtesy of the house in that she will be seated, because of her injury, when making any remarks in debate.

MULTICULTURAL VICTORIA BILL 2011

Statement of compatibility

Hon. M. J. GUY (Minister for Planning) 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 (charter act), I make this statement of compatibility with respect to the Multicultural Victoria Bill 2011.

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

Overview of bill

The purpose of the bill is to:

establish the principles of multiculturalism;

establish the Victorian Multicultural Commission (the commission);

provide for the establishment of eight regional advisory councils;

establish reporting requirements for government departments in relation to service delivery for diverse communities and the principles of multiculturalism;

establish reporting requirements for the commission;

repeal and re-enact the Multicultural Victoria Act 2004; and

provide for necessary transitional provisions.

Human rights issues

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

Section 13: right to privacy

Section 13(a) of the charter act provides that a person has the right not to have his or her privacy, family, home, or correspondence unlawfully or arbitrarily interfered with. The right to privacy concerns a person's private sphere, which should be free from government intervention or excessive or unsolicited intervention by other individuals.

An interference is not unlawful if the law authorising the interference is precise and circumscribed. An interference is not arbitrary if it occurs in accordance with the provisions, aims and objectives of the charter act, and is reasonable in the particular circumstances.

The right to privacy in section 13 of the charter act is engaged by the powers of the commission to conduct own-motion and minister-referred research in clauses 8(b), 8(c) and 25(2), which, in effect, allow the commission to request and collect personal information.

However, the powers in clauses 8(b), 8(c) and 25(2) must be exercised consistently with privacy legislation. Further, individuals are under no obligation to provide information requested by the commission. Clause 25(2) only requires departments to make every reasonable effort to assist the commission and where departments provide information it must be in a non-identifying form. Finally, the commission does not have any coercive powers to compel documents or witnesses.

Given the limitations on the power, any interference is neither unlawful nor arbitrary and, accordingly, I consider the clause to be compatible with section 13 of the charter act.

Section 19: cultural rights

The bill promotes the right in section 19(1) of the charter act of all persons with a particular cultural, religious, racial or linguistic background to enjoy his or her culture, to declare and practise his or her religion and to use his or her language.

This right is promoted by the establishment of eight regional advisory councils under clause 22 which will increase community engagement on matters relating to the commission's functions, including the issue of the adequacy of regional settlement support and service delivery.

In addition, clause 8(b)(i) of the bill promotes cultural rights by strengthening the powers of the commission to research and report to the minister on issues arising out of the regional advisory councils and through other community consultation.

The commission may also report on the adequacy of government services, settlement support and service delivery for culturally, religiously, racially and linguistically diverse communities under clause 8(b)(ii). These clauses support the principles of multiculturalism.

Conclusion

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities Act 2006.

Hon. Matthew Guy, MLC
Minister for Planning

Second reading

Ordered that second-reading speech be incorporated into *Hansard* on motion of Hon. M. J. GUY (Minister for Planning).

Hon. M. J. GUY (Minister for Planning) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

The government is committed to a multicultural Victoria, and will implement initiatives that will enable Victoria to continue to lead the rest of the nation in multicultural affairs. The Multicultural Victoria Bill 2011 will deliver an important part of this commitment by replacing the current Victorian Multicultural Commission with a strengthened and more independent statutory authority.

The commission is the government's key multicultural affairs advisory body and acts as a conduit between the Victorian community and the Victorian government. I believe that it is vital that it is first and foremost a voice of Victoria's culturally, religiously, racially and linguistically diverse communities. In the bill, this concept is captured by the term 'diversity'.

Overview of the bill

The bill delivers on the government's commitment to restructure and strengthen the multicultural affairs portfolio, including the Victorian Multicultural Commission. The bill will achieve this objective in three ways:

First, the bill will increase the independence of the commission by establishing a new statutory body. The new statutory body will retain the name of the Victorian Multicultural Commission, but will focus on strengthening our community. The independence of the commission is increased by a new power to research, report to and advise the minister directly on systemic community issues relating to the objectives of the commission. These issues may be identified by regional advisory councils or through other community consultation, or may relate to the adequacy of government services, settlement support and service delivery for diverse communities.

Second, the bill will create stronger links between the government and Victoria's diverse communities through regional advisory councils.

Third, the bill recognises a whole-of-government approach to multiculturalism through a specific clause.

In addition, the Multicultural Victoria Bill 2011 replaces the previous Multicultural Victoria Act 2004 by:

renewing the principles of multiculturalism;

enhancing the new commission's objectives and functions; and

continuing the reporting requirements for government departments in relation to multiculturalism.

Victorian Multicultural Commission

The establishment of a more independent Victorian Multicultural Commission will create stronger links between government and Victoria's diverse communities.

The new commission will focus on providing assistance to Victorians and I expect that it will provide honest and candid advice to the government.

The independence of the commission will be achieved through new legislative and administrative arrangements that will enable it to provide advice directly to me, as the responsible minister, on systemic issues and opportunities for diverse communities.

The new commission will have the additional function of researching, advising and reporting to me, as the responsible minister. These functions can either be initiated by the commission or requested by me.

To facilitate the commission's reporting functions, department heads who are approached by the commission for information must ensure that every reasonable effort is made to assist the commission with the conduct of its research.

Twelve commissioners will be appointed by Governor in Council to the new commission, including:

a full-time chairperson;

a part-time deputy chairperson;

eight part-time commissioners with specific skills and expertise;

a part-time youth representative; and

a part-time representative of a community organisation determined by me.

The new commission will be independent from government departments and the commission's chairperson will have the power to employ staff and enter into contracts. Staff will be employed as public servants and will be subject to the Victorian public sector code of conduct.

Regional advisory councils

The bill provides that eight regional advisory councils will be established for regional areas of the state. The councils will work closely with local diverse communities and will operate as important conduits of information about matters relevant to the commission's functions including regional settlement and service delivery.

Eight of the part-time commissioners will each chair a regional advisory council, allowing them to draw on their local knowledge and skills to provide a direct channel to government on regional issues facing diverse communities, including advice on the effectiveness and accessibility of government services and settlement support.

While not specified in the bill, it is intended that the regional advisory councils will have several functions, including:

First, the regional advisory councils will draw on the knowledge and skills of local community members to provide advice to the commission on issues and opportunities raised by regional diverse populations, with a focus on the effectiveness and accessibility of government services and settlement support.

Second, the councils will work with local businesses, employers and state business development officials to assist in identifying emerging job pathways and promoting regional Victoria as a destination of choice for newly arrived migrants.

Third, the councils will host relevant regional forums, and identify opportunities to celebrate the contribution

of different cultures and religions to Victoria, and encourage social cohesion and harmony.

Reporting requirements for government departments

Under the bill, government departments will be required to report to me, as the responsible minister, each financial year regarding how the department has promoted or otherwise supported Victoria's multicultural community. This is consistent with the obligation in the previous Multicultural Victoria Act 2004.

Principles of multiculturalism

The government regards Australian citizenship as the basis on which to build a strong and unified society, where individuals learn from each other and together help to forge a more inclusive and harmonious society. The concept of citizenship in the bill is not limited to formal Australian citizenship, but refers instead to the rights and responsibilities of all people in a multicultural society. The notion of citizenship unifies our diverse society in a shared commitment to our nation and its democratic institutions, laws, values and the notion of a 'fair go'.

The bill renews the principles of multiculturalism to incorporate principles of citizenship, values of a shared commitment to Australia and to community service, and recognition of diversity as an asset for Victoria. The bill also provides that Parliament supports the concepts of citizenship and diversity by recognising the principles of multiculturalism, which include mutual respect and understanding, promotion of diversity and heritage, and access to opportunities and participation. The principles of multiculturalism help to forge a more inclusive and harmonious society.

Conclusion

The new Multicultural Victoria Bill 2011 will help ensure that Victorian government services meet the needs of our increasingly multicultural society, and that the voices of our diverse communities are better heard.

The bill strengthens Victoria's approach to multiculturalism and citizenship, and provides the basis for building a strong and unified society.

I commend the bill to the house.

Mr LEANE (Eastern Metropolitan) — I move:

That the debate be adjourned until next day.

Motion negatived.

Ms MIKAKOS (Northern Metropolitan) — The opposition does not believe there are any reasons of urgency as to why debate on the Multicultural Victoria Bill 2011 needs to be expedited today. The normal courtesy of the house is that the bill is second read and members then have an opportunity to read the bill and prepare themselves for debate. That normal courtesy has not been extended to members of this house today, and no explanation has been given as to why that is the case.

I point out — and I will be making this point in my substantive contribution — —

The PRESIDENT — Order! This is Ms Mikakos's substantive contribution.

Ms MIKAKOS — Thank you, President. I will be making the point that the bill — —

The PRESIDENT — Order! I will just clarify. Ms Mikakos was engaged in other discussions at the time I called this matter on, so she probably was not fully au fait with where we are at. This is indeed not a procedural motion; this is the actual debate on the bill now. This is the substantive motion. The remarks Ms Mikakos has made regarding her concern about why the bill has been brought on quickly are obviously relevant to her contribution, so there is no problem there, but this is the actual debate on the bill.

Ms MIKAKOS — Thank you, President. I wish to put on the record that the Labor opposition does not believe it was necessary to bring this debate on in such a manner, as the bill does not deal with issues of any great urgency. Nevertheless I am pleased to make a contribution with respect to this bill. I note at the outset that the Labor opposition will not be opposing it.

As Victorians we have every reason to be proud of our state's cultural and religious diversity and of the unique contributions that generations of migrants have made to the development of our state. With the exception of our indigenous Australians, Australia is a nation of immigrants or descendants of immigrants. In fact 40 per cent of Victorians were either born overseas or have at least one parent who was born in another country. We are home to people from more than 230 countries who speak around 200 languages and celebrate 120 faiths.

Multiculturalism can mean different things to different people. I think the core principles of multiculturalism relate to equality, where everyone is given equal rights no matter their background or cultural faith, the responsibility to accept other individuals' beliefs, and a fundamental recognition that multiculturalism brings great benefits to our society overall. The great diversity of our state's people adds greatly to the unique, vibrant and dynamic place we call Victoria.

As one of the members for Northern Metropolitan Region I am proud to represent an electorate that has people from many different backgrounds, languages and faiths. It is a very ethnically diverse electorate, with over 31 per cent of residents having been born overseas, according to the 2006 census — and that may well have changed in more recent census data. Many of those residents are postwar immigrants, such as my

parents, who came to Australia simply in search of a better life for themselves and for their children. There are those who have arrived more recently as refugees and who chose Victoria and in particular Melbourne's northern suburbs as their home because they see this country as a place that respects democracy and as a peaceful place for them to bring up their families.

As a longstanding parliamentarian for this region, a region that has also been my home for my lifetime, I regard it as an absolute pleasure to have worked very closely with the various multicultural communities in my electorate. I enjoy a very strong and positive relationship with those diverse communities. Diversity provides challenges, but at the same time it provides an opportunity to overcome those challenges and to unite and promote our similarities and celebrate our differences.

There is no greater example of this great cultural diversity than the numerous celebrations and events held throughout the year by many of the culturally diverse communities in my electorate. It has long been a source of inspiration and enjoyment for me to attend as many of these events as I possibly can and to get to know more about each community's respective cultures and faiths.

We all stand to gain so much as individuals and as a society if we enable people not only to retain and maintain their individual customs and traditions but also to express their cultural identity within the wider community.

As the daughter of migrant parents I recognise the contribution that migrants and their families have made to Australia and its overall economic prosperity, to business and our cultural life, cuisine and the arts. This experience has enabled me as a parliamentarian to understand the issues and to advocate for more support for our migrant and refugee communities. It is an issue that is close to my heart, and it is an issue that as a government member I have taken a great deal of interest in, and as a member of the opposition I will continue to do so.

In March we celebrated Cultural Diversity Week — a week of statewide celebrations dedicated to the cultural, linguistic and religious diversity of our state. It is wonderful that we make a fuss about these things in our state. I am proud that, more than any other state in our nation, Victoria has a reputation for being a society built on understanding, acceptance and mutual respect for one another. I am proud of the fact that at the height of One Nation's rise it polled the least number of votes for its racist policy in our state compared to the rest of Australia.

The Labor opposition takes enormous pride in the fact that Victoria has established its reputation as a leading example of a culturally diverse, harmonious and cohesive society. By supporting multicultural communities to retain and express their social and cultural identities within the broader community, we on this side of the house believe multiculturalism in Victoria will continue to flourish as it has for many years.

I am extremely proud to have served in a government that has a strong record in multicultural affairs. We are proud of our achievements in this area, and I have no doubt that the coalition will respect those achievements. We are extremely lucky to have bipartisan political support for multiculturalism, and I hope that will continue into the future. I have no doubt that what makes Melbourne so special is its diversity, and I hope the new government will continue to support our diverse multicultural communities in much the same way as the former Labor government did.

For the benefit of those who might be reading this debate at some later stage, I point out that as I am speaking the state budget is being handed down in the Assembly. I do not have the benefit of having seen what is in the state budget in relation to the multicultural affairs portfolio, but I hope I will not be disappointed. I will certainly be looking at it with a great deal of interest. I put on the record that the grants program that we had in place during our time in office was very important, and I certainly hope the new coalition government retains the strength of that grants program and the types of things it covered. It was an innovative approach to cover things like public liability insurance for community groups; that is a cost that has been a great impost on community organisations in recent years.

Ultimately, the promotion and protection of the rights of people from diverse communities contributes to the solid social and political foundations of our state. When we were in office we demonstrated our commitment to protecting these rights by enacting the Racial and Religious Tolerance Act 2001 and the Charter of Human Rights and Responsibilities Act 2006, which gave all Victorians the right to live without fear of vilification in their public and private lives.

Another important initiative of the former Labor government was the $12 million Cultural Precincts Enhancement Fund. That is a key part of multiculturalism because it is about being proud of your

heritage and sharing that heritage with others. Through that fund we were able to help promote the role of migrants in our community by enhancing key cultural precincts in Melbourne's central business district, including the Greek precinct on Lonsdale Street, the Italian precinct on Lygon Street and the Chinese precinct on Little Bourke Street.

Given that these three precincts are within my electorate, I am particularly proud of the support we gave to them. It adds to our state's fantastic appeal. It also adds to our tourism appeal. When people travel to New York, for example, they make a point of going to Chinatown and Little Italy and those types of precincts. It also enhances Melbourne's tourism appeal to have been able to clearly identify strong cultural precincts.

I was also pleased that during our last year in office we invested in the Greek precinct in Oakleigh and the Vietnamese precinct in Richmond, another precinct in my electorate, so that they could also become sustainable and attractive areas for investment in cultural activities. I am pleased that the new government has said that it will honour our commitments made in relation to multicultural affairs, including the $12 million Cultural Precincts Enhancement Fund. At the end of my contribution I will certainly be looking through the budget line items to make sure that that is in fact the case.

We on this side of the house also recognise the importance of preserving community languages and customs as an important way for migrants to stay connected to their cultures and for future generations to develop such a connection. Learning English is of course vitally important for new migrants, as is having access to translation services. These are integral to all Victorians being able to access services and being able to participate fully in our society. That is why we provide free interpreting and translating assistance for government services, and I hope that will continue.

Labor also invested more than $50 million for languages other than English (LOTE) programs in both primary and secondary schools to help younger people retain an important connection with their families' heritage. This is something of which I am a strong supporter, and I encourage the new government to work closely with the Gillard federal government to ensure that we get positive outcomes through the national curriculum as it relates to LOTE programs for the benefit of Victorian schools and Victorian students.

Another initiative developed by the former Labor government was the refugee nurse program. That program establishes an important conduit between health, settlement and community services to provide more accessible and appropriate health services for people from refugee backgrounds.

When Labor first came to government in 1999 multicultural groups in Victoria shared only $750 000 a year between them. Last year alone the Labor government provided up to $5.6 million in funding, which represented a sevenfold increase in funding over the time of our government. We were proud to fund approximately 2200 ethno-specific multicultural groups across Victoria, including up to 700 seniors groups.

There are many local seniors groups located in my electorate. Recently I had the opportunity to attend the Italian Senior Citizens Club of Preston's Easter lunch. That club is the largest Italian senior citizens group in Australia, with over 800 members. It was a wonderful event. These groups are vitally important as they enable elderly people from non-English-speaking backgrounds to come together within their own cultural community in a friendly social setting where they can participate in recreational activities. They help to alleviate the isolation that some members of our diverse elderly communities can experience.

It has certainly been my experience to learn through the various communities that I speak with regularly that the Victorian Multicultural Commission (VMC) is well regarded and respected in the community. I take this opportunity to thank all staff at the commission for all the support they have provided to me as a parliamentarian and also to the ethnic community organisations based in my electorate.

The Victorian Multicultural Commission helps to promote community cohesion and social harmony through its mini grants program. Under the incredible leadership of its former chairman, George Lekakis, the organisation has come a long way. I want to take this opportunity to pay tribute to George Lekakis. George was a passionate advocate for refugee and migrant communities within this state. He has devoted his life to their service, and as chairman of the Victorian Multicultural Commission he was always helpful and respectful to community organisations.

I can remember many occasions when George bent over backwards to assist community organisations which, perhaps because of their voluntary nature and the fact that some of their committee members may not have received a great deal of education in their native language, let alone in English, struggle with grants application forms and processes and have difficulty in being able to put in their applications on time. Certainly the Victorian Multicultural Commission has always

been very helpful to community organisations and understands the difficulties they face.

Based on the conversations I have had with community organisations I believe George's departure from the Victorian Multicultural Commission has been greeted with overwhelming sadness. I understand he will be very sadly missed by the multicultural communities in Victoria. His successor will have big shoes to fill. I wish the acting chairman all the best in his work, and when a decision is ultimately made as to who the permanent chairman will be I will wish that person all the very best with their endeavours as well.

We on the Labor side are proud of the achievements we were part of in the multicultural affairs portfolio but we take the view that there is always more that can be done. That is why Labor will not be opposing this bill. We strongly supported multicultural affairs whilst in government, and we will continue to fight for them in opposition. We are supportive of any initiatives that aim to meet the challenges of building greater cohesion amongst our growing and diverse population.

I want to turn now to the provisions of the bill. Whilst one of its key aspects is to repeal the Multicultural Victoria Act 2004 I point out that many of the provisions of the current legislative framework are simply being re-enacted. This is why the Labor opposition does not have any significant substantive concerns about the content of the bill — it is largely the same legislation. However, some aspects of the bill have key differences and I want to focus on them.

The bill aims to replace the Victorian Multicultural Commission with a new entity. It is important to make the point that we understand that there was a coalition election policy plan for multicultural affairs; however, that policy did not stipulate the introduction of a new body. This was announced by the Minister for Multicultural Affairs and Citizenship in a media release dated 3 February 2011. Essentially this new entity is the old Victorian Multicultural Commission with some additional functions.

Under clause 8 of the bill the Victorian Multicultural Commission will be allowed to undertake systemic and wide-ranging consultation with people and groups with respect to its objectives, to research or investigate and report on any matter relating to those objectives and to require all government departments to assist it in achieving the objectives.

Given the heavy emphasis on consultation I found it very surprising that the government in fact conducted very little consultation about this proposed legislation. The Leader of the Opposition raised his concerns in relation to this issue in his contribution in the Assembly — and I should point out how pleased I was that Daniel Andrews as the new Leader of the Opposition decided to retain the shadow multicultural affairs portfolio. I believe from the days of the Kennett government there has been a tradition of both premiers and leaders of the opposition retaining that role. I do not wish to denigrate Minister Kotsiras in any way, but it is disappointing that the new Premier, Premier Baillieu, has decided not to be the multicultural affairs minister. It sends a message to multicultural Victoria that this portfolio is not high on the priority list of the new government.

Coming back to the point I was making about the Leader of the Opposition's comments in the Assembly around the issue of consultation, I want to acknowledge that Minister Kotsiras did write to Daniel Andrews as Leader of the Opposition and shadow minister for multicultural affairs, addressing this specific concern. In a letter dated 28 April 2011, he said:

> As shadow Minister for Multicultural Affairs and Citizenship I consulted and discussed with key stakeholders, community leaders and community representatives about the needs of the community. These consultations laid the foundation for the plan for a multicultural Victoria that the coalition took to the last election.

The point I wish to make, and the reason I have quoted from that letter, is that when you are the shadow minister and you speak in abstract terms to stakeholders it is not the same as consulting on a piece of legislation. If stakeholders had been consulted this year, with the change of government, and had seen the proposed legislation, perhaps through an exposure draft of the bill — which I would have thought would have been appropriate given the nature of the contents — they would have had an opportunity to look at this matter and consult with Minister Kotsiras in an entirely different way. Consulting about what your policy might be when you are the shadow minister is just not the same as consulting about an actual piece of legislation once a change of government has occurred.

We on this side of the house have concerns about how this bill was brought to the Parliament. As I said, it is ironic when you say you are changing the legislation to enable the VMC to undertake more consultation — and I know the VMC does terrific consultation; it has in the past on a range of issues — but on the critical piece of legislation that relates to how the VMC itself is governed there is very limited consultation. I have spoken to a lot of community organisations in my electorate, and none of them had any idea that this bill

was coming before the Parliament, so they did not have an opportunity to feed into the process.

I come to the issue of the composition of the commission. Clause 12 provides details as to the members of the commission. Whilst the number of commissioners remains at 12, there are some changes to the composition with respect to these members. The bill introduces two new requirements dealing with the appointment of members. One is that a member must be a youth representative — that is, they must be between the ages of 18 and 24.

I am the shadow minister assisting the leader on children and young adults, and I think it is a commendable addition to have the voice of young people represented on the commission's board, and I strongly welcome it. Victorians from all backgrounds should be able to participate in all aspects of our social lives, and young adults who are active in local community affairs should have a voice in the development of multicultural affairs as in other areas pertaining to government.

The other change to the representation of the commission relates to a representative of a community organisation being a member of the Ethnic Communities Council of Victoria, as determined by the minister. The opposition does not have any concerns about the ECCV being represented on the commission. It is an organisation with which I have had some dealings over the years. I am sure that the ECCV member on the board will be a strong voice for multicultural Victoria. Nevertheless, members of other peak bodies have raised concerns with me as to why only one body has been singled out in this way and why other peak bodies will not have a similar opportunity to be represented on the commission. I put that matter on record, because I think it is fair to canvass the range of views that have been expressed to me about these issues.

Part 4 of the bill establishes eight regional advisory councils across each of the regional areas of the state. There will be five country and three metropolitan councils. Each council will be chaired by a member of the commission. A council's membership of volunteers will be drawn from its respective regional area.

The bill provides that the councils will offer advice to the commission on matters relating to its objectives and functions. The councils will work in partnership with the commission and local communities with the obvious intent that this advice is formed through unique local perspectives. The point I make about that is it has not been clearly articulated why the regional advisory councils have been established. I have spoken to many individuals about this, such as local government councillors who are involved with various multicultural advisory bodies in their respective local government areas — and I point out that some of those bodies have been around for decades. They have expressed their concern that the government seems to be ignoring the fact that these regional bodies already exist or have existed for some time, and that the government seems to be duplicating work that has been occurring for some time in many local government areas.

In relation to the new reporting requirements for government departments, the bill requires that at the end of each financial year government departments submit a report on how they have promoted or otherwise supported multiculturalism. This is a welcome provision, and the opposition will be carefully looking at those reports to ensure that the government delivers in this area.

As I have pointed out, although the bill makes some improvements, there are aspects and subsequent administrative changes that are of concern. The former Labor government made a decision many years ago to merge the old Victorian Office of Multicultural Affairs and the VMC to provide a whole-of-government approach with respect to the administration, policy and advocacy functions of the multicultural affairs portfolio.

The reason we did that was we thought that having one streamlined body would enhance the voice of this portfolio and the voice of multicultural Victoria, if I can call it that, within the government. It is essential to have a whole-of-government approach to these issues. Bodies and departments tend to think about issues with a silo mentality. This reform was intended to ensure that there would be one body providing advice to the relevant minister and therefore to the government, and that it would have a greater negotiating ability when it came to budget submissions and other submissions through the government.

On 3 February this year the Minister for Multicultural Affairs and Citizenship, Mr Kotsiras, announced that the policy and administrative functions formerly located within the Victorian Multicultural Commission would be transferred into a new Office of Multicultural Affairs and Citizenship to be established within the Department of Premier and Cabinet. The rationale put forward by the minister in a media release was partly that this would establish a more independent commission. The fact that that statement was made in a media release was offensive to everybody who has been involved with the Victorian Multicultural Commission over the years. It has been an independent

commission and it is a statutory body. It is a body that has community members on its board who provide advice to government through the commission.

My concern with the proposed change is that splitting the functions of the commission into two — having this new Office of Multicultural Affairs and Citizenship as well as retaining the Victorian Multicultural Commission — will mean multicultural affairs will have less impact on the government. It will be the Office of Multicultural Affairs and Citizenship that will provide the day-to-day advice to the minister and the VMC will be gradually sidelined. I am sure this would be of concern to multicultural communities across our state.

The jury is out on what this will mean in terms of funding for the VMC grants program, for translation services and other issues of importance to migrants and refugees. As I said, we will be watching to see what is in the budget today on these issues, but we will also be watching to see what impact these changes will have within government, to services across government, translation services in hospitals and to a range of other areas that are so critical to our diverse communities.

I commend the Victorian Multicultural Commission for providing the second-reading speech in 10 different community languages on its website. I acknowledge that there are language barriers to many in our community. However, I make the obvious point that many members of our multicultural community are elderly people who may not have access to the internet and may have missed out on this information. It comes back to the point I made before about consultation and that sometimes these things can be done better by having community forums and inviting people from across the age spectrum to be present, including those who might require interpreters, so that those people can ask questions and participate. The government can then brief those people about important changes to multicultural affairs legislation.

I point out that the information on the VMC website regarding the changes to the policy and program functions of the new Office of Multicultural Affairs and Citizenship states that several of the programs listed on the website are now to be administered by the new Office of Multicultural Affairs and Citizenship, but for more information we are referred to the Department of Premier and Cabinet website. Once there, we are told that during the period of transition, information about the Office of Multicultural Affairs and Citizenship programs can be found on the VMC website. Unfortunately the information on the internet is not particularly helpful at this time. I am sure that will be corrected, but it is really not adequate for the minister to claim that there has been adequate consultation about these changes while people are going around in circles when trying to find information on the internet.

I conclude by saying that successive waves of immigrants and refugees have enriched us socially, underpinning our growth and making Victoria one of the most inclusive, vibrant and multicultural places in the world. With an increasing population in Victoria, we have to ensure that we remain a culturally diverse and cohesive multicultural society in the future. Victoria's future is linked to our commitment to the equality of opportunity and participation of all Victorians, and it is for this reason that the Labor opposition will be watching closely to see if the new government delivers on its rhetoric in multicultural affairs.

Ms HARTLAND (Western Metropolitan) — I thank Ms Mikakos for going over this bill in such great detail. I really appreciate that. I would absolutely agree with most of what she has said, especially on the issue of consultation. The groups that I have spoken to have also raised with me the complete lack of consultation on this bill, especially considering that it does make changes.

I live in the western suburbs. We have an incredibly diverse community, with people from up to 130 different countries. While we are pleased to see the establishment of an independent body to guide the government to support and strengthen our multicultural communities — it is hopefully a sign that the government recognises the value of independence — we believe the commission's absolute independence is questionable, as the commission must comply with any directions given to it by the minister and so can only be as independent as the minister permits it to be. Over the next year or so we will see how that is going to work.

We now wait in anticipation for the government to establish other independent bodies to see how they will cope. As I remember it, there is an independent transport authority that we have not seen any sign of yet.

We are pleased to see the bill is aimed at strengthening regional engagement in the area of multiculturalism through the regional advisory councils, but I also take up Ms Mikakos's point that there are a number of organisations that already do this, and I ask why it is that the government is not strengthening these organisations as well. We all know that these community organisations in regional and metropolitan Victoria are already stretched to capacity and often rely

greatly on volunteers, so we hope to see adequate resourcing of these representative organisations to support them in contributing to the best of their ability.

We are quite concerned about the fact that there will be some people who will be excluded from being involved in the commission on the basis that they are an electorate officer or a councillor — for example, Sam Afra, who is the chairperson of the Ethnic Communities Council of Victoria, will not be someone who could be recommended for the commission; and John Sipek, who is the mayor of the City of Moonee Valley, will not be able to be on the commission because he is a councillor. We are already excluding certain people from the commission on the basis of their jobs. Who will we exclude next?

We want to see the commission work well to strengthen our diverse communities, and we hope to see a number of outcomes. Some of these are the celebration of diversity and the counteraction of racism, including actions by governments that choose to vilify and demonise asylum seekers and refugees; the removal of barriers to participation for people of diverse ethnic and cultural backgrounds; the setting of standards for cultural awareness; the supporting of multicultural training across key sectors such as policing and teaching; and the provision of accessible and supportive English-as-a-second-language courses.

I will give an example of the way in which we need support for community-based initiatives by and for diverse communities. The River Nile Learning Centre in Footscray provides educational services. The centre was formed in response to issues in refugee education in Melbourne's west. Young refugees were facing educational difficulties, as their education had been severely disrupted by war, political oppression and disasters. Having arrived in Australia they were unable to obtain an effective continuation of their education. They were offered six months at what was the Tottenham English Language Centre, but that is all.

These are young people who may speak four or five languages but have no written language skills, who have spent most of their lives in camps and who are expected to somehow catch up on their education with the provision of an extra six months. In fact they need years of extra education. These young people are often unable to have an effective continuation of their education, and the River Nile project attempts to give that continuation. I see this is a very practical example of strengthening multiculturalism and facilitating participation in our community. I hope the government seriously looks at projects like this which make a real difference to people's lives.

With those brief comments the Greens will be supporting the bill, but I will be looking very closely at the work of the commission over the next year or so for all the reasons that have been outlined by Ms Mikakos.

Mr ONDARCHIE (Northern Metropolitan) — I am delighted to be able to stand here today and speak on the Multicultural Victoria Bill 2011. I am delighted that those opposite are going to support this without question, albeit while looking very carefully at how things go.

The purpose of this bill is to establish the principles of multiculturalism, to establish the Victorian Multicultural Commission, to establish eight regional advisory councils, to establish reporting requirements for government departments in relation to service delivery for diverse communities and the principles of multiculturalism, to establish reporting requirements for the commission, to repeal the Multicultural Victoria Act 2004 and to provide the necessary transitionary provisions. This bill meets the human rights compatibility requirements. It meets the privacy rights. The commission does not have coercive powers. This regime is about being cooperative and collaborative. It meets the cultural rights requirements.

Overall this is a great bill, and it is one which we commend to the house. It aims to restructure and strengthen the multicultural affairs portfolio. This will be achieved in three ways: by establishing a new statutory body, the Victorian Multicultural Commission; by creating eight regional advisory councils; and by using a whole-of-government approach, something that might be an unusual statement to those opposite.

The make-up of the commission will include a full-time chair, a part-time deputy chair, eight part-time commissioners who will be the chairs of the regional councils, a youth representative — and when I talk about youth, I mean those aged 18 to 24 years — and a representative of a community organisation, who will also sit on the commission. It is going to focus on strengthening our community. It maintains its independence through its powers of research, allowing it to report and advise the minister directly of systemic community issues relating to the commission's functions. Its independence is further promoted by the instigation of investigations into issues. The minister can refer an investigation, but the commission can also independently investigate any relevant issues; it has the power to research and report.

The regional advisory councils will be established in the regional areas of the state — five country councils

and three metropolitan councils — and they will work closely with local diverse communities. Councils will act as conduits of information about matters relevant to the commission. Each council will be chaired by a part-time commissioner and will include ordinary members drawn from volunteers within the region. The chairs will draw on their local knowledge and expertise to provide direct channels from those diverse communities to the government with regard to issues facing each community in terms of the effectiveness and accessibility of government services and settlement support.

Whilst this is not enumerated in the bill, special functions of the councils will include drawing on knowledge of local community members to provide advice; working with local businesses, employers and state business development officials; identifying job pathways available for new migrants; and promoting Victoria as a migrant destination. The councils will host regional forums, identify opportunities to celebrate the contributions of different cultures and religions in Victoria and encourage social cohesion and harmony, something with which I am very familiar.

I am the product of a migrant family. My parents arrived here in the 1950s by boat from Ceylon, now known as Sri Lanka, and their children had to settle into what were predominantly Anglo-Saxon, white schools. At school, with my slightly darker-than-white skin, my nickname was 'Choco'. No-one knew how to refer to me, so throughout my schooling they called me Choco. Fortunately in 2011 we have moved forward, and this bill is a great example of the Baillieu government's ability to embrace multiculturalism.

My electorate of Northern Metropolitan Region is a culturally diverse region. During my recent visits to many community organisations there were examples such as Epping Views Primary School, a school that celebrates both Diwali and Easter, which is a great example of multiculturalism at work. Lalor East Primary School is a great example of how many cultures integrate in our community. In my recent attendances at citizenship ceremonies in Whittlesea and Banyule there have been a range of representatives of different cultures proudly standing up to call themselves Australians. In fact I was delighted that my parliamentary colleague Mr Elasmar joined me at the Whittlesea ceremony to celebrate new Australians.

At Plenty Valley Community Health Centre a range of different cultures receive services. The multicultural commission will be of great help in enabling many of those people to integrate into our community. When I visited the Preston mosque recently its members spoke favourably about this bill and how it will support what they are trying to do as a community.

I visited a Carlton public housing estate recently and met Somalian women who want to be integrated, both by gender and by culture, into the Australian community, and this bill will help to do that.

In my office alone those employed come from a range of backgrounds: Zimbabwe, South Africa, India, Sri Lanka, English backgrounds and of course multigenerational Australians.

Ms Mikakos — How many staff have you got?

Mr ONDARCHIE — They are of mixed race. I am proud to speak on this bill today, Ms Mikakos, because it represents what Victoria can be. Migrants come to Australia from many different backgrounds, — as asylum seekers, on boats and as people who come here for a better life. Indeed when I met 80-year-old Mr Khan from the Pakistan community at Pakistan day on Saturday he wept when he saw three generations of Pakistanis in Australia embracing Australian culture. The day was organised by the young Australian Pakistanis, and that means people aged 16 to 25 organised the whole day. There were great celebrations in the Pakistani community, all coordinated by young Australians of Pakistani background. I understand why Mr Khan wept, and I understand that his dream was being fulfilled, because what we want to do in Australia is embrace the different cultures.

All migrants come to Australia with different motives but they aim to build better lives for themselves, their children and their grandchildren. Migration adds to the cultural diversity which is an asset to Victoria in terms of creativity, generation of ideas, innovation and social opportunity. It goes without saying that it contributes vastly to our economy. The coalition's plan for multiculturalism is one that should be embraced by this house, the Labor Party and the Greens because it moves Victoria forward.

The plan talks about volunteerism. The coalition government will take on initiatives endeavouring to enhance the volunteer ethos in our communities, including strengthening volunteering information online in various languages, encouraging and fostering a culture of volunteerism and recognising the contributions of individuals and community groups to multiculturalism, providing more administrative support to strengthen and expand the culturally and linguistically diverse volunteer resource centre, raising the profile of Victoria's multicultural awards for excellence and creating an honour roll for newly

arrived migrants who have taken a leadership role in their communities. We have already started to deliver these initiatives.

I am a great fan of volunteerism which unifies Victorians and allows them to become active citizens by making a positive contribution to the wider community. Volunteering enhances Australian citizenship and builds a strong, unified society which is inclusive and harmonious.

In terms of a multilingual Victoria, our policy is committed to creating one of the world's most diverse and effective LOTE (languages other than English) programs. The plan aims to introduce compulsory LOTE classes for Victorian primary schools and expand them to include prep to year 10 by 2025. The plan will enhance and support the value and role of community language skills. The plan will invest money in start-up grants to schools taking up LOTE programs for things such as DVDs and textbooks. It aims to ensure that government websites, where applicable, are published in different languages and to promote a healthy multilingual economy by encouraging businesses to use our multilingual workforce to capture new markets, build new relationships and give businesses an international outlook.

The coalition's plan for multiculturalism is about diversity and improving Victorians' business capabilities. We plan to review and strengthen business strategies for the Chinese, Indian, European and Middle Eastern markets, and we plan to build on those important relationships. This government will provide strong support for community language schools by increasing student funding in those schools from $120 to $190 per student.

This government is committed to strengthening the Sister Schools program through the Department of Education and Early Childhood Development. The best way to master a language is to speak it with people who know it well. This government is committed to providing more than $1.8 million over four years to the Centre for Multicultural Youth.

I have already spoken about the government's intention to enhance the Victorian Multicultural Commission.

The government also plans to improve language services and will establish a settlement coordination branch within the Department of Premier and Cabinet, which will ensure that the start of people's lives as new migrants to Victoria is as smooth as possible. We will provide a whole-of-government response to the needs of newly arrived humanitarian category migrants, especially those who need employment and education pathways.

We will also establish a culturally and linguistically diverse (CALD) job bank, which will allow qualified professionals and skilled migrants from CALD backgrounds to register their interest together with their overseas qualifications. Employers will have access to the register and will be able to make contact directly with the registered people.

Ours is a government which has consulted and consulted widely. We have talked to people and asked them questions, including people from many ethnic communities. Indeed when this party was in opposition and there was trouble with Indian students, who was the first person to go and speak to them? Ted Baillieu. Recently concerns have been expressed about members of the Sudanese community. Who was the first person to go and speak to them? Ted Baillieu.

If those opposite want to accuse this government of not consulting with people, let me refer them to the regional rail project that will run through Footscray. Residents of Footscray found out they were going to lose their homes when people in the media knocked on their doors. Do those opposite call that consultation? Let us talk about the consultation on the Windsor Hotel project. Was that not an interesting form of consultation?

Ms Mikakos said this bill makes some improvements, and she could not have been more accurate — this bill does make improvements. I am expecting those opposite will support this bill, because as the Leader of the Opposition in the other place said, there is no room for intolerance, there is no room for prejudice and there is no room anywhere in our state for people to lack the fundamental respect that is such a selling point and such a source of pride for us in a broader sense. I am expecting those opposite to support this bill. I commend the bill to the house.

Mr SCHEFFER (Eastern Victoria) — One of the positives in Victorian politics is that all parties represented in this Parliament support multiculturalism as it has developed in this country since World War II. All parties have positive policies that foster the wellbeing of immigrants and their right to continue to develop and grow their first culture in a constructive relationship with the mainstream culture. A cynic might say that this is because immigrant communities are astute political operators and that parties that shun them or shun multiculturalism suffer the consequences. However, I prefer to believe that sensible citizens and the parties that represent them genuinely value cultural

diversity for its own sake because it is an integral part of the identity of every citizen in this state and it is the foundation of our democracy.

Multiculturalism describes a social dynamic in which new communities assume their place in modern Australia not by stepping away from their past but through understanding that their culture of origin, its languages, its learning and skills, its global networks, its philosophies, music, poetry and foods can and will inevitably challenge and change this country for the better. It takes a strong and resilient nation to accept this challenge and overall, with all its stops and starts, Australia and Victoria can claim considerable achievements, but we should not be too self-congratulatory. We should not assume that the approaches taken over the last 65 years will serve us into the future.

There were always tensions as each new wave of immigrants encountered those mostly English, Irish and Scottish Christians who had already settled here and who had begun to forge a distinctively Australian identity. Nearly all of the early immigrants came from Christian European and Mediterranean societies. Although there was some friction here and there, most immigrants were able to fit into society relatively easily and adopted the institutions that the British had established.

Today's immigrants represent a much wider range of racial, ethnic, linguistic and religious backgrounds than we had in the recent past. This broadening has brought new tensions that are different from those that existed with previous waves of immigrants, because many new arrivals present with histories, cultures and religious beliefs that are not Judaeo-Christian. This great multicultural diversity has taken place against a public debate over the treatment of asylum seekers and the so-called clash of civilisations that has sadly and alarmingly heightened fear and mistrust to some degree, even in this country.

Today globally as well as in Australia the perception of multiculturalism feels different, and multicultural policies and practices face new stresses. A common opinion is that once they arrive and settle in Australia the vast majority of new immigrants stay permanently and live here happily, but the facts may tell a different story. About half the number of immigrants who arrive in Australia leave permanently. Recent figures from the federal Department of Immigration and Citizenship show that around 158 000 people arrive and around 85 000 people leave permanently, and that number of permanent departures is increasing each year. More than half of those who leave permanently were either born overseas or are the children of immigrants who were born overseas. The department says that the reasons for leaving may involve longing for home or a sense of insecurity in Australia. Some people leave when they retire, some leave when a spouse dies, and younger people indicate that in many circumstances they need to leave because they have obligations and family responsibilities in their countries of origin.

This is an important matter, because it points out that the immigrant experience is far from straightforward. The immigrant experience is not a simple story of members of the first generation doing it tough, earning their stripes and finally making it into home ownership, followed by a well-adjusted second generation of Aussie kids kicking the football around the backyard. New arrivals live their days in multiple spaces. While they accommodate themselves to their new home, they long for the countries and people left behind and wrestle to fulfil significant responsibilities overseas — often in more than one country as families these days are dispersed globally. Staying or going is an ever-present dilemma for many immigrants, and this disconnectedness can make them susceptible to criticism from the mainstream community. Often third and fourth-generation Australians only see the benefits that this country offers without appreciating what immigrants have left behind and the many obstacles they are required to negotiate in this country.

The extent to which the Australian community makes immigrants feel welcome and valued directly affects a new arrival's sense of security and their ability to embrace their new home. The laws of this state and the public statements of community leaders, including MPs, influence the sense of belonging, confidence and ability to integrate into the Victorian community. Our overall success in immigration and our immigration programs is a consequence of our shared commitment to strengthening multicultural communities through a range of practical programs that value social diversity.

The dramatic advances in global communication technologies are having a big impact on the immigrant experience, because they mean that connections with family and country of origin can be maintained and immigrants can stay connected almost on a day-to-day basis with the political and social developments in their countries of origin. This is very different to the experience of immigrants of my and older generations, where the separation was stark. The months that stretched between letters and the decades that stretched between visits fixed the separation and made integration into the new country a matter of course. New technologies such as email, satellite television and Skype can make it possible for some immigrants to live

in a virtual world of their country of origin and can make the transition to the society that is outside their front door more difficult. The extent to which this is a problem needs to be handled sensitively so that greater inclusion and full participation in Victorian and Australian society is encouraged, not discouraged.

Bodies such as the Australian Human Rights Commission have cautioned us to ensure that actions aimed to encourage and support transitions to full engagement in Australian society are carefully considered and managed to avoid the inflammation of public opinion against groups that may be vulnerable to being subjected to attack and criticism.

The Victorian Multicultural Commission has done a phenomenal job in fostering a sense of belonging and self-worth amongst members of Victoria's multicultural communities. I join Jenny Mikakos in taking this opportunity to pay my respects and express my gratitude to George Lekakis for his leadership of the VMC for more than a decade. I know that the many communities he supported and counselled will sorely miss him. My relationship with George goes back to his time at the Migrant Resource Centre in Fitzroy Street, St Kilda, so I have followed his career over some decades. He is a genuine and powerful advocate for multicultural communities. I also acknowledge the role of Hakan Akyol, the current interim chair, and wish him well in that endeavour.

As Jenny Mikakos indicated, the opposition supports the Multicultural Victoria Bill 2011. The bill is an amended version of the Multicultural Victoria Act 2004. It restructures the Victorian Multicultural Commission and gives it additional functions, including a research responsibility and capacity and the provision of advice directly to the minister on system-wide issues.

The bill also provides that the members of the commission include a youth representative and a member of a relevant community organisation — in this instance, the Ethnic Communities Council of Victoria. I applaud these changes to the composition of the commission. They will make a real difference and are constructive and sensible changes.

The chair of the commission is empowered to employ staff and has powers and responsibilities similar to departmental heads. It has already been observed that eight regional advisory councils will be established, each chaired by one of the part-time commissioners. That will be an interesting development. The opposition and the Victorian community will watch with interest to see how the regional advisory councils operate, how well they advocate for the communities in their catchment and how well they deliver better services to the affected and relevant people.

The relocation of the commission's policy and administrative functions to the Department of Premier and Cabinet is a concern. Ms Mikakos drew attention to this and unpacked it in more detail than I will, but essentially we on this side of the house are concerned because it has a great potential to weaken the independence of the commission. The change may reduce the commission's capacity to provide frank advice to the government, paradoxically, because the department will have effective control over the commission's policy and administration, and with that will come control over other things. Regrettably, the Victorian Liberal-Nationals coalition plan for a multicultural Victoria does not mention these administrative changes. As I said earlier, Ms Mikakos has indicated that the opposition also has concerns about the lack of consultation.

Overall the bill continues an important bipartisan approach to Victoria's diverse communities and to multicultural policy, and this is why the opposition will not oppose the passage of the legislation.

Mr ELSBURY (Western Metropolitan) — While over recent months governments in Europe have bemoaned the result of their version of multiculturalism in their own countries, I stand here proudly to announce that Victoria today is a multicultural success story.

In my direct neighbourhood I can lay claim to a very peaceful, neighbourly environment with my neighbours coming from all over the globe. I have Malaysians, Sudanese, South Africans, second-generation Italians, Spanish, Indian, Indonesian and Maori neighbours, all in my small court in Tarneit. We recognise our differences, but we are united in seeking a place to call home where we can raise our families. Victoria offers many opportunities and continues to attract people seeking this way of life. It is a story that is repeated across my electorate and throughout Victoria.

I have had the pleasure of attending many multicultural events and functions over the past 12 months in the lead-up to last year's election and since being elected, including three separate new year's celebrations. The work of multicultural groups that I have observed provides specialised services in aged care, youth groups, cultural celebrations and even social integration and the development of language skills. I have been pleased to observe the local Bengali population working with young people and new arrivals not only to teach them English but also to preserve their cultural heritage and languages so that the next generation of

Bengali-Australians will be able to share in Bengali music, culture and vibrancy.

I am thrilled to say that Karen people have decided to call the western suburbs home in great numbers. I am willing to be corrected on this — I do not want to mislead the house — but I have also heard that in the next few years we can expect the Indian population in the western suburbs to outstrip the Italian population. If anyone has any information to contradict that, I would be more than happy to hear about it, but the Indians are pretty certain about that.

However, our success in Victoria does not preclude multiculturalism from further improvement or refinement. We need to ensure that there is an inclusion of many groups rather than an overtly selective process. Our success should now spur us on to further develop a greater appreciation of the gifts multiculturalism brings to our society, and the great way in which different groups from across the globe can say, 'We are Australians' and, much more importantly, 'We are Victorians'.

The Multicultural Victoria Bill 2011 fulfils the coalition's electoral commitments to restructure and strengthen the multicultural affairs and citizenship portfolio. The bill seeks to do this by increasing the independence of the Multicultural Affairs Advisory Board through new legislative and administrative arrangements enabling it to report directly to the minister. Eight regional advisory councils (RACs) will be formed to create stronger links between the government and the various ethnic, linguistic, religious and cultural communities which make up Victorian society. Each of the regional advisory councils will be chaired by one of the eight part-time commissioners and those councils will work with local communities to provide information about the issues impacting on the commission's role, including regional resettlement and service delivery.

The RACs will work with local business, employers and state government officials to develop job pathways for migrants. They will promote the celebration of different cultures and promote harmony by including everyone who wants to be involved in some of the great and colourful celebrations we have in this state. When I have gone to a number of celebrations across the western suburbs I have been very happy to see not only people from the specific ethnic group that is celebrating but also people from various other cultures as well as the Australian flag flying proudly over everyone at those events.

A focus will be placed on citizenship as the unifying force for all groups and individuals who call Victoria home. To some people who come to Australia this is an attempt to start anew. For others it is a completely new cultural immersion. This bill seeks to assist new arrivals as well as empowering established groups in having their genuine concerns and ideas brought to the government's attention. By its very structure the new commission of 12 will provide for voices to be heard with a full-time chairperson and part-time deputy forming the leadership needed in this very important role. They will be supported by a youth representative who will highlight the issues facing 18 to 24-year-olds and impart their experience of how to engage with and work specifically with a younger demographic.

A representative from a community organisation will also join the commission and be able to feed in their experience in dealing with multicultural affairs and citizenship, further enhancing communication with groups and ensuring that what seems to be a good idea in an office actually bears results for our multicultural communities. The eight part-time members, who will be the chairs of the RACs, will bring with them their skills, experience and local knowledge, which will further enhance the commission.

The principles of multiculturalism under this bill will place a further emphasis on citizenship and community service and on a recognition of Australia's diversity. The shared commitment of citizenship allows us all to remember our traditions while reaffirming our unified stance as Australians.

This bill reaffirms the coalition's commitment to multiculturalism as a truly inclusive endeavour, and it seeks to build on community strength while recognising the diversity and individual stories which make up Victoria. I am heartened to hear the support of those opposite for this bill, despite the dampened enthusiasm of their language for the goals the bill seeks to achieve.

In an article by Alan Howe in the *Herald Sun* of 28 March, the Premier, the Honourable Ted Baillieu, was quoted as saying:

> We have a precious multicultural state …
>
> We treasure, we nurture it and we will promote it.
>
> Victoria's getting this right … multiculturalism in this state works …

These words are starkly different to those being uttered in Europe, and we should be very thankful. These words, the fact that we have a committed Minister for Multicultural Affairs and Citizenship, Mr Kotsiras, the member for Bulleen in the other place, together with

this bill show the strong commitment of the coalition to continuing the success of multiculturalism in Victoria. This will be done with a focus on ensuring that broad views are heard and that our programs are responsive.

The new Multicultural Victoria Bill 2011 will ensure the diverse groups that make up modern Victorian society are able to participate in and be heard by the government. Community groups will be empowered by this bill. They will have a commission that will be focused on their needs, be responsive to their issues and one which will seek to make multicultural events open to all Victorians. I strongly support this bill.

Mr TARLAMIS (South Eastern Metropolitan) — I rise to make a contribution to the debate on the Multicultural Victoria Bill 2011. I wish to state from the outset that the opposition does not oppose this bill.

I believe our cultural diversity and multiculturalism is an example for many communities across Australia. Migrants like my own family settled in Victoria in search of a better life. Many have found such a life in both metropolitan and regional Victoria. Migrants have worked hard, some in the hardest jobs, learnt English, bought homes and raised their families, overcoming the social and cultural challenges of their new homeland. They have contributed greatly to our economic prosperity and to our reputation as a diverse and culturally rich state.

In Victoria 40 per cent of our citizens were born overseas or have a parent who was born overseas. They come from 200 different countries of origin. My own family reflects this diversity. My father's family are from Greece and spent about 16 years in Uruguay where my father went to school before the family migrated to Australia. My mother's family came from England and Wales.

The state has a role to play in ensuring that we continue to invest in cultural diversity and multiculturalism and that we support the communities which have embraced Victoria and which have brought their customs, traditions, friendships and culture, making us the great community we are today. This greatness can be seen in how our community comes together. Already this year we have celebrated the Antipodes Festival in Lonsdale Street, Greek National Day, the Melbourne Latin Festival, the Holi Festival of Colour, Harmony Day, the Cambodian New Year, the Christian and Orthodox Easter celebrations and Passover, to name but a few recent events and religious traditions celebrating our cultural diversity and interfaith community.

I am proud to stand here today as a member of the Labor Party and reflect on the previous government's support for our multicultural communities across the state. In our last year in government we provided $5.6 million to around 2200 multicultural groups, including 700 seniors groups. This sevenfold increase in funding allowed culturally and linguistically diverse seniors communities to celebrate their cultural heritage and share their traditions and language. It fostered an environment where seniors could meet regularly and enjoy outings, lunches and festivals with their community. It also addressed the important issue of social isolation for many seniors who come from non-English-speaking backgrounds. They had the support to be able to enjoy recreational activities specific to their cultural heritage and meet regularly for food and conversation.

The Cultural Precincts and Community Infrastructure Fund provided $12 million to revitalise our key cultural precincts. The previous government supported the enhancement of Melbourne's iconic cultural precincts such as Lygon Street, Little Bourke Street and Lonsdale Street. We established the 24-hour International Student Care Service, a first in Australia and a service that became a very important source of practical support for overseas students, some of whom will be future citizens.

Another Labor initiative was the refugee health nurse program which has benefited many newly-arrived refugees and settlers from refugee communities who live in my electorate in areas such as Dandenong and Noble Park. We supported more than 200 community language schools, launched a range of reforms and provided financial support for interpreting and translating services for government agencies and committed over $50 million to languages-other-than-English programs in primary and secondary schools. We also introduced legislation such as the Racial and Religious Tolerance Act 2001 and the Charter of Human Rights and Responsibilities Act 2006.

Springvale, in my electorate, boasts a large Cambodian and Vietnamese community that attracts many visitors from across Victoria who come for its restaurants, fresh produce and stunning temples of worship. In Carrum a cultural and education centre has been constructed at the Hindu temple.

Mrs Peulich — Carrum Downs.

Mr TARLAMIS — Yes, Carrum Downs. Not far down the road, Cranbourne is home to a large Sri Lankan population. Dandenong and Noble Park have large Afghan, Indian and Sudanese communities, all of

which have contributed significantly to business and industry in those areas, and a large number of people from the Chinese, Greek and South-East Asian communities have chosen Mount Waverley to settle and raise their families.

This bill repeals and re-enacts the Multicultural Victoria Act 2004. It sets out the restructure of the Victorian Multicultural Commission (VMC) and provides for additional functions such as the ability for the commission to research, report and advise the minister on systemic community issues. However, the bill does not give us an insight into what type of research will be undertaken or what support will be given to the commission to undertake that function.

The bill includes positive changes to the composition of VMC. The commission will still consist of 12 commissioners but is now required to include a member aged between 18 and 24. The inclusion of a youth representative is a worthy initiative. It is important that the voices of younger people are heard and that they share their experiences, as they will be our future leaders.

The bill also requires that another commissioner be a representative of the Ethnic Communities Council of Victoria. Since 1974 ECCV has grown from a small volunteer-based community organisation into a large statewide body with 65 000 members representing over 60 ethnic groups.

The bill establishes eight regional advisory councils across five country and three metropolitan councils. Each council will be chaired by a member of the commission and will include volunteers from that region who will work with the community and assist the commission to execute its functions, including the provision of regional settlement and support services. A positive initiative emanating from this bill is that it establishes new reporting guidelines for heads of government departments to make sure every reasonable effort is made to assist the commission when it is preparing reports.

I am concerned by the government's announcement that the administrative functions previously located within VMC will be shifted to an Office of Multicultural Affairs and Citizenship established within the Department of Premier and Cabinet and the impact this will have on Victoria's multicultural communities when it comes to the allocation of grants and the broader administrative support it provides. I am fearful that groups may be reluctant to criticise the government for fear of jeopardising future funding. This initiative, combined with the recent changes to the commission, has created uncertainty and confusion for some multicultural groups. While much of this bill's contents reflect the government's commitments at the last election, the replacement of the VMC with a new independent body was not one of them.

Of further concern are the transitional arrangements to move to the new framework and whether multicultural groups have been consulted about these changes. It is reasonable to think, based on this government's previous actions, that little or no consultation has been undertaken with key stakeholders during the drafting of this legislation. As stated previously, we will not be opposing this bill. However, we will be watching closely to ensure any concerns are addressed in the best interests of our multicultural community.

Mrs PEULICH (South Eastern Metropolitan) — I delight in hearing discussion on the needs of and plans for long-established as well as emerging multicultural communities and how they can integrate more effectively to take greater opportunities to feel they are part of this amazing nation which has opened its doors and given refuge to people from all walks of life and all parts of the world.

My family and I emigrated to Australia in 1967 with the help of low-cost loans, which we had to repay later, provided to family units through the Catholic church. Without Australia opening its doors to my family I probably would not have had the opportunity of gaining an education. My father had fallen foul of the Communist regime for doing his job with integrity and honesty, for which he was black marked and summarily jailed, probably never to work again. Because of that, my brother and I would never have gained entry into university or been able to obtain higher education.

What Australia represents to so many people around the world, including economic and political refugees, is an opportunity to enjoy the fruits of democracy, freedom and choice, the basic freedoms that many of us in Australia take for granted — although I never do. As a child I did not have freedom of speech or expression. I lived under a communist regime that worked on a system of informants where an indiscreet comment to a neighbour or school friend could result in a parent being jailed. For me the freedoms we have are very precious. The treatment of our multicultural communities for me, therefore, is a very precious government policy.

I must say I deplore Labor's inability to refrain from playing politics with our multicultural communities. Labor just cannot help playing politics with what should be a strong bipartisan policy, one that is above

the cheap short-term benefits that politicisation of this important policy area offers parties such as the Labor Party.

I commend the Minister for Multicultural Affairs and Citizenship on returning the Victorian Multicultural Commission to where it once was — that is, outside the direct arm and control of a government department — and giving it independence. Of course, someone must take responsibility, and the minister will do that. This will depoliticise and professionalise Multicultural Affairs Victoria.

Whilst I have heard the criticisms about the lack of consultation, this was an election commitment. I am confident the minister will, through the structures facilitated by this legislation, be consulting like no previous government has on the needs of our emerging and established multicultural communities across this state, particularly the multicultural community that Mr Rich-Phillips and I represent as members of the Liberal Party for South Eastern Metropolitan Region.

The heart of our region is Dandenong, Springvale and Noble Park, which Mr Tarlamis mentioned. Large numbers of people are from China — including Hong Kong — Cambodia, Vietnam and Sri Lanka. The Indian community is very large, and there are also the more established Italian and Greek communities. I was interested to learn that there are over 9000 people from Slavic backgrounds — that is, Serbs, Croats and Bosnians, and I imagine there are probably a few Macedonians thrown in for good measure — across South Eastern Metropolitan Region. I am an Australian of Slavic background.

I commit a lot of my time to attending various festivals and events in my role as an MP. I consider that to be an important part of my job. I do not discriminate; I go to mosques when I am invited, and a couple of weeks ago I had the great pleasure of going to the Deer Park Bosnian festival, where a Labor member of Parliament, admittedly from another state, did not turn up, despite having promised to do so, and where the ambassador had promised to turn up but did not. The only supposed VIP who turned up was me, and it was my great honour and pleasure to participate, to meet the wonderful Bosnian community and to enjoy some of the choirs that performed on the day.

Many of those communities put a significant effort into organising events for members of their community who perhaps have not integrated as well into broader community life, but they also organise such events to ensure that the younger generations understand the cultures from which they have come and the language their mothers, fathers and grandparents speak. They are also opportunities to enjoy the benefits of the music and food. However, it is more about the values and the cultural identity.

The reform contained in this bill is important to me. It depoliticises and professionalises the commission, and it adds terms of reference. In particular, I commend the emphasis on research, which will ensure that issues are researched and consulted on and then the programs and the responses to real problems facing real communities will be better placed. We all know — and I will not recount it — how little was done by the previous government, and certainly what was done was done too late to respond to the issues confronting our international students, particularly our Indian students. We know, for example, that our Sudanese communities face significant problems, especially concerning their young men. There was a lead media story recently reported which followed an ugly and violent incident at the Clayton town hall. The casual observer may not understand some of the specific problems and challenges, so I welcome this emphasis and this additional research and advisory role for the commission.

I also commend the establishment of the regional councils, which will give us an opportunity to drill down into the specific needs of our regions. I am excited about what that may offer for South Eastern Metropolitan Region. I know Mr Tarlamis, who is my opposite number on the Labor side of politics, has a genuine commitment to multicultural affairs given his background. We will probably see eye to eye on this, and I look forward to working with him as well as with other upper house members to genuinely advance this cause.

What I hate to see are the Labor up-and-comers — the wannabes and numbers men — misusing our multicultural communities and multicultural policy for cheap political benefit. I am not going to dwell on this, because many of us have known about it for some time and we have read about it. However, I would like to cite one example of it. Unfortunately it involves some well-known Labor identities on the Monash City Council, in particular two luminaries, one of whom has a chair at the Council of Australian Governments, Cr Geoff Lake. Obviously he has had a distinguished career in local government. I understand he got married the other day, so I would like to congratulate him. There is also Cr Stephen Dimopolous, who is a well-connected member of the Labor Party. Both are closely involved with policy development, in particular Cr Dimopolous, who was a Department of Premier and Cabinet adviser on multicultural affairs to Premier Brumby.

On the one hand the Labor Party espouses platitudes in relation to multiculturalism, and the values of cultural, religious, racial and linguistic diversity as well as the freedom and encouragement of all people to participate irrespective of their backgrounds. But when it plays out on the ground, we have the likes of those councillors trying to set up a local policy through a festivals and grants policy at the City of Monash. I have an extract from a council meeting dated 17 November 2009 which involved drawing up some contrived and convoluted policies which would preclude my involvement in my own community. I understand that one of the councillors got up in the council chamber and said I was not a local member of Parliament and therefore I should not have the opportunity of speaking at events which commemorate and celebrate multiculturalism in our region. I will quote from page 2 of section 1.1 of the council meeting minutes. It states:

> In addition, as consistent with council's 2005 resolution, local members of Parliament may be invited to officially speak.

In the history of that particular council it can be seen that it has been very quick to invite state and federal Labor members of Parliament, but it has been very slow to invite state and federal Liberal members of Parliament.

Ms Mikakos — On a point of order, Acting President, I have been listening to the member for some time now, and she has steered away into issues around local government and completely off the issue of multicultural affairs and the bill before the house.

Mrs PEULICH — On the point of order, Acting President, I am trying to point out the inconsistency between what is said by the Labor Party and how it plays out at the grassroots where there is engagement of our multicultural communities.

The ACTING PRESIDENT (**Ms Crozier**) — Order! There is no point of order, but I ask Mrs Peulich to get back to the bill.

Mrs PEULICH — This is still practised now — and we know that local government is an important level of government. I believe in a strong and vigorous local government. Even now when we receive invitations there is no information about the time of any official proceedings. It may be a festival that lasts an entire day. Liberal members of Parliament are rarely advised of specific times for official proceedings, but we will read subsequently about a Labor member of Parliament being involved in the official proceedings at a festival, often funded in part through Multicultural Affairs Victoria. This is an abuse of the funding and an abuse of the policy, and I think those people who manipulate this for cheap political gain should hang their heads in shame. They ought to take a leaf out of Mr Tarlamis's book as well as that of Mr Somyurek, Mr Elasmar and me. A number of members, who have a genuine commitment to multicultural affairs, ought to rise above grotty, grubby politics as it is played out at the local level. I have a file that is probably 2 metres long, which is testament to the way these things can be abused.

I urge those with influence in the Labor Party to make sure they provide the appropriate mentoring to the young guns and ensure that they behave honourably. Commitments to multiculturalism should be above reproach and above cheap politicisation for cheap gain, and Labor Party members will get more kudos from honouring the broader bipartisan policy which has held this country in fantastic stead and which is why across the world we are an example of successful multicultural affairs policy.

I commend the minister on the reforms. They are needed and long overdue. We need to invigorate our multicultural affairs policy. It is too important to get wrong, too important to allow cheap politicisation of and too important to be manipulated in the way that some up-and-comers — some Labor young guns — choose to play it out. The Victorian Multicultural Commission ought to clamp down on every example of that and ensure that its protocols and policies are followed strictly and in a bipartisan fashion.

Mr EIDEH (Western Metropolitan) — I wish to make a brief contribution on the Multicultural Victoria Bill 2011. There are those in the community who wrongly blame multiculturalism for many of our society's ills. You read their comments online in response to newspaper articles or hear them on talkback radio.

I honestly believe that the majority of members have a far more realistic understanding of the great wealth of community, culture and prosperity that multiculturalism has brought to our great state — I include members on both sides of this house. I therefore do not understand why this bill has come about. I cannot see why the relatively new commission is being dissolved and why strict new conditions are being placed on the appointment of members to the replacement commission.

I am deeply curious as to why a great community leader, George Lekakis, was moved out of his successful role as chairman of the Victorian Multicultural Commission (VMC) and into another

role. As my colleague Jude Perera, the member for Cranbourne in another place, stated: if it ain't broke, why fix it?

Then there is the downgrading of VMC. For almost two decades the minister responsible for VMC was the Premier; it was Jeff Kennett, then Steve Bracks and then John Brumby. But the new Premier, Ted Baillieu, does not appear to be anywhere near as committed to multiculturalism as his mentor Mr Kennett. He is placing the reformed body under the wing of a very junior minister indeed. Why? The opposition is yet to hear one solid reason for any of these changes. All that we hear is meaningless rhetoric, all of which is irrelevant to reality.

George Lekakis was highly regarded and respected across all ethnic communities from one end of the state to the other. His role in building bridges between groups saw him rightly receive an Order of Australia medal. He ran an efficient and well-organised body that served as a role model for others, yet he is now being seriously and significantly downgraded.

The former Labor government was committed to multiculturalism. We regarded it as highly as did a former Liberal Premier of Victoria, Mr Jeff Kennett, and a former Liberal Premier of New South Wales, Mr Nick Greiner. Most sincerely I regret to say that this bill leaves me feeling that the new state Liberal government is not as committed to multiculturalism and may even agree with those who attack multiculturalism and blame almost every ill in society on it. The new body will be significantly smaller and have far less influence over policy determination than the VMC. It will exist without the talents of Hakan Aykol and George Lekakis, amongst others. I only hope that it is not also moved away and placed in a small shed. Only time will tell.

The Labor Party values our ethnic communities and the richness of culture that they have brought to our state. From restaurants to music and from sports stars to theatrical stars, builders, designers, doctors, educators and politicians — a list of all the positives of multiculturalism would require all the pages of a hard-copy edition of *Hansard*. The opposition will be scrutinising this key portfolio with great interest. We have come too far forwards with multiculturalism to start going backwards.

Motion agreed to.

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

Third reading

Motion agreed to.

Read third time.

BUDGET PAPERS 2011–12

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — By leave, I move:

That there be laid before this house a copy of the following 2011–12 budget papers:

(a) Treasurer's speech (budget paper 1);

(b) strategy and outlook (budget paper 2);

(c) service delivery (budget paper 3);

(d) state capital program (budget paper 4); and

(e) statement of finances (incorporating quarterly financial report 3) (budget paper 5).

Motion agreed to.

Laid on table.

Ordered to be considered next day on motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).

JUSTICE LEGISLATION AMENDMENT BILL 2011

Second reading

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

Ms PENNICUIK (Southern Metropolitan) — I am happy to resume debate on this bill at a civilised hour — it being 5.00 p.m. — rather than at 1.30 a.m., which was the time we adjourned debate on this bill on 7 April. I made comment at that stage that it was not an urgent bill. It will not come into effect until 1 February 2012, which at that time was just over 10 months away. Now it is just under 9 months before 1 February, so we still have time to pass this bill. The Justice Legislation Amendment Bill 2011 contains a series of provisions which we are not convinced are necessary, based on the evidence presented. In addition we think they are problematic.

In summary, the bill empowers the police, licensees and other responsible persons, as defined under clause 3, to make barring orders. It creates offences relating to the issuing of barring orders and licensee record-keeping of

barring orders. It also creates a new offence where a person who has been refused entry or has been asked to leave a licensed venue remains in the vicinity of the premises or re-enters it within 24 hours, and new draconian penalties are prescribed for that offence. The bill increases once again the penalty for the offence of being drunk and disorderly. That is the third time — if not the fourth time — that that penalty has been increased since I have been in this Parliament.

New part 7A of the bill, which deals with the Liquor Control Reform Act 1998, contains provisions in relation to barring orders in respect of licensed premises. New section 106D will allow licensees and permittees of licensed premises, other responsible persons and the police to issue a barring order to a person in respect of licensed premises. Clause 3 of the bill defines a 'responsible person' as someone who has control of a licensed premises. That would include a bar manager as well as a licensee or permittee. It would not include staff such as security staff. One would have to query the expertise of a bar manager in terms of issuing what is under this bill an enforceable infringement notice with a penalty attached to it.

Under the current act, the Liquor Control Reform Act 1998, licensees, permittees and bar managers can bar persons from their premises under common law. Barring orders are not enforceable under statute law, and there are no penalties attached to them. This new ability of a 'responsible person' — who is not a police officer and is given no oversight powers by the courts — to issue barring orders raises the issue of the expertise of a bar manager. We presume a bar manager is trained in how to mix drinks and serve customers, and under the Liquor Control Reform Act 1998 they should have expertise in the responsible service of alcohol. We would expect such a person to have those skills in terms of managing a venue, but we would not expect them to have skills in issuing infringement notices under the law.

This issue is further exacerbated by the reason provided in the bill for a responsible person being able to issue a barring order under new section 106D — that is, that the person is drunk, violent or quarrelsome on the premises, and the issuer, who can be a licensee, a permittee or a bar manager, reasonably believes that there is an immediate safety risk to the person or others due to the person's alcohol consumption.

I am concerned that an ordinary member of the public will be able to make judgements in regard to whether a person is drunk. Perhaps they are able to make that judgement because they are trained in the responsible service of alcohol. They are meant to be able to have some level of judgement as to whether a person should be served more alcohol; that is part of the responsible service of alcohol training. And it is easy to tell if someone is being violent too. But we start to get into trouble when it comes to deciding whether a person is being quarrelsome and what level of quarrelsomeness may give rise to the issuing of an enforceable barring order with penalties attached. Liberty Victoria has raised publicly the issue of conferring on people who are not police officers or other authorised officers the power to issue barring orders on members of the public.

The barring orders will be subject to time limits. They cannot last for more than one month for a first order, three months for a second order made on the same premises and six months for the third and subsequent orders. They are not light orders; they are an infringement of a person's ability to exercise their enjoyment of life, and they can be issued by a person who is not a trained police officer or a person who would normally issue an infringement notice under the law. The Greens think this is totally inappropriate. There has been no evidence put to us or to the community as to why this measure should be allowed.

The bill creates offences relating to the issuing of barring orders, all of which incur 5 penalty units, which is $597.25, or almost $600. The offence of not giving a name and address to police will incur 5 penalty units, and the offence of entering, re-entering or remaining in the vicinity of a premises in relation to which a person has been issued a barring order without reasonable excuse will also attract 5 penalty units.

The bill also makes it an offence for a licensee to fail to fulfil record-keeping requirements in respect of the barring orders they issue — that is, the keeping of records, the production of records on request, the unauthorised disclosure of records and the failure to destroy records. There is also a requirement for publicans, licensees, permittees and bar managers to destroy after three years the records they are meant to keep on barring orders they have issued. So an administrative and bureaucratic requirement has been put on licensees as well. I am not sure what training they have had or the systems they have in place with regard to this. Perhaps Mr O'Brien, who is looking at me and furrowing his brow, might like to go to that issue, because he has experience in this area.

The bill increases the penalty under section 114(2) of the Liquor Control Reform Act 1998 for a person who is drunk, violent or quarrelsome failing to leave a licensed premises after being requested to do so by a licensee, permittee, employee, agent or a police officer from 20 to 50 penalty units. I go back to the issue of the

subjective judgement of a licensee, a police officer or an employee or agent being able to issue an infringement notice with a penalty unit of up to nearly $6000 attached to it. I think it is very questionable that responsible persons, licensees, who are not police, are put into this position where they can issue ordinary members of the public with penalty unit fines of up to $6000.

Clause 7 of the bill, which amends section 114 of the act, creates new offences which attract 20 penalty units, or an amount of $2389. The offences relate to situations where a person is refused entry or leaves on request but remains in the vicinity of the premises without a reasonable excuse or where a person who is refused entry or leaves on request re-enters the licensed premises within 24 hours. If a person does either of those things, on the judgement of a member of the police or a police officer or a licensee, they are subject to fines of 20 penalty units.

As I mentioned, this bill also doubles financial penalties for being drunk and disorderly under clause 9. It doubles the penalty from 10 penalty units to 20 penalty units. That is again a fine of $2389. It is worth pointing out that Victoria is the only state where it is a criminal offence to be drunk and disorderly. Certainly that offence is something that not only the Greens but also the former Labor government believed should be repealed. The Parliament's own Drugs and Crime Prevention Committee also made that recommendation in 2006. Recommendation 17 of the committee's final report on the inquiry into strategies to reduce harmful alcohol consumption was:

> The committee recommends that public drunkenness should be decriminalised pursuant to the recommendations made by the Drugs and Crime Prevention Committee of the 54th Parliament in its final report into the inquiry into public drunkenness. In particular, this committee concurs that an essential requirement of such decriminalisation is the provision of adequate numbers of sobering up centres and associated services.

So two committees of this Parliament have recommended that public drunkenness should be decriminalised, and yet here we have a bill that is doubling the penalty.

Mr O'Brien — It is doing it for drunk and disorderly, not public drunkenness.

Ms PENNICUIK — In response to Mr O'Brien's interjection, it is still an offence, for which the penalty is being doubled, and it is also an offence for which there are subjective elements in deciding whether someone is drunk and disorderly. If you listen to groups such as the Federation of Community Legal Centres and Youthlaw, you will hear that it is also an offence which is usually applied to certain groups of the community and not to other groups of the community.

Mr O'Brien interjected.

Ms PENNICUIK — Taking up Mr O'Brien's interjection again, whatever semantics we want to go on with here, the Greens position is that drunk and disorderly should not be a criminal offence either.

I would like to mention the research brief that the parliamentary library put together on this bill. I thank the library again for putting that together. It provides a lot of interesting information regarding Victorian statistics on assaults on licensed premises and research from around the world on how to deal with alcohol-related harm, but it also goes to the issue of what regimes are in place in other parts of Australia.

On page 9 of the parliamentary library research brief the point is made that only South Australia has legislation that permits licensees and responsible persons to issue barring orders. In the South Australian jurisdiction, the only other jurisdiction to have a similar regime in place as is being put in place by this bill, there are reporting requirements under the act, such as that the director of liquor licensing and the Chief Commissioner of Police have to report on the issue of such barring orders.

I have prepared an amendment based on the provisions in the South Australian act, which would require the director of liquor licensing and the police commissioner to report annually on the issue of such barring orders.

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

Ms PENNICUIK — Members have probably already seen the substantive amendment that is being circulated because I have already circulated more than one version of it.

Mr O'Brien interjected.

Ms PENNICUIK — Mr O'Brien is correct. I have extended the amendment since the commencement of debate on this bill. In fact it is now a much better amendment. It is a much more comprehensive amendment than the previous one was.

I will just speak briefly about the amendment. It would ensure that barring orders issued by licensees or permittees must be reported to the director of liquor licensing. Under the bill at the moment licensees are

required to keep them and are required to destroy them after three years but there is no requirement to report them to the director. This amendment would require that and would also require barring orders issued by members of the police force to be reported to the Chief Commissioner of Police.

Subsequent to that, my new provision, which would be section 106N of the act if my amendments were supported, would require that the director and the chief commissioner report annually on the issuing of barring orders. The director would have to report on barring orders issued by licensees and responsible persons and the chief commissioner would have to report on barring orders issued by members of the police force. The proposed section would require the minister to, within 12 sitting days after receipt of a report under this section, cause copies of the report to be laid before each house of Parliament.

We have these concerns with the bill, and we believe that the bill is unnecessary. There has been no evidence put forward that this bill is going to assist in dealing with alcohol-related harm in the community or 'alcohol-fuelled violence', the term often used in the community. The bill basically individualises the problem. All of the evidence before us indicates that if we wish to make inroads towards reducing alcohol-related harm in the community, we need to use evidence-based strategies. I go again to the 2006 report of the Drugs and Crime Prevention Committee entitled *Inquiry into Strategies to Reduce Harmful Alcohol Consumption*, which goes to that point. It states that evidence-based strategies are essential. On page xi the report states:

> There is now general agreement in both the national and international literature as to what is the most effective range of responses available to policy-makers to address alcohol-related harms … As discussed throughout this report, what may be scientifically effective is not necessarily politically or popularly acceptable (for example increasing the legal drinking age, bans on advertising, taxation 'hikes'), while strategies that are popular may have a doubtful 'track record' for effectiveness (some education strategies fall into this category). The list of interventions which do attract a fairly high degree of consensus for having merit are listed by the National Drug Research Institute as follows:
>
> > Pricing and taxation strategies
> >
> > Regulating the physical availability of alcohol
> >
> > Modifying the drinking context
> >
> > Drink driving countermeasures
> >
> > Regulating alcohol promotion
> >
> > Interventions in communities, homes, schools and workplaces
> >
> > Treatment and early intervention …

The report does not mention individualising or further criminalising the problem.

I will be seeking to move these amendments because we will have a situation before us where people are going to be issued with enforceable barring orders with hefty penalties attached to them, in some cases by members of the public who are not police officers, and with no oversight of the courts involved. There can be oversight in the courts; I will go to what happens in other jurisdictions in that regard. Furthermore, there is no reporting requirement under this bill. Even though we are not supporting the provisions of this bill, we anticipate that the bill will pass.

Only one other jurisdiction in this country has similar provisions and allows licensees and permittees to issue these types of infringement notices to their patrons, and under that regime there is a reporting requirement. If we are to go down this path of giving ordinary citizens basically quasi-police powers, it is very important that we know what is going on. It is important that there is a report to the Parliament by the chief commissioner and the director so that the community is made aware of how this particular provision is being used, when it is being used, how often it is being used, the nature of its use and the details of its use — that is, whether it is the first, second or third issuing of a barring order to a particular person. Obviously such details can be reported without identifying the person, but I think it is very important that the community is able to have this information when the government is proposing to introduce such measures.

That is the reason I will be seeking to move these amendments. I encourage the government to accept them. They do not alter the bill in any respect except to make it more accountable to the community. I am not supporting the provisions in the bill, but I am saying that if the government is intent on having these provisions, it should follow the example of the South Australian legislation and include reporting requirements in the bill.

I turn to other jurisdictions in Australia. I mentioned that South Australia has similar barring orders in place, but it has reporting requirements and appeals can be made to the licensing authority if the barring orders are imposed for more than one month. On appeal the liquor authority can take control of an indefinite order and in future when deciding whether to vary or revoke the order it will consider the person's actions to address their drinking behaviour, such as medical treatment or a behavioural management course.

The South Australian act has more comprehensive appeal provisions, but the appeal provisions under the government's bill are very limited. The person who issued a barring order can vary or revoke it, and the director can vary or revoke it if asked by the person subject to the order or the person who issued the order but only in very limited circumstances and there would be no opportunity for an appeal.

In the debate we were having in the wee hours of the morning on 8 April Mr Pakula raised the issue of appeal rights. There was some argy-bargy and Mr O'Brien made some interjections. He is getting very good at interjecting; he has not been here very long. One of Mr O'Brien's interjections was about the question of whether it was *Alert Digest* No. 2 or *Alert Digest* No. 3 which was being referred to. I definitely have read both of those reports of the Scrutiny of Acts and Regulations Committee.

Mr O'Brien — He referred to no. 2, but he did not refer to no. 3.

Ms PENNICUIK — Yes, that is right. The minister's response was contained in *Alert Digest* No. 3. In fact it is pretty clear from the second-reading speech for this bill that there is an opportunity for appeal to the Supreme Court. A person who has been barred from a hotel for being quarrelsome has to go to the Supreme Court to make their appeal.

Mr O'Brien interjected.

Ms PENNICUIK — That person could be drunk or violent, but they also could be quarrelsome. I am sure that is of comfort to people, that they can go to the Supreme Court. The appeal mechanisms under this bill are very limited, and really there should be better appeal provisions in this bill so people are not required to go to the Supreme Court to appeal any action of the director or anybody who has issued a barring notice.

Looking at the other states, in Western Australia there are barring notices, and these target individuals who have been violent or disorderly. The word 'quarrelsome' does not appear in the Western Australian act. The orders can only be issued by police officers and can be appealed if imposed for more than one month. In the New South Wales act there are banning orders that can be applied on application by certain persons, including the director-general, the police commissioner or a licensee who is party to a liquor accord — so only under certain circumstances — and the authority will only make an order if the subject of the proposed order has repeatedly been intoxicated, violent, quarrelsome or disorderly on or in the immediate vicinity of a licensed premises. The maximum penalty for a breach of an order is $550.

The Queensland legislation has banning orders that are similar to the banning orders we already have in Victoria. A person must have committed, attempted or threatened an act of violence. They are ordered by a magistrate on application from the chief executive of the relevant authority or a police officer. The magistrate considers issues similar to those considered in criminal sentencing. There is a civil standard of proof, interim orders are available and there is no specified maximum. Licensees can be given copies of orders.

As I say, we are going out on a limb here in Victoria with no evidence put forward as to whether this is going to be effective or how the regime currently in place under the Liquor Control Reform Act 1998 is working. We have had our problems with those provisions in the past and raised concerns about them.

It is interesting to note that the parliamentary library research brief went to what happens in the United Kingdom, where there are such things as drinking banning orders that can be issued by the courts to individuals aged, interestingly, 16 years or over. An application to the court can be made by the chief officer of police for a police area; the Chief Constable of the British Transport Police Force, which I presume is similar to our transit police; or a local authority. A drinking banning order can only be issued if an individual has engaged in criminal or disorderly conduct, or if such an order is necessary to protect other persons from further conduct of that kind while the individual is under the influence of alcohol. The order must be of a minimum duration of two months and a maximum of two years.

The court can make any prohibitions it considers necessary to protect others from disorderly or criminal conduct. In addition, the court may include a provision for the order, or a particular prohibition contained in it, to cease to have effect if the person satisfactorily completes an approved course to address their alcohol misuse behaviour.

This is an interesting point, and one which the government has not gone to — that is, if a person proactively tries to do something about their behaviour, they can have the drinking banning order withdrawn. That would be useful for the government to look at. If we are going to look at individuals, instead of just taking a punitive approach there could be some sort of approach which tries to address the actual cause of the behaviour.

As I mentioned before, we spoke with Youthlaw about whether it had any concerns about the bill, because often people who will be caught up in this will be youths. Youthlaw made the comment that in its experience the police use drunk and disorderly as a catch-all when the police do not like someone's behaviour. It mentioned that there are no objective standards for what is drunk and disorderly. I agree with that; it is a subjective judgement.

Youthlaw mentioned that there are problems with accountability and monitoring the charges. There is sometimes a double penalty where people are fined in addition to being locked up. Youthlaw found that many young people plead to being drunk in a public place because it is such a broad offence, even when they instruct Youthlaw that they had only had a few drinks and were not really feeling drunk. Again, in terms of the views of Youthlaw, there are problems at the coalface with the application of the types of provisions in the bill.

The views of the Federation of Community Legal Centres are similar to those I mentioned before — that is, that the decriminalising of alcohol and the provision of safe sobering up centres are the most important ways to address alcohol-related violence and alcohol-related harm. Barring orders do not deal with the cause of issues; they move issues to the streets for the police to deal with, and they could expose people to greater risk.

The Federation of Community Legal Centres raised the lack of appeal mechanisms that I have just spoken about and the issue of the definition of drunk and disorderly and how police decide to charge someone, as there are no objective criteria. There is also the general problem of record-keeping and reporting by police, which I think we will go some way towards addressing if my amendments are successful. The Federation of Community Legal Centres says that data is often incomplete or flawed.

There are a lot of issues with this bill, the main one being that it allows members of the public who are not police to issue infringement notices to members of the public. This raises a lot of social and legal issues. At the conclusion of the second-reading debate I intend to move that this bill be referred to the Standing Committee on Legal and Social Issues for inquiry, consideration and report. So far this chamber has not referred any bills to the legislation committees that were put into the standing orders in the last Parliament. Those committees have been set up under this Parliament and have references for their reference function.

In previous contributions in this chamber I talked about other parliaments, such as the federal Parliament, and in particular the Senate. Those who attended the excellent briefing given to us by Dr Rosemary Laing, the Clerk of the Senate, would have heard her say that as a matter of course most bills go to Senate committees and often come back with amendments from the government. When the committee has looked at the bill in some detail, the bill often comes back with government amendments and other amendments as well.

That would be a good practice for us to adopt. It would be a good practice for the government to agree to the referral of a bill to any of our three standing legislation committees if any member requested it. I say that because I think that would result in better legislation and would be a better use of the committees we have set up. It would provide better access to the legislative process for members of the public and other stakeholders who may be interested in the legislation that is before us. I believe members would not frivolously use that provision and would use it only when a bill introduces new provisions which will have significant effects and impacts on the community, as this bill will.

I would also urge the government and the opposition to support my motion to refer this bill to the Standing Committee on Legal and Social Issues for its inquiry and consideration and have it report back. That process would result in a better piece of legislation being before the house.

Those are the concerns of the Greens about the bill before the house. I intend to ask the minister some questions about the provisions of the bill over and above the amendment I move in the committee stage.

Mr O'BRIEN (Western Victoria) — I rise to speak in support of the Justice Legislation Amendment Bill 2011. It is a bill based on very important evidence of the record increase in the number of assaults on licensed premises from 2005–06 to 2010, which is detailed in the research done by the parliamentary library. There was a 14.3 per cent increase in the number of assaults recorded on licensed premises during that period.

A significant piece of evidence that was not referred to is the comprehensive Victorian Liberal-Nationals coalition plan for liquor licensing that was taken to the November election by the very capable Minister for Gaming, Michael O'Brien. It was a core component of the coalition's platform for restoring confidence in our communities, reducing street violence and alcohol-related violence and, most importantly, restoring faith

in a sector of the community that had been long forgotten under the previous Labor government: the licensees. Licensees are the people charged with the responsibility of serving alcohol in our community, and for too long they laboured under the oppressive regime of the former government.

This bill, as part of the suite of coalition policies being introduced by the government in a timely manner, seeks to give support to that very important sector by giving it enhanced power, in addition to the existing common-law powers, to bar patrons from premises. I correct both Mr Pakula and Ms Pennicuik on one issue: it is not a right to be on licensed premises, it is a privilege. That privilege can be revoked at common law.

We are seeking to give licensees the power to also have a statutory regime to regulate that revocation, similar to what already exists in the legislation introduced by the previous government in relation to banning orders and also similar to the very important powers that exist for people to be convicted under section 114 of the Liquor Control Reform Act 1998 for being drunk, violent or quarrelsome on licensed premises and refusing to leave when asked to do so by, importantly, the licensee or a member of staff or the police force. Any questions about whether managers are suitably qualified are answered in the existing provisions in the act. In some instances they are in very ancient terms, which I will take members to shortly, but these powers exist so that people can be properly regulated within licensed premises, which primarily are controlled by the licensees.

The purpose of the bill is to amend the Liquor Control Reform Act 1998 and the Summary Offences Act 1966. The amendments will enable drunk and disorderly persons to be barred from being in the vicinity of licensed premises. The test, again, is being drunk, violent or quarrelsome. The bill will increase the penalties for people convicted of offences relating to drunk and disorderly behaviour.

These amendments deliver on the important policies the coalition took to the election where we promised tough new measures for offences relating to antisocial behaviour at or near licensed premises as well as higher penalties for failing to leave licensed premises when drunk, violent or quarrelsome. Being denied entry to a venue or being required to leave is, in our opinion and the opinion of the electorate, no excuse for violent or aggressive behaviour. The government will not tolerate the mindless few threatening the safety of the responsible majority.

In this bill we are taking tough action against relatively few individuals in the community, which is why a heavy-handed approach is not in order. This is a measured approach which provides barring orders of one month for a first offence, first infringement or first barring and then a three-month or six-month penalty for subsequent offences.

Mr Ondarchie interjected.

Mr O'BRIEN — It is a very sensible amendment, Mr Ondarchie. As background to the bill, I should say that as a former publican I am also familiar with one aspect that has not been mentioned — —

An honourable member interjected.

Mr O'BRIEN — No, that is the bit I would like to mention. What has been part of the existing regime for many years — and I pick up Ms Pennicuik's point — is that the current responsible service of alcohol (RSA) guide includes training for publicans, licensees and people wanting RSA certification on section 114 of the Liquor Control Reform Act 1998, which states that a person who is drunk, violent or quarrelsome must not refuse to leave the licensed premises when asked to do so by the licensee, staff or the police. I recall my good fellow licensee, the very reputable Mr Leigh Uebergang, and I engaged in friendly discussion as to when one or other might be excluded for being quarrelsome.

'Quarrelsome' is a word that has been in the legislation for some time — —

Hon. P. R. Hall interjected.

Mr O'BRIEN — Yes, Mr Hall, none of us were excluded from our own premises, but we had the right to exclude others.

Mr Pakula raised the meaning of 'quarrelsome'. The term dates back at least to the 1872 UK legislation, the Intoxicating Liquor (Licensing) Act, or earlier, section 13 of which says in part:

> If any licensed person permits drunkenness or any violent, quarrelsome, or riotous conduct to take place on his premises, or sells any intoxicating liquor to any drunken person, he shall be liable to a penalty not exceeding for the first offence ten pounds …

It is a term that is in the common law, but for a quick dictionary definition, given that we have been asked to explain its meaning, 'quarrelsome' is defined in the Macquarie Dictionary as:

> … inclined to quarrel.

And 'quarrel' is defined as:

> … an angry dispute or altercation;

The words 'angry dispute' are important in terms of some of the context of the debate.

The definition continues:

> a disagreement marked by a break in friendly relations … a cause of complaint or hostile feeling against a person …

Problems may occur when although someone may not necessarily be drunk or violent, they may be the sort of person you wish rightfully to exclude from your premises and whom you rightfully can exclude at common law. The government will enhance this power and include it in the statutory regime. Some people can be quarrelsome and can be excluded. They can also be drunk, violent and quarrelsome. That important inciting or angry dispute aspect is well known to those who have been engaged in the industry. It is supported by the Australian Hotels Association. This is another important provision the coalition will be bringing in with this bill.

I turn to some other aspects of the bill, in particular the amendments circulated by the Greens which relate to reporting powers. One important aspect of the bill is that the orders only remain in force initially for one month, and licensees must keep records. Every licensee generally has to keep certain statutory records in relation to WorkSafe incidents. For their own protection most licensees keep complaints registers, informal barring registers and diaries to help protect themselves from subsequent action by potential litigants. The record-keeping burden on licensees will not be greatly increased by this legislation; rather we will be enhancing the powers of licensees to regulate their own affairs.

The Greens are proposing to insert a requirement to report matters to the director of liquor licensing and then require annual reports. The government believes that would result in a bureaucratic and unnecessary burden of red tape in the industry, the members of which have said they do not want. Ms Pennicuik also said she did not want it. Most importantly it is something that we say is not necessary, even by reference to the provision in the South Australian legislation, being the Liquor Licensing Act 1997. In that instance one important distinction is that the barring offences in that legislation relate to a period exceeding six months and are much more significant. In Victoria it is one month for a first offence, then three months and six months, as I have said; it is a much more measured response.

The most complete answer is that the Victorian provisions require that these barring orders be destroyed after three years. We would not want them as part of the reform program that Ms Pennicuik has suggested which could be available to people who have been barred and told, 'Please do not do it again'. In the first instance they have only been barred for a month, and if it is very bad they may be barred for up to three months. Of course the period of time could be less than that. A licensee can bar patrons for less than a month — even a day.

However, to require licensees to keep records and then have these records unnecessarily entering the public domain not only adds bureaucratic red tape but also potentially undermines one of the aims of the mechanisms, which is for this to be an educating regime. Hopefully people will be barred only once and will miss out on visiting their favourite premises. In a one-pub town if you are barred from the one pub, there is not anywhere else to go to get a drink. I suggest that even the threat of barring as part of the remedy can result in a responsible attitude within the community and, if necessary, provide remedies for publicans, other licensees and bar managers.

Clause 7, which amends section 114, provides two new offences relating to the refusal of entry to or expulsion from a licensed premises. The first is the offence of remaining in the vicinity of a licensed premises from which a person has been refused entry or asked to leave when excessive consumption of alcohol is involved. These situations can result in violence from the person who has been refused or rejected.

Police will be authorised to issue infringement notices to any person denied entry or who has been asked to leave a licensed premises and who refuses to leave the vicinity of a licensed premises. The vicinity of a licensed premises means any public place within 20 metres of the premises, unless the person has a reasonable excuse to be within the 20-metre radius. This is an important aspect that relates to some of the questions raised by Mr Pakula. 'Reasonable excuse' cannot and should not be defined — for example, a reasonable excuse could be waiting for a tram at a tram stop, queuing at a taxi rank or using an ATM or entering some other lawful premises. This is designed to be a simple enforcement for failure to comply with the barring order.

The second offence relates to entering a licensed premises from which a person has been refused entry or has been asked to leave. Police will again be authorised to issue infringement notices to a person who has previously been excluded from entering a licensed

premises for a period of up to 24 hours without written notices. In relation to Mr Pakula's questions about the rights of appeal and the other matters that were raised in *Alert Digest* No. 2 of this year, I refer him to the comprehensive answer provided by the Minister for Consumer Affairs in *Alert Digest* No. 3, a report to which Mr Pakula did not refer. I refer members to page 19 of that report which emphasises that the bill does not provide guidance to 'reasonable excuse'. That is the precise intention, and I refer Mr Pakula to the rest of the report for that.

The bill also increases penalties for a number of existing offences. Liquor licensees face tough penalties for having intoxicated persons on their premises and, conversely, on-the-spot fines for individuals who refuse to leave a premises when required to do so are relatively small. Again, this provision is to protect our responsible serving of alcohol compliant industry. This amendment delivers on the coalition policies to support licensees who do the right thing by ordering drunk, violent or quarrelsome persons from their venues. It does not make any change to the other offence that was referred to — of being drunk in public — although it does increase the penalties for being drunk and disorderly by 20 penalty units.

The infringement penalty for the offence of being drunk and disorderly will also be increased to 5 penalty units for a first offence and to 10 penalty units where a person has previously been served with an infringement notice for drunk and disorderly conduct in the previous three years or has been convicted of that offence.

This legislation is part of the coalition's plan to support the community's very serious and genuine concerns about alcohol-related violence. More importantly, it does so in a measured way that provides the people who are primarily charged with the responsible service of alcohol, our licensees, with the powers to enhance their uncertain, undefined common-law powers with a clear and simple statutory regime.

In relation to concerns raised by members about appeals, I suggest they are no different in terms of the Supreme Court review that we have for many administrative law decisions, including those the former Labor government inserted into the act concerning banning notices in existing legislation to which members of the Labor Party had not referred and which also exist under the Administrative Law Act 1978. The government believes this legislation supports our operators.

We commend the minister for bringing this bill to the house in a timely manner. We oppose the suggestion that debate be adjourned for a further period. That may or may not be appropriate for future bills that have not gone through the reporting and public consultation of the election. This legislation fulfils an election promise and is part of our policy, and it delivers on that promise in a timely manner hopefully in time to prevent further impact on the community. I commend the bill to the house and to people in the liquor licensing industry.

Mr LEANE (Eastern Metropolitan) — I rise to speak on the Justice Legislation Amendment Bill 2011. My personal belief is that entertainment precincts, nightclubs and licensed venues are very important venues, especially for young people. Young people have as much right as we did to enjoy quality night-life, and I appreciate that licensed venues have an important part to play; however, it is also important that licensed venues are as safe as they possibly can be.

At this point let me place on the record that the previous government acknowledged problems in this area and did some work on police powers which aligns with the provisions of the legislation before us, including the provision of banning notices. The previous government introduced banning notices for particular troublemakers for periods of time up to 72 hours. At the 2006 election the period of time was proposed to be 24 hours, which was later lifted to 72 hours. The previous government also introduced the new offence of disorderly conduct, which gave police the ability to issue on-the-spot fines to people who were drunk and disorderly or just drunk.

From speaking to police in the Melbourne CBD and the Geelong, Ballarat and Bendigo districts in my role as a member of the Drugs and Crime Prevention Committee (DCPC), I know they found on-the-spot fines a valuable tool and well worth being introduced. I am not convinced that the CBD entertainment district is the battle zone that some media outlets portray it as, or as some members of the coalition believe it to be.

Victoria Police introduced the Safe Streets Taskforce a number of years ago. It increased police presence in the CBD on Friday and Saturday nights, when there was an influx of people coming in to enjoy the entertainment district. I, along with other members of the DCPC, had the privilege of spending a couple of late nights with police to see how the task force was working. It was most impressive. I do not think it was just a matter of the police making a number of arrests or moving people on; they dealt with the night-life crowds in a good and respectful fashion, showing a lot of patience with them.

One thing in Mr O'Brien's contribution I want to touch on is his pronunciation of Ms Pennicuik's name as 'Ms Pennychick'. I think he did this in his last couple of

contributions. I had to check with Ms Pennicuik whether I had been saying her name right for the last four and a half years. The last few times I heard Mr O'Brien pronounce Ms Pennicuik's name as 'Ms Pennychick', I thought of a character in a James Bond movie or something like that. I wanted to point that out.

Mr O'Brien interjected.

Mr LEANE — I acknowledge that Mr O'Brien will get it right in the future.

After clearing up the pronunciation of Ms Pennicuik's name, I have to add that the opposition will not be supporting her amendments.

Hon. M. J. GUY (Minister for Planning) — In concluding debate on this bill, I note that it implements some key commitments the coalition made in the 2010 election campaign. I thank those who have made valued contributions to debate on the bill. I also note the Greens have circulated amendments to the bill.

As I said, the bill will bring forward some of the key liquor licensing initiatives the coalition put forward at the recent state election. We are very proud of this legislation and of the commitment of the Baillieu government towards making our streets safer. Once again, I thank those who have made a contribution to the second-reading debate on this bill.

House divided on motion:

Ayes, 36

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

Noes, 2

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

Pairs

Darveniza, Ms	Hartland, Ms

Motion agreed to.

Read second time.

Referral to committee

Ms PENNICUIK (Southern Metropolitan) — I move:

> That the Justice Legislation Amendment Bill 2011 be referred to the Standing Committee on Legal and Social Issues Legislation Committee for inquiry, consideration and report.

I move this motion because the Justice Legislation Amendment Bill 2011 that is before us and for which we have just had a second-reading vote introduces some novel provisions into statute law, including allowing people who are not police officers but who are workers in hotels such as bar managers, licensees and permittees under the Liquor Control Reform Act 1998 to issue what are called barring orders — enforceable orders of one month, three months or six months duration — to which penalties are attached that can be enforced by the courts. It is unusual to allow ordinary members of the public who are not authorised officers to issue enforceable orders.

Due to the fact that these provisions are able to be issued by non-authorised officers — although they are also able to be issued by police officers — and fairly hefty penalties are attached for non-compliance and because there is a lot of evidence that these types of barring orders and infringement notices for drunk and disorderly offences, as well as offences such as disorderly conduct to which we have objected in the past, are visited upon certain sections of the community more often than others, I believe this is exactly the type of bill which should go to the Standing Committee on Legal and Social Issues Legislation Committee.

If the Standing Committee on Legal and Social Issues Legislation Committee had the opportunity to inquire into and consider the bill in some detail, it could then invite stakeholders to give their views, including Youthlaw, the Federation of Community Legal Centres, Victoria Police and the Australian Hotels Association, which Mr O'Brien referred to in his speech. The parliamentary library research brief states that the hotels association supports the bill. However, other members of the community do not support the bill. Therefore it would be worthwhile for the Standing Committee on Legal and Social Issues Legislation Committee to look at the bill and canvass the views of all sections of the community as to how it could be improved.

I have raised the issue of the bill needing reporting requirements and appeal provisions, which it does not have. I have also mentioned the important issue of non-authorised officers issuing orders that can be enforced

through the courts, which can then apply financial penalties to ordinary persons. This is a new world we are entering, and I think it requires some public input.

It may be that the government says it made this promise, but it made it on no evidence. It was simply an election promise based on the law and order auction that went on during the last election campaign. There has been no evidence put forward as to the effectiveness of this type of provision and the impact it will have in the community. For those reasons I believe this bill should be examined by the Standing Committee on Legal and Social Issues Legislation Committee.

Hon. P. R. HALL (Minister for Higher Education and Skills) — There are times when I agree with the proposals put forward by Ms Pennicuik, and there are times when I disagree. Today is one of the latter.

I disagree for this prime reason: when we set up the legislation and references committees of the upper house it was my belief that we had two intentions. Firstly, the committees were established to enable a wide-ranging discussion about a piece of legislation when there had not been an opportunity for public views or comments to be expressed. Where there had not been that opportunity, then there was a good reason for a more detailed consideration of the bill through a legislation committee. The second reason for the establishment of the committees was where there were unforeseen impacts or consequences of the legislation.

I would argue that the public has had plenty of opportunity to make comments on this legislation. As Ms Pennicuik and my colleague Mr O'Brien said in their contributions to this debate, the legislation was the subject of a commitment made by the coalition prior to the election, and it attracted a lot of public comment and debate. In respect of an opportunity for public comment and for public scrutiny of the bill, I would claim that that opportunity has been there for a considerable time.

Again, I think the impact of the legislation is quite clear. It is not as if we are looking at any unforeseen consequences. The issue that has been raised during the second-reading debate is that of the barring powers. Again, it is quite clear what they do and what their implication is.

I do not believe there is a need for this legislation to go to a legislation committee given that the intention for the establishment of those committees is not met by this bill. The bill has been in the public arena for a long time and has received considerable public comment.

Hon. M. P. PAKULA (Western Metropolitan) — I rise to indicate to the house that the opposition will support the motion moved by Ms Pennicuik. I indicated previously when Ms Pennicuik moved a motion such as this that it would be the opposition's general position that it would be favourably disposed towards the notion of complex or controversial bills being scrutinised by the relevant Council legislation committee.

I want to put on the record again that the opposition would prefer that any future motions such as this have a reporting date in them. It would make it easier for the opposition to support these motions if the motion clearly indicated when the committee would be required to report back to the Parliament. Nevertheless, in this instance the opposition will support this motion.

It is worthy of comment, though, that there is apparently a new 'Hall doctrine' about when the government will support references to the legislation committees. I was not aware until this moment that it was the government's position that motions such as these would be supported only in the designated circumstances which Mr Hall has just made reference to.

Hon. P. R. Hall — I was summarising the intent of the debate. You said it yourself.

Hon. M. P. PAKULA — Mr Hall said he was summarising the intent of the debate — from his perspective, I will say. His reasoning in regard to this bill seems to be that the government will only support references to the relevant legislation committee when there has not been an opportunity for widespread community debate, and in this instance that obligation has been met by the fact that this was an election policy which had some level of discussion and conversation prior to the election.

Opposition members would be concerned if as a matter of course the government opposed any motion to send any bill which was the subject of an election commitment off to the relevant legislation committee. Mr Hall's position seems to be that because this formed part of the debate in the lead-up to the last election, the obligation has somehow been fulfilled. The self-evident point is that the sole determinant of whether or not a bill has had sufficient public debate will be the government in exercising its 21 votes in this chamber.

It will be a matter of great interest to the opposition, and no doubt to the Greens, to see as the parliamentary session goes on what kinds of bills the government will support being sent off to these legislation committees. It would be a sad day and a bad result for the scrutiny role

that the coalition has continually posited that this Council is meant to carry out if all such motions were rejected by a vote of 21 to 19. I am not going to pre-empt what the government might say or do about future motions of this nature, but it seems to me that Ms Pennicuik's motion is being opposed by the government on very flimsy grounds, particularly given that the commencement date of this bill is 1 February 2012, unless it is proclaimed earlier.

There is no obvious time constraint; there is no obvious reason for the government to be opposed either to the motion or to having this bill properly scrutinised by the legislation committee of the Standing Committee on Legal and Social Issues. It would be the opposition's preference for future motions such as these to have a reporting date. Notwithstanding that, we will be supporting the motion.

Mr O'BRIEN (Western Victoria) — I rise to oppose the motion moved by Ms Pennicuik. I apologise for any mispronunciation of her name. I called her by her Christian name in a previous life when we worked together to advocate for many live music venues. I am sure she would agree with me that that is also an important plank of the coalition's policies.

I do not support Ms Pennicuik's motion. I listened to Mr Hall's contribution, and I take issue with the opposition's suggestion that he was seeking to enunciate a 'Hall doctrine'. I do not believe that is the manner of a reasonable and responsible minister like the Honourable Peter Hall. Rather, he opened his contribution with words to the effect that, 'Sometimes I am inclined to consider and agree with Ms Pennicuik's motions and at other times I am not inclined to agree. On this occasion I choose to stand here and oppose her motion'. That is not a doctrinal response; that is a considered and reasonable response.

The primary reason for this response is that, as outlined by Minister Hall — and as outlined in my contribution to the second-reading debate on this bill — there has been extensive public consultation on this bill. It was a clearly articulated policy that was put to the electorate as a result of many years of the former government's neglect of these issues and its inability to bring alcohol-related violence issues under control.

These barring orders are part of a considered suite of policies that have been designed to enhance the industry's self-regulation of the people it permits on its premises. They are an important part of the government's platform. They are not the sorts of matters that require referral to a separate committee. There is also an opportunity for the legislation, the terms of which are quite clear, to be considered by the committee of the whole when questions can be put.

Finally, and most significantly, one of the primary planks — I took it as the primary plank — of Ms Pennicuik's request for this referral was, as I heard it, a misconstruction of what the legislation does. Ms Pennicuik seemed to be concerned that the legislation was somehow granting to licensees and managers the power to issue infringement notices. That is not the case and indicates a misunderstanding of the legislation by Ms Pennicuik.

Hon. M. P. Pakula — Barring notices.

Mr O'BRIEN — The licensees, as Mr Pakula has said there — —

Hon. M. P. Pakula — Was that deliberate?

Mr O'BRIEN — Mr Pakula.

Hon. M. P. Pakula — Thank you.

Mr O'BRIEN — The licensees are the ones who issue the barring notices, and if there is a breach of a barring notice, the police are able to issue an infringement notice, as they are presently able to do under the existing infringement notice provisions in relation to barring notices brought in by the previous government.

With those comments, the government opposes the motion to refer the bill to the committee and looks forward to the bill being considered by the committee of the whole if necessary.

The PRESIDENT — Order! I accept that at times the pronunciation of people's names can be a little contorted in the context of debate or there may perhaps be a slip of the mind, but I have to say that Mr O'Brien's reference to one member tested my tolerance on this occasion, and I certainly would not put up with a similar construction of someone's surname again.

Mr O'BRIEN (Western Victoria) — I certainly did not intend to mispronounce Mr Pakula's name. I may have done it before, and I apologise to him and to the house; it was certainly unintentional. I will endeavour to pronounce Mr Pakula's name correctly in the future.

The PRESIDENT — Order! Thank you, Mr O'Brien.

Ms PENNICUIK (Southern Metropolitan) — I thank members for their contributions to the debate. In particular Mr Pakula raised some interesting points, and

I thank members of the opposition for their support of the motion. It is a good motion to refer this bill to the Standing Committee on Legal and Social Issues.

I, too, was concerned when I heard Mr Hall's contribution to the debate. He was perhaps attempting to set a precedent for what bills would be sent to the Standing Committee on Legal and Social Issues or any other standing committee of this house. In my contribution to the second-reading debate I entreated the government to take the view that if a bill is considered worthy of being sent to a committee by a member of the opposition or the Greens, the government should agree to that. I take Mr Pakula's point that perhaps a date would be a good idea, but the committee itself could deal with that.

I made the point that I do not think members would be frivolously referring bills off to committees. If there were enough issues of concern for a member to want a bill to be referred to a committee then it should go. In other parliaments this is done as a matter of course.

The reason outlined by Mr Hall for not referring this bill to the committee was that there had already been some public consultation in terms of the government's election promise to introduce these provisions and that the commentary that elicited from the public during the election campaign was consultation enough. I do not agree with that premise to start with, but I also point out that there were quite different views about the merits of this bill. There has not been enough public consultation, and there has not been a close examination of the quite unusual provisions this bill puts into the Liquor Control Reform Act 1998, so for that reason alone I do not accept the premise outlined by Mr Hall. I also think that where there has been quite a lot of public comment about a bill and where the provisions the bill introduces attract quite a lot of negative comment, that is a reason for the bill to be referred to a committee.

Mr Hall also said there would not be any unforeseen impacts. I totally disagree with that statement. Firstly, I do not agree with that as a premise, given what I have already said, but, secondly, I believe there will be unforeseen impacts. This regime is not in place in any other parliaments except the Parliament of South Australia. I have not seen any evaluation of that legislation, but that bill contains more mechanisms in terms of appeal rights and reporting requirements than this bill. This bill is deficient in that regard.

Mr O'Brien said the legislation is clear. I agree with him that the provisions in the bill are clear; my problem is that they are controversial and they will have impacts of a social and legal nature that would benefit from being looked at by the committee. I also mentioned in my contribution to the second-reading speech that the Clerk of the Senate, Dr Rosemary Laing, pointed out to members who went to hear her speak that bills are sent to Senate committees as a matter of course, as they are in other parliaments. For example, in the New Zealand Parliament bills are sent to committees as a matter of course. I think that would be a good process for this house to adopt. If a member feels that a bill should be looked at by the Standing Committee on Legal and Social Issues, then that should be supported.

I thank members of the opposition for supporting this motion. They have made the right decision. The bill could be improved by being examined by the Standing Committee on Legal and Social Issues.

House divided on motion:

Ayes, 17

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

Noes, 20

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

Pair

Darveniza, Ms	Davis, Mr P.

Motion negatived.

Sitting suspended 6.28 p.m. until 8.03 p.m.

Committed.

Committee

Hon. M. J. GUY (Minister for Planning) — I seek leave for Mr O'Brien to join me at the table.

Leave granted.

Clause 1

Ms PENNICUIK (Southern Metropolitan) — I have a question for the minister on clause 1. What evidence does the minister have that the provisions, particularly the provision in clause 1(a) regarding the barring of persons, are going to be effective in reducing alcohol-related harm?

Hon. M. J. GUY (Minister for Planning) — The government's intention with respect to this clause is to remove those people who have been causing trouble from those licensed venues. Apart from the obvious point, it is very clear to us that removing people who are causing trouble within licensed venues will prevent them from causing further trouble within those venues.

Ms PENNICUIK (Southern Metropolitan) — There is already capacity under common law for that to happen. I will perhaps chase this up by way of reference more specifically to a clause in terms of the way the act will work. I ask the minister with respect to clause 1(b) whether there has been any evaluation or evidence supplied in relation to the need to increase the penalties for the offence of being drunk and disorderly?

Hon. M. J. GUY (Minister for Planning) — The point of increasing penalties for offences is for the provision to act as a deterrent. Clearly if there is a greater penalty, there will be a deterrent, and that is what the government is seeking to achieve.

Ms PENNICUIK (Southern Metropolitan) — I take that as an assertion by the minister. I take it to be a no, and that he does not have any evaluative evidence to put forward in this instance.

Hon. M. J. GUY (Minister for Planning) — Ms Pennicuik can take it whatever way she wants. If there is a greater penalty for an offence, there will obviously be a deterrent. The Greens may not agree with that, but this government believes that if there is a greater penalty, it will act as a deterrent.

Ms PENNICUIK (Southern Metropolitan) — I do not want to get into a debate, Chair, just to say that the Australian Greens are interested in evidence-based research.

Clause agreed to; clauses 2 and 3 agreed to.

Clause 4

The DEPUTY PRESIDENT — Order! Before Ms Pennicuik moves her amendment 1, it is my view that this amendment is a test of her amendment 2, and I ask her to address that in her comments.

Ms PENNICUIK (Southern Metropolitan) — Chair, I wonder whether I could ask some questions on clause 4 before moving my amendment, or do I have to move it now?

The DEPUTY PRESIDENT — Order! If Ms Pennicuik wants to discuss the clause prior to moving her amendment, that is fine.

Ms PENNICUIK — Thank you, Chair. The first question is with regard to proposed section 106D, which is on page 4 of the bill and is to be inserted by clause 4. Given that clause 3(1) of the bill defines a 'responsible person' as a person responsible for the management and control of licensed premises, my question is: how would such a person be able to gauge what level of quarrelsomeness is enough to incur a barring order under the legislation?

Hon. M. J. GUY (Minister for Planning) — Chair, I am advised that the managers who will administer this law have done responsible service of alcohol training and they will make an assessment of the people coming through the door at the time. They have gone through training so they will be able to make an assessment at the time as to who is in a quarrelsome situation. We rely on the judgement of those people who have been given that training to make informed decisions. That is what we believe is adequate.

Hon. M. P. PAKULA (Western Metropolitan) — Chair, following on from Ms Pennicuik's question and the minister's answer, would it be right for me to assume that the minister will be relying on the judgement of the bar manager to determine what constitutes a substantial or immediate risk under the same provision?

The DEPUTY PRESIDENT — Order! This is not something particularly important to me or the committee, but I am advised by the Clerks that the appropriate title is Deputy President, not Chair, in the committee stage. As I said, it is not particularly important to me. I am not singling Mr Pakula out; in fact each of the members speaking on this matter have committed the same offence that I would have committed if I were in the minister's position.

Hon. M. P. PAKULA (Western Metropolitan) — Nevertheless, Deputy President, it is incumbent on me to assure you that I shall not transgress again.

The DEPUTY PRESIDENT — Order! As I said, this is not something of particular concern to me.

Hon. M. J. GUY (Minister for Planning) — I find it hard to believe Mr Pakula will not transgress again.

That aside, I am advised that the answer to his question is yes.

Ms PENNICUIK (Southern Metropolitan) — Obviously I have been under the wrong impression that the correct term is 'Chair of Committees'. Nevertheless I will address you, Deputy President, by your correct title. There is some acceptance that publicans and licensees can already ban a person from their premises under common law, and they probably do so using the training they have had in the responsible service of alcohol. My concern with the provision is that an order will now be enforceable under statute. I am wondering what sort of training they will receive to work out that something is a substantial or immediate risk.

Hon. M. J. GUY (Minister for Planning) — If I understood Ms Pennicuik's question correctly, it is worthwhile pointing out that under section 114(2) of the Liquor Control Reform Act 1998 those same people must be able to assess whether a person is drunk, violent or quarrelsome. It states:

> (2) A person who is drunk, violent or quarrelsome must not refuse or fail to leave licensed premises if requested to do so by —
>
> (a) the licensee or permittee; or
>
> (b) an employee or agent of the licensee or permittee; or
>
> (c) a member of the police force.

And there is a penalty attached. There are a number of points. Those people have been given training, which the provision is based around. It is not as if the power has been given to people who have no scope or training to assess that behaviour. It is provided in the legislation that they be given training to make those assessments, and that is what we will expect them to do.

Hon. M. P. PAKULA (Western Metropolitan) — I am interested in the practicalities of the issuing of the barring orders. One of the problems with drunk, violent and quarrelsome people is that occasionally they will be in a state of being too drunk, violent or quarrelsome to provide the licensee with the requisite information to allow the barring order to be properly issued. In other words, they may be in no state to give the licensee their name and address, or they may simply refuse to do so. What will occur if the patron is so drunk, violent or quarrelsome that they refuse or are unable to provide their details to the licensee? How will the barring order be issued properly? For instance, can a barring order be issued the next day by the police, or is there some other way for that to occur?

Hon. M. J. GUY (Minister for Planning) — That is a good question asked by Mr Pakula. The answer is yes.

Hon. M. P. Pakula — Into the next day?

Hon. M. J. GUY — Yes.

Ms PENNICUIK (Southern Metropolitan) — I want to follow that up. The next day they will not be on the premises, so, practically, will the licensee handball it to the police to go around to that person's residence? I presume the licensee would have no authority to go to someone's residence and issue a barring order.

Hon. M. J. GUY (Minister for Planning) — To answer Ms Pennicuik's question, no, the licensee or permittee will be able to bar that person from entering the premises — the next day they will be able to bar that person from entering for a further time. Proposed section 106D headed 'Barring orders' states:

> A licensee, permittee, responsible person or member of the police force may, by order served on a person, bar the person from entering or remaining on licensed premises for a specific period …

That is the order they will place on the person. If that person is heavily intoxicated on the night they are evicted, then I would suggest that person should have thought twice about getting heavily intoxicated rather than about being barred from the premises.
Ms Pennicuik is giving me a quizzical look. If she thinks it is quizzically strange that someone would be heavily intoxicated and then barred from a premises, then I look forward to her question.

Ms PENNICUIK (Southern Metropolitan) — Perhaps the minister might like to hear why I gave him a quizzical look, which is not for that reason. It is because of the practical implications of this. Again, I do not think he quite got to those. How is the order going to be served on the person who is not on the premises?

Hon. M. J. GUY (Minister for Planning) — The police are fully entitled to serve the notice on the person the next day. If that person were a regular at the venue, which is obviously a possibility, those people who were staffing the entry to the premises would obviously know and would be able to advise that person, when they did so, that they had been barred from the premises due to their actions at a previous time.

Ms PENNICUIK (Southern Metropolitan) — Bearing in mind that the people at the door are probably security staff who cannot do that under the bill, I presume they would have to advise the barperson who has the responsibility for that. I had a broader question on proposed section 106D. Given that, as I mentioned

in the second-reading speech, South Australia is the only jurisdiction with anything like this in place, did the government have a look at the South Australian provisions and speak with the South Australian government or look at any evaluation of the South Australian provisions?

Hon. M. J. GUY (Minister for Planning) — Ms Pennicuik is asking whether or not the current Minister for Consumer Affairs spoke to the South Australian Labor government about this before the state election. I think the answer is that even if we had sought to, the South Australian Labor minister might have said no. The answer is we did not speak to the South Australian government about this before the election. This is a law which we believe will fit a uniquely Victorian solution.

Ms PENNICUIK (Southern Metropolitan) — If I could move on to new provision 106E, under that provision if a member is not in uniform — if it is a plainclothes officer — the member of the police force must produce proof of his or her identity and official status before serving a barring order on a person. I do not see any such requirement in the bill for the responsible person — being a licensee, permittee or person in charge of a venue — to identify themselves to a patron before issuing a barring order.

Hon. M. J. GUY (Minister for Planning) — I wonder if Ms Pennicuik could repeat that. Is she asking me if the owner of a bar could produce identification before issuing a barring order?

Ms PENNICUIK (Southern Metropolitan) — Either produce their identification or convey to the person who they are, their name, their position and their authority to issue a barring order, because I would presume that many members of the public would not know that a bar manager is able to issue them with a barring order under this act.

Hon. M. J. GUY (Minister for Planning) — The government's intention here is to make bars, and indeed workplaces for those people within them, safer. It is not about producing endless pieces of paper so that people who staff bars or who own or manage bars are able to prove their identity to people who may be repeat offenders when it comes to becoming ridiculously intoxicated on those premises. If Ms Pennicuik is telling me that the Australian Greens want us to institute a regime where we license every employee in a bar simply to prove their identity to people who have acted in an improper manner, the answer to that is no.

Hon. M. P. PAKULA (Western Metropolitan) — One of the issues I have with this bill, which I think Ms Pennicuik has touched on, is that it provides that there are certain staff in a bar who are authorised to serve a barring notice and certain staff in a bar who are not authorised to serve a barring notice, and a patron would have no way of knowing which is which, whether the person presuming to serve them with a barring notice is an authorised person — that is, a manager or an owner rather than a barman or bar lady. I will not speak for Ms Pennicuik, but the substance of my question is: how is a person to know whether the person serving them with a barring notice is allowed to do that under the act? It is pretty clear with a police officer, but it is not so clear with bar staff.

Hon. M. J. GUY (Minister for Planning) — Someone who is issuing a barring notice is obviously going to identify themself as the manager — for instance, 20 years ago you may have been evicted from a premises and you might remember that the person who evicted you said, 'I am the manager here and it is time you left', or something along those lines. If a person wants to challenge that, they will obviously be able to ask a number of other staff in the area.

At the end of the day, using common sense, I do not think there is going to be any kind of epidemic of bar staff feigning that they are responsible when it comes to people being served a barring notice for being heavily intoxicated. The government believes that those who are managing bars who have the ability to issue those notices, who may be permanent staff members, will do so and will obviously identify themselves as either a permanent employee or a manager of that bar at the time.

The DEPUTY PRESIDENT — Order! I think if the minister had been evicted from a bar 20 years ago, it would have been because he was under-age, unlike me.

Hon. M. P. PAKULA (Western Metropolitan) — I would not have been under-age 20 years ago, but I would have been okay by only a few years! I accept what the minister says, but notwithstanding that, no doubt there will be occasions when perhaps an overzealous person issues a barring order in circumstances where it is not entirely warranted. Why is it that there is no right of appeal on a barring order?

Hon. M. J. GUY (Minister for Planning) — At the end of the day we are talking about a premises a person owns or in which they work, and we believe that person should be the one who determines who is or is not barred from that premises should they be heavily intoxicated. Might I add that this is just like our current

situation in that should a patron become rowdy in a workplace they are no longer wanted back there. That is also the case in our electorate offices. If a constituent or any person who visits us acts in an offensive manner to one of our staff, we would ask that person not to return. The people in a workplace or those who manage that workplace would normally have the ability to ask a person not to return.

Hon. M. P. PAKULA (Western Metropolitan) — The minister seems to be suggesting that the owner of an establishment might have this power already. I would be interested to hear the minister take us through what additional power this legislation provides to an owner of an establishment when, as he says, there are already rights to evict someone from premises if they are behaving in an inappropriate way.

Hon. M. J. GUY (Minister for Planning) — They cannot bring the police in, they cannot provide penalty notices and they cannot provide a barring order. There is quite a substantial difference. The member is quite correct in saying that the ability to remove someone does exist, but certainly not to the extent that we are proposing in this piece of legislation.

Ms PENNICUIK (Southern Metropolitan) — I will pursue this line of questioning further with the minister. The minister is quite correct that under the common-law provision the licensee can say, 'I don't want you back on my premises', and there are no appeal rights, but what concerns me is that under this bill if the person then comes back in, they attract a penalty that is enforceable in the court and do not then have any appeal against that. It is not quite the same as the common-law right where you as a publican say, 'I don't want you on my premises'. We are talking about two different things here. Once you start bringing in penalties that apply in the courts people need to have appeal rights. Why is it that the government has not put them in the bill?

Hon. M. J. GUY (Minister for Planning) — Under the current provisions that Ms Pennicuik refers to there are obviously trespass laws, which in some instances are pursued by some of these premises owners. It is not as unreasonable as — —

Ms Pennicuik interjected.

Hon. M. J. GUY — I say to Ms Pennicuik that we are enhancing those laws for the people who own those premises, the people who work in them and other patrons who choose to patronise those premises and abide by the law. I think that is fairly clear.

The DEPUTY PRESIDENT — Order! I ask Ms Pennicuik if she would like to pursue her proposed amendment for this clause.

Ms PENNICUIK (Southern Metropolitan) — Yes, but I do not think we have quite got there yet.

The DEPUTY PRESIDENT — Order! I say to Ms Pennicuik that we are ready to go.

Ms PENNICUIK — I wanted to ask another question under section 106K, which is on page 8 of the bill. My amendment comes in on page 9. Under section 106K, who is going to be ensuring compliance with this section?

Hon. M. J. GUY (Minister for Planning) — Responsible Alcohol Victoria compliance inspectors.

Ms PENNICUIK (Southern Metropolitan) — I move:

1. Clause 4, page 9, line 18, after "with subsection (2)" insert "or section 106L".

Amendment 1 changes the wording of the bill in a minor way, but as the Deputy President has outlined, the rest of the substantial amendment is contained in amendment 2, and amendment 1 is a test for amendment 2.

This amendment is based on the South Australian act. South Australia is the only other jurisdiction that has similar provisions for barring orders issued by people who are not liquor licensing compliance inspectors, police or a court. It is quite a serious move to allow people who are not licensing inspectors or police to issue these barring orders; there are substantial penalties for not complying with them. There should be some requirement for reporting to the community as to the number and nature of those barring orders.

The effect of this amendment is to ensure that a record is kept of barring orders issued by licensees or permittees, that those parties report to the director of liquor licensing, that all police report their issuing of barring orders to the Chief Commissioner of Police and that both the director and chief commissioner report annually on the number of barring orders issued, statistical information about them and the location of all licensed premises from which the persons were barred.

It would help us to know what particular areas or venues are issuing the greatest number of barring orders and any details of those that may have been varied or revoked under new section 106I of the bill. In that way the community and government would be able to make an evaluation of the effectiveness of these new

provisions. This is quite a serious thing to do. The provisions of this bill are quite serious in that they require mechanisms for reporting to the community. This is the least we can do, whether or not that requires some paperwork by licensees and the director.

The DEPUTY PRESIDENT — Order! If Ms Pennicuik would like to make further comments, I will come to that in a second, but for the assistance of the committee Ms Pennicuik's proposed amendment 1 simply proposes to insert new section 106L, and her proposed amendment 2 details new section 106L, which relates to her proposition to impose reporting requirements in relation to barring orders. I do not know whether Ms Pennicuik wishes to make any further comments in relation to the detail of her proposed amendment 2, but that is acceptable in the context of this.

Ms Pennicuik interjected.

The DEPUTY PRESIDENT — Order! Ms Pennicuik is happy. Are there any further comments?

Hon. M. J. GUY (Minister for Planning) — I understand and respect the passion behind Ms Pennicuik's amendment, but I state that the coalition will not be supporting it.

Ms PENNICUIK (Southern Metropolitan) — I am disappointed that the government has indicated that it will not support my amendments, because I went to some trouble to make sure that it was an amendment and a provision that already existed in another act that has similar provisions rather than simply making it up out of fresh air. The bill will be limited without having this reporting requirement, because it will be very difficult for the community to ascertain whether the new provisions in the act are working effectively or being misused. It is important for the community to know that, and I do not know how else it will know that. I ask the minister to say whether the government has any plans to evaluate these provisions and see what their costs and benefits are.

Hon. M. J. GUY (Minister for Planning) — We will obviously be consulting with licensees, and when we do compliance inspections we will obviously be seeking feedback about how this is operating.

Ms PENNICUIK (Southern Metropolitan) — Could the minister repeat that? I did not quite catch what he said.

Hon. M. J. GUY (Minister for Planning) — Of course I have completely forgotten what I said. We will be consulting with licensees, and when we conduct our regular inspections we will obviously be seeking feedback from licensees in relation to the operation of this provision.

Ms PENNICUIK (Southern Metropolitan) — So the government will be consulting licensees, as in all licensees across the state?

Hon. M. J. GUY (Minister for Planning) — When there are compliance inspections, yes, of course we will.

Ms PENNICUIK (Southern Metropolitan) — Will this be a formal evaluation?

Hon. M. J. GUY (Minister for Planning) — I think it will be an informal evaluation.

Ms PENNICUIK (Southern Metropolitan) — I would say that is not enough for this type of bill. How is the community going to know from an informal evaluation whether this regime, which allows ordinary citizens to impose penalties on people, is working or not?

Hon. M. J. GUY (Minister for Planning) — Because every government continually evaluates all its legislation informally, and this is legislation on which we will continue to do so.

Committee divided on amendment:

Ayes, 2

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

Noes, 36

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

Pair

Hartland, Ms	Darveniza, Ms

Amendment negatived.

Clause agreed to; clauses 5 to 13 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

Motion agreed to.

Read third time.

EDUCATION AND TRAINING REFORM AMENDMENT (SCHOOL SAFETY) BILL 2010

Second reading

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

Ms MIKAKOS (Northern Metropolitan) — The Labor opposition will not oppose this bill. As members are aware, education has been the no. 1 priority of the Labor opposition. The previous Labor government implemented a range of education reforms in Victoria to ensure that young people were given the best education opportunities available to them. This bill seeks to authorise principals of government schools to ban, search for and seize harmful items on schoolgrounds or in the possession of students while at school or engaged in teacher-supervised activities. It will also permit assistant principals and authorised teachers to search for and seize such items.

The former Brumby government had a strong record of supporting student wellbeing and promoting positive behaviour whether the student was at a government or non-government school. In his second-reading speech the Minister for Education claims that this piece of legislation is designed to:

> … provide complementary powers to principals to ensure that our schools remain safe and secure learning environments.

As its very first bill on education, the coalition government has introduced a bill that simply codifies existing practice in Victoria. But what disappoints me the most is that the very first piece of education legislation brought in by this government is intended to vilify public schools and their students.

There has been no explanation thus far by the Department of Education and Early Childhood Development as to why this bill does not apply to non-government schools. There are circumstances, for example, at joint school socials where students from government, Catholic or independent schools come together. Under this bill one lot of students will be subject to being searched and another group will not. The Minister for Education has said that this bill will only apply to Victorian state schools, the underlying message being that government schools in Victoria are dangerous places and private schools are not.

In Victoria we have one of the most well-regarded education systems in the country, and we do not need the minister scaring teachers, students and parents into thinking that our schools — and, by implication, only our state schools — are places of violence where kids carry weapons.

Every child has the right to feel safe and secure at school, and it was the Labor government that introduced some of the toughest laws in the country in relation to knives, including banning persons under the age of 18 years from buying knives or any other prohibited or controlled weapons. The Labor government also introduced the Knives Scar Lives campaign to discourage young Victorians from carrying weapons. There have been only a few isolated instances of dangerous behaviour across the more than 1550 Victorian government schools, which have more than 500 000 students enrolled. I understand that in 2009 some 19 incidents were recorded, of which 17 were threats to produce a knife, but only 2 incidents culminated in minor injuries.

Members of the coalition government are happy to infer that our state schools are dangerous places, yet they are not happy to commit to funding for new and improved facilities in any government school north of the Yarra. Having looked at the budget papers this evening, I was disappointed to see that the only school projects funded in Northern Metropolitan Region are projects that were initiated by the previous government. They relate to the Broadmeadows regeneration project, the Heidelberg regeneration project and the relocation of the Northern School for Autism. I welcome that funding, but I point out that there are no new plans in relation to additional schools in the north.

This legislation is an example of just how little the coalition government cares about Victorian public schools. Another example was the government's promise to make Victoria's teachers the best paid in the nation, but that promise was made only until the election.

I will outline some of the provisions of this bill. Although members of the opposition are not opposing the bill, we are concerned about the lack of detail in this legislation. Many of the terms are left undefined, which

could result in their being challenged legally. This is a short bill leaving a lot of the details to be provided in subsequent regulations.

Clause 3 of the bill inserts a new part 5.8A into the Education and Training Reform Act 2006 and provides school principals with the power to ban, search for and seize harmful items where a teacher-supervised activity is taking place. New section 5.8A.1 defines 'harmful item' as items declared as such by the principal or:

> … any item which that person —

the person who is conducting the search or seizure of items —

> reasonably suspects is being used or is likely to be used in a threatening, violent or harmful manner;

Harmful items are also defined as including prohibited items, which refers to firearms within the meaning of the Firearms Act 1996 and controlled weapons and prohibited weapons, as set out in the Control of Weapons Act 1990. The explanatory memorandum refers to 'controlled weapons' as:

> … a knife or any article prescribed by the regulations to be a controlled weapon.

Schedule 2 of the Control of Weapons Regulations 2000 prescribes crossbows, spear guns, batons or cudgels, bayonets, swords, imitation firearms and cattle prods as controlled weapons. The explanatory memorandum defines 'prohibited weapons' as meaning:

> … an article that is prescribed by the regulations to be a prohibited weapon. (Schedule 2 of the Control of Weapons Regulations 2000 prescribes flick knives, daggers, knuckle knives, articles designed to conceal knives, butterfly knives, double end knives, push knives, crossbows, blow guns, darts, slingshots, catapults, dart projectors, batons, knuckle dusters, swords and various other instruments as prohibited weapons).

Where the principal makes a declaration, then that declaration must be made in writing and distributed to parents, students, staff and the wider school community. I expect that this will be a cause for concern, particularly for schools which have a large number of students who come from non-English-speaking backgrounds, as presumably the declaration will need to be published in various community languages.

The bill also enables a principal to make a declaration about items that may otherwise be brought onto school premises at particular times or for specified purposes. These declared items must be ones that the principal believes are likely to be used in a threatening, violent or harmful manner. The explanatory memorandum gives examples relating to possession of a screwdriver, stating that during vocational education classes a screwdriver may be appropriate rather than in another class, but that using a screwdriver in a threatening or aggressive manner during a vocational education class would also be inappropriate.

New section 5.8A.3 confers the power to conduct a search on a principal, an assistant principal or authorised teacher. New section 5.8A.6 sets out the circumstances in which a teacher may be authorised. It requires a teacher-supervised student activity to be occurring, and states:

> … the principal or assistant principal is not or will not be present at to carry out a search or seizure.

This bill is light on detail and leaves unanswered questions which I will be seeking to explore in the committee stage.

The expression 'teacher-supervised student activity' which occurs in this and other clauses is not a defined term, so it is not clear if this includes extracurricular activities before or after school hours. When the principal or assistant principal are not able to conduct the search or seizure does that mean they are absent from school that day or just unavailable? Is it sufficient if the principal is on the phone or in a meeting? Do they need to formally advise the teacher to proceed to conduct the search or seizure? If they do, what happens in circumstances of urgency? I will be seeking some answers to these questions and some clarification from the minister during the committee stage.

The bill is also silent on a student's right to request a witness, parent or independent person to be present during a search. A student's bag, lunch box or locker could be searched, and a student could be compelled to turn out their pockets.

The government says that further clarity of this bill will be provided for in the regulations to come, yet we know regulations are not subject to the same level of scrutiny as primary legislation. At the heart of this bill are the three critical new clauses relating to the power to search, the power to seize items and the power to take action after a search or seizure. They all refer to future regulations, which presumably will contain more detail on how this bill will operate in future.

The Parliament is in effect being asked not to worry about the detail and to trust the government to get it right through future regulations. The second-reading speech indicates that protocols are also to be developed between Victoria Police and the Department of Education and Early Childhood Development. As is

explained by the brief provided by the parliamentary library on this bill, currently in Victoria teachers have authority under *Victorian Government Schools Reference Guide* to search students' lockers and desks at any time. Furthermore, teachers may request that a student open any personal containers, such as bags, located inside, and if a teacher has cause for concern, they may request that a student empty their pockets.

Students can also be instructed to surrender items in their possession that can be used to disrupt lessons or distract students. This bill is silent on what would occur if a student were to refuse to cooperate with a search, and again the government says this will be covered by the regulations. However, the parliamentary library research brief states that currently if a student fails to comply, the relevant disciplinary provision within the student code of conduct should be implemented.

Principals currently also have the power to ban harmful items from school premises via a school student engagement policy. Under ministerial order 184 students may also be suspended or expelled for reasons including: behaving in a way that threatens or endangers the health, safety and wellbeing of any person; committing an act of significant violence; and failing to comply with any reasonable and clearly communicated instruction of a principal, teacher or staff member.

As members can see, there are already significant powers that teachers can use in relation to search and seizure and dealing with difficult situations. Principals already have a duty of care to keep their students safe and have the power to discipline students who behave inappropriately with detention, suspension and even expulsion. This is why new section 5.8A.7 says that this bill is in addition to and not derogating from existing powers of principals, teachers and schools.

The government is trying to deliver on its tough-on-crime mandate, yet this bill does little to complement, as the minister put it, other legislation already in place. It is not clear what the gap in current practice is that this bill is seeking to address. We do not need to debate this bill, because principals and schools have been addressing these issues adequately for many years. I will be seeking some clarification or elucidation from the minister as to why this bill is being put to the Parliament and what the gaps in the current practice are that it is seeking to address.

I now turn to one of the most bizarre provisions of the bill. New section 5.8A.3 provides that a principal, assistant principal or authorised teacher may carry out a search of a vehicle being used for a teacher-supervised student activity, even allowing them to search a parent's car for weapons if that vehicle is being used for the purposes of a teacher-supervised student activity such as an excursion or a sports day. New section 5.8A.4 enables items to be seized from a parent's vehicle in those circumstances.

I am concerned that this aspect of the bill could lead to confrontations with teachers who for whatever reason decide to search the cars of parents who are taking students to and from school excursions. I am sure this is a task most teachers would prefer to avoid. Teachers are paid to be teachers, not police officers. Searching parents' vehicles should remain well beyond the scope of responsibilities of a principal or their delegate. Not only is it invasion of privacy but it also has the potential to pose risks to the principal or their delegate. In the committee stage I will ask the minister to elucidate how this power will operate in practice, as Labor in opposition has serious concerns about these provisions.

My understanding is that there has been no evidence of consultation with schools, unions or principals about this bill. This is evident from the comments of Macleod College principal, Kathie Gardner, who was described in a *Sunday Age* article of 13 March as having said that schools work hard to earn the trust of parents, and being asked to conduct car searches could very well jeopardise that relationship.

We have established that principals already have a duty of care to keep their students safe and have the power to discipline students who behave inappropriately. Labor, in opposition, maintains that the appropriate step for schools to take regarding weapons issues is to involve Victoria Police.

New section 5.8A.5 enables a principal who has seized a firearm to retain it, in accordance with regulations yet to come, rather than surrender it to the police. I cannot imagine why a principal would want to keep a firearm at school for a second longer than necessary. I will also seek some clarification from the minister about this issue.

I do not want to anticipate any contributions that other members will make, but I understand from discussions with the Greens members that they will move an amendment to this bill to remove the vehicle search and seizure powers — —

Ms Pennicuik — Amend them.

Ms MIKAKOS — The Greens will move an amendment to amend these powers, and the Labor Party is inclined to support any limitations to these provisions or indeed their removal. The coalition has

provided no rationale for introducing such a power. The lack of detail in this bill demonstrates the Baillieu government's blatant disregard of its own supposed values of transparency and accountability.

I have a number of questions about how these provisions will operate in practice. I will be asking the minister to clarify these issues in the committee stage, but I will list some of them now. What would be the school's responsibility if it came across weapons or drugs that were in the possession of a parent as a result of such a search? Would the school be provided with training or support to deal with these confronting situations? What if parents refuse to allow the search? What does this provision have to do with student safety? If vehicles are being used for illegal purposes, should this not be a matter for the police? Does the minister really expect Victoria's excellent teaching force to become a police force?

I will be raising all these questions in the committee stage. I give the minister advance notice of these questions, because it is important that Victorian parents, principals and teachers have a clear understanding of their respective rights and responsibilities under this legislation. It is unlikely that principals and their delegates will want the power to search parents' cars, so it is important that we get as much information as possible during the course of this debate. The lack of detail in the bill betrays the coalition's disregard for transparency and accountability, despite it talking about these values at some length during the election campaign.

In conclusion, by and large Victoria's education system is highly regarded, with the exception of a few isolated incidents of dangerous behaviour. While the crackdown on antisocial behaviour was the central platform of the coalition's election campaign, this bill does nothing to address the many external factors surrounding such behaviour. As the state president of the Australian Education Union, Mary Bluett, has pointed out — this is from the *Sunday Age* article to which I referred earlier — we need to focus on why students become troubled or disengaged in the first place and how they should be supported.

The Brumby government introduced the portfolio of the respect agenda — the coalition was quite mocking of this, if I recall correctly — to work on issues such as alcohol-related violence, respectful relationships, diversity, volunteering and bullying. These are all important issues. We recognise that many of these issues are of great community concern and, in some cases, these factors impact on school violence. It is my strong view and contention that the coalition government should focus on these issues rather than introducing bandaid solutions such as this legislation.

The parliamentary library research brief references a 2009 article by S. Johnson entitled 'Improving the school environment to reduce school violence — a review of the literature', which was published in volume 79, no. 10, *Journal of School Health* at pages 451–465. This review found that lower levels of school violence were associated with, among other things, positive student-to-teacher relationships, the student population being aware of the school rules and perceiving that the rules are fair, students having ownership of their school, and positive classroom and school environments.

As I mentioned earlier, this bill does not seek to provide additional funding to Victorian education. It worries me that there will be no allocation of funds for the training of staff around the new provisions contained in this legislation. I will be seeking to get some clarification from the minister on funding issues for the training of staff and school principals around these new provisions.

School communities will also be required to avoid potential litigation, particularly with regard to interpreting legal definitions such as what constitutes 'reasonable suspicion'. I think these are all very serious issues that need further elaboration during this debate.

In conclusion, I believe that the Minister for Education needs to stop running a scare campaign on the so-called prevalent violence in our state schools. The Bracks and Brumby governments invested a record amount in Victoria's education system. This bill does nothing to build on that capital investment.

The Labor opposition will not be opposing this bill, but it has a number of very serious concerns about its provisions and how it will operate in practice given that it is very light on detail and leaves much to be set out by way of regulation at a future date.

Ms PENNICUIK (Southern Metropolitan) — The Greens will not be opposing this bill, because what it essentially does is codify powers that already exist in schools. I was a teacher for a number of years, and like all teachers would have done during their careers, especially if they were secondary teachers, I confiscated items from students either temporarily or permanently, depending on the item. There has never been any question that a principal, deputy principal, senior teacher or any other teacher has the power to confiscate an item from a student. In the vast majority of cases that item is not a harmful item; it is just an item that students should not be using at a particular point in time or

should not have in their possession in a school, according to the school's rules.

This bill is confined to harmful items, which are defined as those items covered by the Firearms Act 1996 and the Control of Weapons Act 1990, and also those items that principals may declare to be harmful items. The explanatory memorandum gives the example of glass. In certain circumstances a principal may declare that glass cannot be brought into a school for safety reasons in case it is used in a harmful way. These powers have always existed. To the extent that they are being codified by this bill, we will not oppose them.

We consulted with various groups, including the Victorian Principals Association, the Victorian Association of State Secondary Principals and the Australian Education Union, and there is broad support from these groups for the provisions in this bill. What we heard back most was that the actions dealt with by this bill occur quite infrequently and the problems that this bill is purporting to solve are not that great in schools. This is not to say that there are not isolated incidents from time to time, but generally weaponry is used infrequently in our schools. We have a bill before us that codifies the powers that teachers have always had.

Ms Mikakos went through the provisions of the bill at some length, and I do not propose to repeat what she said in her contribution. However, there are a couple of issues which she raised that I will also speak about. One is why the bill does not cover independent schools. We put some questions to the minister's office regarding this. We specifically asked the minister why the legislation is not being extended to all schools, not just government schools. The answer was that the minister has direct responsibility for the running of government schools and within that context it is appropriate for the minister to provide direction to government schools, whereas non-government schools are inherently independent and have a different relationship with each student.

I find that curious because — and I am happy to be corrected — I cannot name one independent school that does not take public funds. Some of them take quite substantial amounts of public funds. Most of them, except for the elite ones, receive government funds. They are publicly funded, and they are expected to teach the state curriculum. They are not expected to teach their own curriculums that they make up independently. If this bill purports to make students and schools safer, I am wondering whether students at independent schools are going to be less safe. Is that what is going to happen? It is curious that this part of the bill only applies to government schools.

I would also like to go to the issue of search powers. It is good that the bill does not allow any searching of students per se; it only allows for the searching of student property where there is reasonable suspicion. Ms Mikakos talked about the idea that reasonable suspicion as defined under the law is quite a distinct notion and that police officers are trained to know what reasonable suspicion is — —

Mrs Peulich — Teachers aren't?

Ms PENNICUIK — Teachers are not. I was never told that during my teacher training. I suppose you come to know what it is with experience. Reasonable suspicion is not something that is covered in teacher training — and it is a legal term. That is another interesting inclusion in the bill.

What is of most concern to me, and I must say it is of concern to everyone else we have spoken to about this legislation even though there is general support for the bill, is that new section 5.8A.3 entitled 'Power to search for harmful items', provides that:

> (1) The principal or any assistant principal of a Government school or any authorised teacher of a Government school may search any of the following for any harmful item …

That includes —

> (c) any vehicle while the vehicle is being used for the purposes of a teacher-supervised student activity …

That clause of the bill has no support amongst the groups I mentioned earlier, and they have raised serious concerns about it. I do as well.

In my previous life as a teacher I used to drive a school bus. When I looked at this clause I drew up an amendment, as Ms Mikakos mentioned, to remove (1)(c) from new section 5.8A.3, which is inserted by clause 3 of the bill. When I thought about it a bit more I realised that as a teacher, had I thought something was hidden in the school bus I would have wanted to search the school bus to make sure it contained nothing dangerous or harmful. I came to the conclusion that this clause could be amended, and I have drawn up an amendment. I ask to have it circulated in the chamber. I have previously circulated it to the minister and the opposition spokesperson.

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

Ms PENNICUIK — The amendment I have drawn up would amend clause 3 so that the aforementioned people could search a vehicle if that vehicle was owned or operated by the school or the Department of Education and Early Childhood Development. That is, they could search a designated school bus or vehicle owned and operated by the education department but not a vehicle owned by a parent. Other people in the community, the groups I spoke to and Ms Mikakos have raised the issue of teachers searching parents' vehicles. Teachers have a duty of care to students when they are on the school site or undertaking supervised activities, but they have no duty to or authority over parents. There is no way that I, if I were a teacher in a school, would open and search a parent's vehicle. If a teacher had a suspicion that there was something harmful in a parent's vehicle and that that vehicle should not be used, then they should ask the police to search the vehicle.

Mrs Peulich — That parent might agree.

Ms PENNICUIK — That is not the point. The point is that you are putting a teacher in a situation where they are entering a parent's private property. I would be concerned in particular if a teacher searched a parent's vehicle under the provisions of this bill as they currently exist and came across something they really did not want to come across — not something they were searching for but something else. That would put the teacher in an invidious position that they should not placed in. They are at the school to teach students in accordance with the Education and Training Reform Act 2006. They are there to carry out their duties as teachers, and those duties extend to searching for items in student lockers, desks and even bags.

I raised an issue which was also raised by Ms Mikakos, and that is that if teachers are going to do that, it would be wise for them not to do it on their own but to have another teacher present. Most schools would have that policy in place. It would have been great if that provision had been included in the bill — it should be.

Honourable members interjecting.

Ms PENNICUIK — Whatever my two friends to my left, with their running commentary, wish to say, I have thought long and hard about this clause and reflected on my own experience, and there is no way that as a teacher I would be opening up and searching a parent's car for any item whatsoever. This provision is a very unfortunate feature of the bill. I am hoping that my proposed amendment to this clause will be supported by both the government and the opposition so that a teacher is still allowed to search a vehicle but only a vehicle which is owned or operated by the school or the Department of Education and Early Childhood Development, not a private vehicle owned by a parent or a sibling, relative or friend of a student who may or may not be assisting in some way with the use of that vehicle for a school-related activity.

Again I say that if a teacher or any other staff member at a school had a suspicion that there was a problem with such a vehicle, they should call the police, and the police should search the vehicle, because they have the right to do that under the law. This provision in the bill puts teachers in an invidious position, and I think many teachers would refuse to do it anyway. We would be setting them up for a conflict with their principal or deputy principal if as a teacher they felt they did not want to put themselves in that position. This bill will put teachers in a position it should not be putting them in. That is the reason I have drawn up this amendment, and I urge members to support it so that the intent of the bill will largely remain but the problems with it will be addressed.

During the committee stage I will have a couple of questions in addition to those of Ms Mikakos, but they are the main concerns I have with the bill before us.

Mrs PEULICH (South Eastern Metropolitan) — I am also pleased to speak in favour of the Education and Training Reform Amendment (School Safety) Bill 2010. In doing so I would like to address very briefly a couple of the comments made by the preceding speakers and later on look at some of the details of the amendments.

First and foremost, Ms Mikakos called this bill a bandaid solution and bemoaned the lack of other substantive action by the new government. She was attempting to cite what was or was not funded in the budget. I look forward to debating the budget to give a good and precise airing of what has been funded and what has not been funded over 11 years of Labor's neglect.

I will also remind Victorians yet again about the hollow nature of the Labor claim that education has been its no. 1 priority, especially in light of the flatlining of literacy and numeracy over the last 11 years despite increased funding; the escalation of absenteeism in government schools, where the average number of days absent under the Labor regime, as exposed by the Auditor-General, was 17.3 schools days; and the

appalling state of maintenance. Now finally school communities, unrestrained by the intimidation of Labor members of Parliament and the Labor government, are making legitimate comment on their needs, which have not been met. I look forward to having that more in-depth debate about the Labor legacy in education and that hollow claim.

I would like to remind Ms Mikakos that a silo project a bandaid solution. This goes to the very heart of a process as part of an integrated policy to help our teaching and school personnel to do their jobs effectively, especially in their roles and responsibilities in a school environment of supervising children for whom they have a duty of care equivalent to that of a reasonable parent.

The execution of roles and responsibilities involves teaching, supporting, mentoring, modelling, upholding the rules of the school and the rules of the community and imposing discipline of various shades and at various times as well as a bottom line. The bottom line is that this is a very strong message to the community about where this government stands in relation to the rising incidence of violence, not just in the school community but also in the community at large. I think this government has been emphatic in addressing that as a top priority.

If members think back to Maslow's hierarchy of needs, safety and security are critical needs that must be addressed before any of those higher order needs can be met, so I am very pleased to hear that the opposition and the Greens will not oppose the bill.

I would also like to acknowledge Ms Pennicuik's two comments that the bill has general support. They contradict the claim by Ms Mikakos that there had not been consultation, given that this was an election policy, and also that the bill codifies powers which already exist in schools. I think that is a line that carries the argument of the day, but it also sends a very clear message.

In our plan for education, which was released in the lead-up to the election, we signalled a very clear intention to provide principals with the authority needed to keep schools safe. I would be very concerned if Ms Mikakos was denying the existence of bullying in schools and the general escalation of violence in the community — and schools are always a reflection of the community with the incidence of cyberbullying and so on. Absenteeism in itself may be a symptom of chronic problems including bullying, and clearly we need to address that. If kids are not in school and if they are not feeling safe, they cannot learn. This bill draws a bottom line.

Specifically the Victorian government committed to introducing the legislation to provide what I think are going to be very clear and transparent powers for principals to ban or confiscate items considered harmful or dangerous. Ms Pennicuik disputed whether teachers have the ability to form a reasonable suspicion. As a schoolteacher in the government system for 15 years I can tell her absolutely that this is something which is intrinsic to every teacher and particularly to an effective teacher — —

Ms Pennicuik interjected.

Mrs PEULICH — Yes, and clearly it is the principal who has this power and who can delegate it when he or she is not at school, and I will come back to how transparency will operate.

The education ban, or confiscation of dangerous items, is critical to the effective functioning of a school, and this is crucial for our school communities. The bill amends the Education and Training Reform Act 2006 to give government school principals the power to ban, search for and seize weapons and other harmful items in the possession of students. Ms Pennicuik expressed some concerns about this, but I point her to comments made in *Alert Digest* No. 1 of 2011, which says:

> The committee observes that new section 5.8A.3(2) is consistent with rulings in North America committing searches of students by school officials on the basis of reasonable suspicion. The Supreme Court of Canada has held:
>
> > This modified standard for reasonable searches should apply to searches of students on school property conducted by teachers or school officials within the scope of their responsibility and authority to maintain order, discipline and safety within the school. This standard will not apply to any actions taken which are beyond the scope of the authority of teachers or principals.
> >
> > Further a different situation arises if the school authorities are acting as agents of the police …

Alert Digest also states:

> … the committee notes most limitations on the exercise of the search, seizure and retention powers granted by the bill will be dealt with by regulations.

Ms Pennicuik interjected.

Mrs PEULICH — That is usually the case. The minister has made a commitment, and the reason why royal assent will be delayed is to ensure that appropriate regulations and protocols are developed. The government will work with Victoria Police and other

stakeholders to ensure that. Regulations will be developed, and we will make sure that these new powers are operable and effective and have the confidence of school communities.

I am concerned by an attempt by the opposition to sabotage what I think is a much-needed reform. On the one hand it says it supports it, but on the other hand it is saying these are inexcusable measures and actions. Basically if it was up to opposition members they would take no action to address what is obviously a critical issue in the community.

Specifically the bill gives legislative powers to principals to search for a harmful item on school premises provided they reasonably suspect that a search will uncover a harmful item. Furthermore, if students are participating in teacher-supervised activity away from the school, including overnight stays and excursions, the principal and assistant principal will be empowered to search any part of a premises being occupied by the students. The power will include searches of bags, lockers and other items in a student's possession.

Ms Pennicuik queried the right of teachers to govern the conduct of parents, and that is wrong. When you volunteer to help in a tuckshop, or when you volunteer to read books in a classroom or when you volunteer for a school bus program there are rules of conduct for parents who assist. There are always rules of engagement.

Ms Pennicuik interjected.

Mrs PEULICH — That was your inference. Your inference was that schools could not in any way impact the conduct of parents, and it would be a real concern if that was the case. Indeed, to address specifically Ms Pennicuik's concern and to speak to her proposed amendment let me give a hypothetical situation of how the power could be used.

Let us say that a student at college X is travelling to an official teacher-supervised school camp. The students are under the direct supervision of the school, and 15 students are in a minibus, but the remaining three are being transported in a car owned and driven by a parent. The parent agrees to form part of the camp staff and be governed by rules and agreements, and the school has approved this arrangement. This is wholly different from dropping off or collecting a student from school, which is the fear the opposition and Ms Pennicuik are unfortunately attempting to drum up.

The principal has received information from a student that student A intends to assault student B with a screwdriver during the excursion and calls the teacher supervising the camp to notify him of this threat and authorise him to conduct a search and/or seizure under the bill. Student A is travelling with other students in a car being driven by a parent as part of a teacher-supervised activity to a camp in circumstances where there have been previous examples of bullying including the previous use of weapons. Based on former instances the teacher forms a reasonable suspicion that a dangerous item or weapon is present. In order to prevent any further instances of bullying the teacher has the capacity to check for any weapons carried by a student in that car.

This situation represents one end of the spectrum at which the proposed powers operate. More typically, a teacher could search a bag or seat pockets on a bus or coach when forming the reasonable suspicion that he or she would find a weapon or other harmful item. The removal of the power to search vehicles would create an anomaly, which could threaten the safety of students and staff at schools. At present there is no legislative power or intent enabling a principal, assistant principal or authorised teacher to search a parent's car when they are dropping off or collecting a student from a school, camp or excursion. That claim is just an attempt to drum up concern and in doing so to sabotage the intent of this much-needed legislation.

It is reasonable that school officials — teachers and principals — should have the right to ask students to turn out their pockets or unlock a locked bag, a locker or a space being used for storage. Principals may also ask a student to disclose whether or not the student is concealing a harmful item. In instances where the principal or assistant principal is not able to be present to carry out a search, the bill provides for the principal or assistant principal to authorise a teacher to undertake the search irrespective of whether it takes place off site or on the school premises. Authorisation may be made in writing or provided verbally, especially when a school camp is involved.

Providing authorisation verbally is particularly important in situations where the circumstances necessitate that action be taken immediately and where a principal or assistant principal is not present — for example, again, on a school camp. Importantly, this power does not extend to personal searches of a student, and Ms Pennicuik is right there; if such a search were necessary, it would be carried out by a member of the police force in accordance with established laws and protocols — and most appropriately so.

The bill will complement the significant police powers already in operation under the Control of Weapons Act 1990. The Education and Training Reform Amendment (School Safety) Bill 2010 provides principals and school communities with a clear statement about the powers of principals to ban, search for and seize harmful items on schoolgrounds or in the possession of school students when engaged in teacher-supervised activities.

Mr Leane interjected.

Mrs PEULICH — I am not going to mention the sorts of things I have confiscated. I have confiscated lots of very interesting things which could make even Mr Leane blush. I remember confiscating one item which I thought was going to be harmful, but it proved not to be, though it was embarrassing. It was also embarrassing when I had to call the year 7 student's mother and ask her to come and collect that item. At least I had the decency to put it into a brown paper bag so the rest of the school community was not aware of what he had brought in.

Ms Pennicuik — We are all left to wonder.

Mrs PEULICH — I used a rubber glove. Teachers seize lots of things. In that instance the object may not have been a dangerous weapon, but it certainly could have been harmful to the conduct of the class and to doing the job. I recall it was proving to be quite a distraction amongst those year 7 students on a Friday morning. This bill provides principals and school communities with a clear statement with respect to their powers in terms of this task.

I commend the bill to the house, and I urge members not to support the amendment. I think the matters raised in the amendment can be worked out through the protocols and regulations that will be in place — hence the delayed royal assent.

This bill is necessary if we are going to be serious about reducing the antisocial and violent behaviour in Victorian schools and about creating a safe environment which will greatly benefit the students of our state. I absolutely take offence at the suggestion by some members of the opposition that this bill is somehow anti-public schools. I taught in public schools, and I was educated in public schools. Our government school students deserve the same protection and learning environment that those in our more privileged and affluent schools and suburbs enjoy. I commend the bill to the house.

Mr ELASMAR (Northern Metropolitan) — I rise to speak on the Education and Training Reform Amendment (School Safety) Bill 2010. I was shocked to see that the first coalition education bill is so strident and harsh. As I understand the present circumstances in our schools today, principals and vice-principals already have the right to search students for weapons and to deal with this matter in a calm and appropriate manner in consultation with the police department. Teachers have been confiscating and banning inappropriate items from schoolchildren since Adam was a boy, and to infer that principals and their staff are not coping properly with the current situation is insulting to them.

For the record, as a member of the parliamentary Education and Training Committee I have never once heard the need for this legislation expressed by any individual, in all the public hearings and meetings across Victoria that I have attended. I am not sure of the motives of the coalition government in putting in place this bill, but anyone outside Australia reading this bill would think we had a second Columbine incident just waiting to happen.

The bill sets a framework within our education system whereby we can picture a scenario where, instead of the usual 'Good morning' and start-of-day assembly, students are frisked and schoolbags and lockers searched for weapons before the school day has even begun. This would not be conducive to learning or harmony. Members should consider the old saying: if it ain't broke, don't fix it.

In my opinion the Victorian coalition government is overreacting, and it is certainly overstating on a grand scale so-called antisocial and violent behaviour in Victorian schools. It seems to me that with the ever-growing number of election promises already broken by this government, coalition members may well be after some good publicity and may well be wanting to be seen to be cracking down on schoolkids. I think the kids and staff would prefer to see proper refurbishment programs carried out, programs that would create a happier and more harmonious environment for everyone, with the overall effect of developing our youth and encouraging them to aspire to a university education, not a pat down before prayers.

We will be supporting Ms Pennicuik's amendment. As a parent of a secondary school child and a former teacher, I am disgusted and appalled by the government's proposal to place teachers in a situation where they will be exposed unnecessarily to confrontation with parents as part of their normal duties. If parents volunteer to drive schoolchildren to a sporting or camping venue and they become the subject of a search by the principal's delegate, it is pretty

obvious to me that parents will no longer volunteer their vehicles for such excursions in the future. The coalition government is placing the onus for drug detention and weapon seizure on untrained and inexperienced personnel when it is quite rightly the duty of Victoria Police.

This government electioneered on a platform of rewarding our Victorian teachers with the highest teacher salaries in Australia, and then it went back on that promise. To top it off, it is now proposing to turn teachers into law enforcers. We will be supporting the amendment to be moved by Ms Pennicuik.

Mr ONDARCHIE (Northern Metropolitan) — I am delighted to support the Education and Training Reform Amendment (School Safety) Bill 2010, which has been introduced into this Parliament by Martin Dixon, the Minister for Education. We have seen today already that the minister has shown complete support for children and education, and we are delighted with his component of the budget.

I almost gleaned from Mr Elasmar's contribution to the house that he, representing the opposition, will be opposing this bill. I was not sure whether the opposition will be opposing the bill or not; it was not very clear. He said he will be supporting Ms Pennicuik's amendment. I am not quite sure what he is doing. Is he opposing the bill? Was he speaking on behalf of the opposition? It is not clear. He said he will be giving support to Ms Pennicuik's amendment. The opposition should think carefully about that because the amendment is flawed. The amendment refers only to vehicles owned and operated by the school. Let me tell the house that, having served 11 years on a school council, 9 as its president and also — believe it or not — having gone through secondary school as well — —

Honourable members interjecting.

Mr ONDARCHIE — Yes, I did; I went to secondary school! The amendment is flawed. I will tell the house why — because it does not fit. What about a contracted school bus provided by a local bus company? What about the fact that in mortgaged Victoria often parents cannot transport children around to activities so aunties, uncles, neighbours and older brothers in their souped-up Commodores transport kids around to activities? Are we ruling that out as well? Are we ruling out the doof-doof car that turns up to take kids to the local golf course on Wednesday afternoons?

Mr Elsbury — It is fully sick.

Mr ONDARCHIE — It is fully sick. This amendment is about making sure that schools are places of learning. Students need to be kept safe, and this bill will move further toward adding safety in schools. The bill allows school principals to search and seize weapons and other harmful items in the possession of students. The bill will run alongside existing legislation which makes it illegal to possess weapons without lawful excuse or exemption. Principals have a duty of care to protect students from the risk of injury, and this bill will give them clear power to carry out that duty.

It is interesting that those in denial on the other side fail to acknowledge what is happening in schools. In 2008 there were 11 knife incidents. In 2009 there were 19 knife incidents. In the first three months of 2010 there were 12 knife incidents in Victorian schools. Principals will have guidelines on how to exercise these powers and have the backup of police in teaching kids the boundaries within which they need to behave. This is an important bill for the safety of Victorian schools and Victorian students. I am a little gobsmacked that Mr Elasmar will be opposing it, or maybe he will not; I am not really sure.

The bill aims to improve safety in Victorian government schools by providing principals and authorised teachers with the power to search for weapons and other harmful items. These powers are in addition to any existing powers they have, so it is not a great surprise, and these teachers and school principals have legislative authority to maintain law and order and safety in schools, which Victorians have been crying out for and which was a platform the Baillieu government was elected on. Those opposite can sit in denial, but new section 5.8A.3 provides this right by enabling principals, assistant principals and authorised teachers to conduct searches of students and student property.

The search powers are broad enough to cover school grounds, buildings and premises, classrooms and student desks, premises being used for student activities, school lockers, student bags, cases and other storage items that students bring into the school grounds. The search powers also include powers to direct students to turn out their pockets or to disclose whether they have concealed items on their person or on the school premises. Items that can be searched for include items that are prohibited by other laws such as the Control of Weapons Act 1990 and the Firearms Act 1996; items that have been declared by the principal to be prohibited; and any other item that the person empowered to do the search reasonably suspects is being used or is likely to be used in a threatening, violent or harmful manner.

I am not suggesting that we are going to confiscate Tamagotchis, Tazos or football cards; we are talking about harmful weapons that affect our students when they want to go to school. Through my local youth activity I am taking an interest in kids attending school and their safety at school. The kids are telling me that it is not safe, that there is a level of bullying — we will talk about that at another time — and there are weapons on the schoolgrounds. I urge those opposite not to be in denial about this. I urge those opposite to put up their hands and say, 'We stand up for Victorian children, we stand up for Victorian students, we stand up for Victorian families, we want our kids to learn, we want them to be educated in a safe and welcoming environment'. This bill simply does that; it simply gives principals and authorised teachers the chance to make sure that that environment exists. At the end of the day we all want our kids to go home safely at night, well educated and to turn out to be great Victorians. I commend this bill to the house.

Mr ELSBURY (Western Metropolitan) — As the father of children who in a few short years will be attending school I want to know that they will be learning in a safe environment. Teachers and school staff provide that environment by removing items of potential harm from classrooms and schoolgrounds on a daily basis. If the item cannot be moved safely, then the teacher will do their level best to exclude students from that area which poses a risk to the safety of their pupils.

Difficulties arise when a student has in their possession an item that poses a risk. Currently if that item is not in plain view, it is impossible to actively remove it. At times it can be an honest mistake on the student's behalf. However, there are also times when the intent of possessing an item is less than innocent. Victoria Police crime statistics for 2009–10 show that in that period there were 631 assaults on educational premises. I will read directly from the parliamentary library research paper that was provided to us. It states:

> Various media sources have reported statistics about the use of weapons in schools. For example, on 17 February 2010, an 'ABC News online' article specified that the Victorian government had recorded 19 knife incidents in Victorian government schools in 2009.

When I was at school I also witnessed various weapons in the possession of students. These items were carried in bags or left in lockers beside *Action Science* books or sports uniforms. The bill will give principals or their nominated teachers the ability to search bags or lockers if they reasonably believe an item is being held by a student for the intent of using it as a weapon. I consider teachers to be well-educated people who can make a reasonable assessment of the danger posed by an item in the possession of a student. Parents trust teachers to care for their children, and this bill enables that care to be carried through.

In contrast to the sensational claims by Mr Elasmar, the actions which can be taken by teachers under the bill do not include body searches of an individual. This protects not only the rights of students but also protects teachers from accusations that such searches can provoke. The searches cannot be random, they cannot be done with unreasonable regularity and they must only occur if there is a reasonable belief that a dangerous item is in a student's possession.

The bill enables teachers and principals to classify an item as being threatening. When I was at school I observed teaching aids and other items being used as weapons of intimidation against other students. Steel rulers, which were a favourite; graphics squares; drawing compasses and even a golf ball were among the items I observed being used — and I can say that that golf ball hurt!

I would also like to point out that the ability of teachers to take action can also assist students in not making a rash decision to take an item and use it as a weapon in an effort to end a case of bullying. The bill also covers items taken on school excursions. At times students with a more spirited inclination might attempt to gain access to items which they would not normally be able to find within reach. A teacher may then become aware of an item and in the interests of safety decide that it needs to be removed. I am sure any parent who volunteers to assist on an excursion would not want an offensive item to be carried by students who are in their care or on the same bus or in the same car as them. I would hope that those volunteering to assist students would themselves not carry prohibited or dangerous items.

These powers do not extend outside of school into non-school-related activities. Johnny can walk down the street without the worry that Mr Johnson is going to suddenly turn up around the corner and tell him to empty his bag after school, when he is no longer in the care of the school or of that teacher. This bill is about providing safe environments for students, teachers, school staff and those involved in assisting in the education of our children. By removing items which pose a danger we are improving the safety of our schools.

Hon. P. R. HALL (Minister for Higher Education and Skills) — In reply I wish to make just a couple of comments in the hope of avoiding some protracted discussion in committee. I will also make some

comments that I would normally make during discussions on clause 1 of the bill. I know the chair of the committee would prefer us to make our comments prior to the bill going to the committee stage.

The first of those comments goes to the question that has been asked by a number of members on the opposite side — that is, why do we really need this, given the fact that teachers for a long time now have searched schoolbags, have searched schools, have searched lockers where they reasonably suspect there might be something untoward in the possession of a student or in the locker or bag of a student. Those opposite are right. Teachers have been doing that for a long time. An important question to ask is: why have they been doing it? They have done that because teachers and principals currently have a common-law responsibility to exercise a duty of care to students. That is what they have been doing for a long time.

In today's litigious society one wonders whether they have the full protection of the law in doing that. When is a parent or a student going to suddenly come to the point of claiming that a teacher is extending that responsibility of care too far in requiring someone to empty out their pockets or in terms of the action they have taken where there are reasonable grounds to suspect a dangerous weapon might be involved?

This legislation actually protects teachers as much as it protects the welfare of students, because it gives legislative rights to a teacher to act in the way we expect them to act — that is, exercising a responsibility of care for students. To answer the members who have asked why we are doing this, it is to ensure that teachers are given the legal protection to do what every parent expects them to do, and I am sure all of us in this chamber expect them to do — that is, to exercise that responsibility of care. If I were still practising as a teacher, I would feel at least some comfort in having a legislative base from which to carry out that duty-of-care responsibility which the teacher has. That is why this legislation is necessary. It codifies existing practice, but it codifies it by way of law by providing protection for the conduct and actions of teachers when they are exercising that common-law duty-of-care responsibility.

It is somewhat intriguing that while members on the opposite side have said they are going to support this legislation, they have raised many concerns about it. They have said it is simply codifying what has been happening for a long time. If it has been happening for a long time, what are the sudden concerns being raised about some of the terminology in this bill? It seems to be almost contradictory to suggest that while they support this legislation, they have a lot of concerns about it, such as that it is over the top and that it is going to turn teachers into police and law enforcers.

If members opposite feel so strongly about it and have so many concerns about it, why do they not vote against the legislation? Why do they not vote against it if they think it is an over-the-top response to this particular issue? I do not know one parent who would not support this legislation, quite frankly. Every one of us who has kids who go to school in this state would expect our teachers to take the full measures available to them to protect students and ensure the safety of students under their direct responsibility. I say to those members who have expressed some concerns about it: if they are really serious and they are going to be honest with themselves about their many concerns, they should back what they are saying and vote against this legislation. However, they would do it at their own peril and against the wishes of practically every parent in Victoria.

The other concern that was so strongly expressed by members of the opposition related to the searching of cars. It was suggested that every second car that arrived in a schoolground might be searched. The legislation makes it very clear that a search cannot take place of a person, a bag, a locker or a motor vehicle unless there is reasonable suspicion that there is a dangerous weapon in that place; 'reasonable suspicion' is the terminology that has been used in the legislation. You cannot conduct a search because you suddenly want to do it. You are not going to have a line-up of students or search a classroom of them. You can only do it if there is a reasonable suspicion that something exists. Some of my colleagues have quoted the number of incidents around the state where it has been necessary to undertake this kind of search, but again it is an exercise that is undertaken responsibly.

The last point I want to make in regard to what people have said about this legislation is that this is a reserve power that is not going to be used every day of the week. It probably will not be used every month of the year, but it is going to be used at times when there is a need. Why not get the police to come and undertake this activity? I am sure there will be occasions when principals and school teachers will employ Victoria Police to come and undertake those duties for them. I feel that if I were standing there as a teacher and I had the latitude to be able to call Victoria Police to come and do this task, then it would be my first preference to do so. However, where there is a dangerous situation and a teacher or a principal needs to act quickly, they need to have the legal right to act quickly, and this legislation gives them that right.

I suggest that the opposition think about this: it is true that this bill simply extends a practice that teachers have employed for a long period of time, but can we afford to continue an interpretation of legal responsibility of care? We owe it not only to the students in Victorian schools but also to the teachers to give teachers absolute legal protection to do what every single parent in this state wants them to do.

Motion agreed to.

Read second time.

Ordered to be committed next day.

Business interrupted pursuant to standing orders.

ADJOURNMENT

The ACTING PRESIDENT (**Mr O'Brien**) — Order! The question is:

> That the house do now adjourn.

Water: opposition briefings

Mr LENDERS (Southern Metropolitan) — The matter I raise on the adjournment tonight — and I am sure that Mr Hall will be delighted to hear this — is for the Minister for Water. I rise tonight primarily to thank the Minister for Water and to congratulate him on facilitating a briefing for Maree Edwards and me, the member for Bendigo West in the Assembly, with Goulburn-Murray Water in Tatura earlier this week. The reason I raise this matter is I have been very critical of ministers in the Baillieu government and particularly of their unwillingness to brief members of the opposition. There is still a long way to go with a few of them, but it is only courteous and correct that I put on the record that Mr Walsh organised the briefing.

Ms Edwards and I went to Tatura and met with Goulburn-Murray Water. An adviser of Mr Walsh very courteously gave us about 2½ hours of their time to take us through the range of fairly complex issues in regard to Goulburn-Murray Water. I certainly appreciated that, and I hope the minister will continue this very gracious briefing gesture and allow me to be briefed by other water authorities across the state.

The action I seek from the minister is that he continue in his good offices in providing briefings to the opposition. It certainly goes a long way when the government seeks bipartisan support for some of the complex issues regarding water to actually make sure that the opposition is briefed. It makes it a lot easier for us to support the government on things that we have a common interest in.

Anzac Day: Villers-Bretonneux

Mrs COOTE (Southern Metropolitan) — My adjournment matter this evening is for the Minister for Veterans' Affairs, Hugh Delahunty. As this house knows, I recently had the honour of representing Victoria at the Villers-Bretonneux Anzac Day service in France. Villers-Bretonneux is a significant part of the world with respect to Australian heroism. I will reiterate what is important for Australia about Villers-Bretonneux. It was part of the German Hindenburg line which ran from the North Sea through to the Swiss border. The winning of Villers-Bretonneux was a strategic beginning of the end and the defeat of the German army in the First World War. There were many towns in which Australian troops were significantly prominent, and indeed Villers-Bretonneux is a town that continues to this day to honour the Australians who gave their lives to liberate it.

The then Prime Minister of France, Mr Clemenceau, said:

> I have seen the Australians; I have looked into their eyes. I know that they, men who have fought great battles in the cause of freedom, will fight on alongside us, till the freedom for which we are fighting is guaranteed for us and our future.

We have every right to feel proud of those Australians and particularly those Victorians who lost their lives in those battles, but this battle is seen as a turning point of the First World War.

On Anzac Day there are several ceremonies in Villers-Bretonneux. There is the Australian National Memorial ceremony at Villers-Bretonneux, which is the dawn service, and this year there were 4500 attendees. Melbourne Wesley College orchestra and choir led the choral representations on the day and were extremely good. Indeed Victoria was well represented by the recipients of the Premier's Spirit of Anzac prize.

I would also like to acknowledge the Department of Veterans' Affairs, which ran and organised the program in an exemplary way and was very professional, as indeed was the team led by Chris Appleby and the Commonwealth War Graves Commission staff.

At the Australian National Memorial ceremony at Villers-Bretonneux I placed a wreath on behalf of Victoria. The other ceremony at Villers-Bretonneux on Anzac Day is in the square. There is another service at Bullecourt later in the afternoon. At both of those later ceremonies there is currently no opportunity for

Victoria to participate, and the action I seek is for the minister to ensure that in the future there is an official role for Victoria both at the town square ceremony and at Bullecourt. I am asking the minister to consider a greater presence for Victoria at both of these sites at next year's Anzac Day ceremonies in France.

Public transport: western suburbs

Ms HARTLAND (Western Metropolitan) — Public transport services in the western suburbs are scarce, irregular, inefficient and expensive, and after today's budget they probably will not be getting any better. This poor service is holding back the whole community. However, particular sections of the community are disproportionately affected. For example, the Victorian Council of Social Service's assessment of transport needs and issues for young people in Melbourne's urban fringes, entitled *Mind the Gap*, identified that young people in the west are missing out on education, employment, entertainment and other social activities due to poor or non-existent public transport services.

Young people are not the only ones for whom public transport accessibility is critical for social inclusion and participation in education and employment opportunities. Community members with a disability are also missing out on these opportunities due to inadequate public transport.

There are a number of stories, but I am going to provide the house with one in particular, that of Jim Tzatzalos from Keilor Downs. The minister knows this case as he has been directly contacted by Jim. Jim attends a disability day placement at Merrimu Services, which for him is a 25-minute drive from home. Jim has been involved with Merrimu for 10 years. Merrimu plays a very important role in Jim's life, providing activities, a social support network and connection with friends.

Jim is a 32-year-old adult and wants to achieve transport independence. He has a goal to gain employment and further his education, the key to which is transport. However, if Jim were to travel the 20 kilometres to Merrimu on public transport — the only independent transport option available to him — it could take somewhere between 1 hour 38 minutes and over 2 hours. Jim's trip would involve catching three buses and one train. This is despite the fact that it is a 25-minute drive on a relatively direct single-road route. As public transport is unavailable, Jim continues to rely on his mother, Elizabeth, to drive him to and from the centre. As Elizabeth says, she will not be around forever, and then what will happen to Jim?

We want Jim to be able to reach his goal of independence, gain employment and further his education. For this to happen he needs public transport that works. The action I ask of the minister is that he invest in public transport in the west and directly advise Jim of how long he has to wait for these services so that he can progress his personal goals.

Autism: eastern suburbs school

Mr LEANE (Eastern Metropolitan) — My adjournment matter is for the Minister for Education, Mr Dixon, and it concerns the grade 6 students who will be graduating from Wantirna Heights School, which is in the Knox region. The previous government, education minister and department had planned for them to go to the newly built eastern autistic school when they graduate at the end of the year. The school is planned to eventually be a P–12 school and to take over from Wantirna Heights School.

There has been some argy-bargy about the second-stage funding for the new eastern autistic school in recent months, and the minister, to his credit — it does not matter how you get there, but forget the argy-bargy — committed to that second-stage funding in today's budget. However, the issue is that the delay means that the commencement date for the new school has been pushed back to 2013, leaving the current grade 6 students of Wantirna Heights School unable to attend the new school, around which their parents had made plans.

When he went to Wantirna Heights School to talk about the second-stage funding the minister gave a commitment to get back to parent action groups on this issue, which to my knowledge he has not yet done. I would also like to bring to the minister's attention an article in the *Knox Leader* of 19 April in which Adele Ganley states that it has been very distressing for her to be put in the situation of believing that her son, who is autistic, would be attending a local school and then to find out that the school will not ready. The new school will be in Ferntree Gully, but the nearest autism-specific school is in Bulleen. This has put her at a loss.

I ask the minister to contact Ms Adele Ganley and to get back to the action groups to give them all some options about how he may be able to accommodate the education of their sons and daughters next year.

Western Region Health Centre: dental service funding

Mr FINN (Western Metropolitan) — I raise a matter for the attention of the Minister for Health. The

minister may recall that in the last sitting week I requested that he provide 12 chairs for the Western Region Health Centre dental service, and I indicated at that time that I would be visiting that dental service in the not-too-distant future. Since then I have visited the dental service, and I think it would be fair to say that a good deal of care is needed from the government to bring this dental service up to scratch.

It should be pointed out that those who access the service — —

The PRESIDENT — Order! I am sure it is the case, but I need assurance that the matter the member is going to raise tonight is different from the one he raised on the previous occasion.

Mr FINN — We are going the whole hog tonight. It was just for the chairs last time, and we are going for $9 million tonight. It is very different.

Those who access the service include children from birth to grade 6; students in years 7 to 12; school leavers under 18 years of age who hold, or whose parents hold, valid pensioner, concession or health-care cards; children enrolled in special or special developmental schools; children under 18 years of age who are in residential care provided by the Department of Education and Early Childhood Development; newly arrived refugees and asylum seekers; and persons under 18 years who hold valid pensioner, concession or health-care cards. Members can see that there are a good number of people in the community who are serviced by the Western Region Health Centre dental service.

I visited both branch offices, if I can call them that. One is in Paisley Street and one is in Geelong Road. The Paisley Street house — it is literally a house that has been converted into a dental surgery — is somewhat cramped, and it is an understatement to say that. I was particularly impressed by the floor in the instrument room, where the dental workers are forced to stand for extended periods. It would probably be helpful to have one leg shorter than the other to cope with the angle at which those people are forced to stand all day when they are working.

The other office in Geelong Road particularly concerns me. It is an old house, and when I say it is an old house I am not exaggerating, because in three years it will celebrate its centenary. You cannot half tell, because it is falling to pieces in many places and it is in desperate need of some tender, loving care and a good injection of money.

It has been suggested that the government might consider giving the service $9 million to bring it up to scratch. I tend to believe that will be necessary, but what I am asking the minister to do is accompany me on a tour of both the Paisley Street site and the Geelong Road site in Footscray to ensure that he has a fair and reasonable idea of what these great people are working against.

Consumer affairs: off-the-plan housing

Mr TEE (Eastern Metropolitan) — My adjournment matter is for the Minister for Consumer Affairs, and it relates to so-called off-the-plan housing contracts. A number of concerns have been raised about Victorians being stung by a practice under which developers sign up a number of home buyers on off-the-plan arrangements. These are contracts in which the developer agrees to build a unit or apartment for which the consumer then pays a deposit.

Allegations have been made where if the developer subsequently believes that the value of the unit has increased, it cancels the contract. The development proposal is then reconfigured by the developer and relaunched with the units or apartments being offered to the market at a higher price. In these situations the original purchaser is left high and dry. They may get their deposit back, but their lives have been severely disrupted. This often occurs 12 or 18 months after they sign the contract and at the time when they planned to move into the new home or apartment. Their lives are disrupted when they are told that the building will not be proceeding and the contract will not be honoured. They then need to start again and go through the time-consuming, emotionally draining process of trying to find another apartment, and often this can be an expensive process. If the market has moved up, they may no longer be able to afford the same apartment or one in the same area in which they were looking. This can become a difficult situation.

I am concerned that with house prices increasing there is growing demand for these kinds of units. I ask the minister to conduct an investigation and a public inquiry into these practices so that individuals can come forward and tell of their experiences. The investigation should consider the law as it stands to ensure that it meets contemporary needs in this fast-growing section of the market and that consumers have the right information to make an informed decision.

Responses

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I will refer to

the Minister for Water the matter raised by Mr Lenders in relation to continuing the practice of offering briefings by water authorities.

I will refer the matter about Victoria having a greater presence at Villers-Bretonneux on Anzac Day and future events. The matter was raised by Mrs Coote for the Minister for Veterans' Affairs.

I will refer the matter raised by Ms Hartland to the Minister for Public Transport.

I will refer to the Minister for Education the matter raised by Mr Leane in regard to the eastern autistic school and the minister getting back to the action group with some options.

Mr Finn raised a request for the Minister for Health. He has asked the minister to accompany him on a visit to Footscray for a briefing on the Western Region Health Centre dental service, and I will refer that to the minister.

Mr Tee raised a matter for the Minister for Consumer Affairs about off-the-plan contracts, and I will refer that to the minister.

I also have written responses for the adjournment debate matters raised by Ms Mikakos on 9 February; Mr Tee on 10 February; by Mr Ramsay and Mr Viney on 2 March; by Ms Darveniza and Ms Mikakos on 22 March; by Mr O'Brien, Mr Elsbury, Mr Lenders, Ms Darveniza and Ms Hartland on 23 March; by Mr O'Donohue, Ms Pulford, Mr Scheffer, Ms Hartland, Mr Tee, Mr Lenders, Mr Ondarchie, Mr Elasmar, Ms Pennicuik, Mr Viney, Mr Finn and Mrs Kronberg on 24 March; by Mr Lenders on 5 April; by Mrs Petrovich on 6 April; and by Ms Broad on 7 April.

The PRESIDENT — Order! The house now stands adjourned.

House adjourned 10.20 p.m.