

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE COUNCIL**

**FIFTY-SEVENTH PARLIAMENT**

**FIRST SESSION**

**Wednesday, 15 June 2011**

**(Extract from book 9)**

**Internet: [www.parliament.vic.gov.au/downloadhansard](http://www.parliament.vic.gov.au/downloadhansard)**

**By authority of the Victorian Government Printer**



## **The Governor**

The Honourable ALEX CHERNOV, AO, QC

## **The Lieutenant-Governor**

The Honourable Justice MARILYN WARREN, AC

## **The ministry**

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

## Legislative Council committees

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

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

## Legislative Council standing committees

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

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

**Environment and Planning Legislation Committee** — Mr Elsbury, Mrs Kronberg, Mr Ondarchie, Ms Pennicuik, Mrs Petrovich, 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 Elasmr, Ms Hartland, Ms Mikakos, Mr O'Brien, Mr O'Donohue, Mrs Petrovich and Mr Viney.

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

## Joint committees

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## Heads of parliamentary departments

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

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

*Parliamentary Services* — Secretary: Mr P. Lochert

**MEMBERS OF THE LEGISLATIVE COUNCIL**  
**FIFTY-SEVENTH PARLIAMENT — FIRST SESSION**

**President:** The Hon. B. N. ATKINSON

**Deputy President:** Mr M. VINEY

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

**Leader of the Government:**

The Hon. D. M. DAVIS

**Deputy Leader of the Government:**

The Hon. W. A. LOVELL

**Leader of the Opposition:**

Mr J. LENDERS

**Deputy Leader of the Opposition:**

Mr G. JENNINGS

**Leader of The Nationals:**

The Hon. P. R. HALL

**Deputy Leader of The Nationals:**

Mr D. DRUM

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



# CONTENTS

## WEDNESDAY, 15 JUNE 2011

PAPERS ..... 1911

### MEMBERS STATEMENTS

- Australian Services Union: equal pay rally* ..... 1911
- Republic of Cyprus: presidential visit* ..... 1911
- Premier's Sustainability Awards* ..... 1911
- Royal Botanic Gardens: RHS Chelsea Flower Show* ..... 1912
- Royal Botanic Gardens Cranbourne: Australian garden* ..... 1912
- Victorian Senior of the Year awards* ..... 1912
- Rotary Club of Glen Eira: business breakfast* ..... 1912
- Senator-elect Lee Rhiannon* ..... 1912
- Heathdale community shed* ..... 1913
- Filipino community: independence celebrations* ..... 1913
- City of Hume: citizenship ceremony* ..... 1913
- Rotary Club of Eltham: Pride of Workmanship awards* ..... 1913

### ENVIRONMENT AND PLANNING LEGISLATION COMMITTEE

- Work plan* ..... 1914

PRODUCTION OF DOCUMENTS ..... 1922

QUORUM ..... 1924

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

- Statement of compatibility* ..... 1924
- Second reading* ..... 1925
- Correction of second-reading speech* ..... 1969

GOVERNMENT: ACCOUNTABILITY ..... 1934, 1942

### QUESTIONS WITHOUT NOTICE

- Industrial relations: government policy* ..... 1936
- Housing: Southern Metropolitan Region* ..... 1936
- Police: enterprise bargaining* ..... 1937, 1938
- Ageing: elder abuse* ..... 1937
- Automotive industry: achievements* ..... 1938
- Heinz Australia: Girgarre factory closure* ..... 1939
- Higher education: governance* ..... 1939
- Retail sector: jobs* ..... 1940, 1941
- Planning: reform agenda* ..... 1941

### QUESTIONS ON NOTICE

- Answers* ..... 1942

DUCK SEASON ..... 1951

### STATEMENTS ON REPORTS AND PAPERS

- South West TAFE: report 2010* ..... 1969
- Drugs and Crime Prevention Committee: impact of drug-related offending on female prisoner numbers* ..... 1970
- Implementing the Government's Response to the 2009 Victorian Bushfires Royal Commission — May 2011* ..... 1971
- Auditor-General: Management of Major Road Projects* ..... 1972
- Office of Police Integrity: improving Victoria Police discipline and complaint handling systems* ..... 1972

### *Auditor-General: Indigenous Education*

*Strategies for Government Schools* ..... 1973

### ADJOURNMENT

#### *Grassland Society of Southern Australia: annual*

*conference* ..... 1974

*Water: rainwater harvesting* ..... 1975

*Rail: level crossings* ..... 1975

*Women: eliminating violence awards* ..... 1976

#### *Colac Secondary College: football and cricket*

*oval* ..... 1976

*Rail: Altona loop service* ..... 1977

*Regional and rural Victoria: electricity prices* ..... 1977

*Victoria Legal Aid: funding* ..... 1977

*Timboon P-12 School: upgrade* ..... 1978

*Responses* ..... 1978



## Wednesday, 15 June 2011

**The PRESIDENT (Hon. B. N. Atkinson) took the chair at 9.35 a.m. and read the prayer.**

### PAPERS

#### Laid on table by Clerk:

Auditor-General — Report on Victorian Life Sciences Computation Initiative, June 2011.

Ombudsman — Report on the Investigation into the corrupt conduct by public officers in procurement, June 2011.

### MEMBERS STATEMENTS

#### Australian Services Union: equal pay rally

**Ms MIKAKOS** (Northern Metropolitan) — On 8 June I attended with many of my Labor colleagues the Australian Services Union's national day of action for equal pay for community sector workers.

Prior to the last election the Baillieu government promised to match Labor's support in funding the outcome of the equal pay test case for social and community services workers. Just days prior to the 2010 election the Minister for Community Services, Mary Wooldridge, gave an assurance to the Victorian Council of Social Service and to the members of the ASU that if the cost of delivering on the Fair Work Australia decision was in excess of the \$200 million the coalition had set aside, the Baillieu government would meet the shortfall. But instead the Baillieu government has broken its promise to the Victorian social and community services sector, and its first state budget shows no intention of funding the cost of providing workers with equal pay.

Labor will continue to fight for the rights of social and community sector workers, and particularly for women, to rightfully receive equal pay for equal work.

#### Republic of Cyprus: presidential visit

**Ms MIKAKOS** — On another matter, I joined many other parliamentarians at an event organised by the Cyprus Community of Melbourne and Victoria on 27 May to meet the President of the Republic of Cyprus, His Excellency Mr Demetris Christofias, and his wife. Cyprus and Australia have always had a longstanding link as allies, forged through our relationship in both the First and Second World Wars. Many Cypriot soldiers fought alongside ANZAC troops at Gallipoli and even in the Battle of Crete, which we

commemorated recently. It is time Cyprus was a unified nation with all people coexisting peacefully, and I hope a positive resolution of the Cyprus issue can be achieved in the near future.

#### Premier's Sustainability Awards

**Mrs PETROVICH** (Northern Victoria) — I rise to acknowledge the nominees for the 2011 Premier's Sustainability Awards, which are Victoria's highest honour for sustainability and recognise excellence in small to large businesses, government, education and the development of new products and services.

Geelong-based carpet manufacturer Godfrey Hirst Australia took out the top honour, the Premier's recognition award, and also the large business category for introducing industry best practice initiatives to reduce emissions and water consumption by almost 50 per cent. I congratulate it and all the winners and finalists who provided many innovative and creative solutions.

I was particularly pleased to see the 3Fish organisation from my home town of Woodend take out the small business award. I have watched the growth of this company since 2008, when Marty and Natalie Dillon decided that they:

... would like to create a company that people want to work for and be proud to be associated with, and presume that we will attract people, customers, clients, stockists and distributors with a strong moral compass.

They also noted that they would like to tell their young children that they are doing something about global warming, environmental degradation, child labour and sweatshops when their children get around to asking about those things. They went about setting up a successful new business which ethically sources its supplies and took responsibility for the stability and sustainability of its entire chain. I can recommend the entire range to customers. Well done to all involved.

Our inaugural Macedon Ranges student sustainability awards were a success, with some clever suggestions from students in two categories: juniors, up to 12 years of age; and seniors, 16 years and over. An enormous amount of thought had been put into the suggestions, such as the one from a student who wanted a designated traffic lane for his grandparents to drive from one town to another, and another student who felt he did not have any ideas but would think of some if he won. There are definitely some great entrepreneurs in amongst all that.

### **Royal Botanic Gardens: RHS Chelsea Flower Show**

**Mr TARLAMIS** (South Eastern Metropolitan) — I have great pleasure in congratulating Melbourne's Royal Botanic Gardens team on its recent gold medal award at the Royal Horticultural Society Chelsea Flower Show, the most prestigious garden show in the world. The award-winning garden was based on the multiple award winning Australian garden at the Royal Botanic Gardens Cranbourne, a division of Melbourne's Royal Botanic Gardens. The garden included almost 2000 shrubs and trees and was designed by award-winning landscape designer Jim Fogarty. It depicted the arid outback of Australia and showcased Australia's unique flora, including a number of endangered plant species native to Australia.

### **Royal Botanic Gardens Cranbourne: Australian garden**

**Mr TARLAMIS** — On a related matter, work has now commenced on the second and final stage of the Australian garden at the Royal Botanic Gardens Cranbourne. The garden has been a 16-year project, and the latest development will see it double in size. It is scheduled to be open in early 2012. Major features of stage 2 include a river walk, eucalypt walk, melaleuca spits, a Gondwana garden, an Ian Potter lakeside precinct and much more. I encourage anyone who has not already visited the garden to do so, and I assure them they will not be disappointed.

### **Victorian Senior of the Year awards**

**Mr TARLAMIS** — On another matter, nominations are now open for the Victorian Senior of the Year awards, and they close on 22 July. These annual awards are presented to seniors who have achieved something extraordinary or performed exceptional service to the community and are an opportunity to recognise the valuable contributions made by people over 60 years of age. This year the awards have been expanded to include a new award for seniors who are making significant contributions to promoting the benefits of cultural diversity. I know there are many worthy nominees in South Eastern Metropolitan Region, and I encourage all members to promote these awards throughout their electorates.

### **Rotary Club of Glen Eira: business breakfast**

**Ms CROZIER** (Southern Metropolitan) — The Governor, His Excellency the Honourable Alex Chernov, addressed the Rotary Club of Glen Eira's 22nd annual business breakfast last Wednesday at the

Glen Eira town hall. The breakfast was well attended by local business men and women, and my state and federal parliamentary colleagues Kelly O'Dwyer, David Southwick and Elizabeth Miller, as well as many Rotarians from both Glen Eira and surrounding districts.

The Governor used the opportunity to recall the story of Dr Kira Martin, a remarkable woman renowned for the work she undertook in 1988 after hearing about a cholera outbreak in a South Delhi slum. She set up a makeshift medical clinic with a borrowed table under a tree and quite literally saved hundreds if not thousands of lives. The Governor's story highlighted that through her work, and by engaging with like-minded people, she was able to form the Asha society, which still operates today.

Rotary was founded by Paul Harris in 1905 to bring together like-minded business associates and during its formation had an ambition that community service should be one of Rotary's objectives. Over the years Rotary has contributed to many significant projects. Rotary International had a vision to work with the World Health Organisation to eradicate from the world the debilitating disease polio, and it is making significant progress in achieving that objective. Many local Rotary clubs have worked with and assisted drought-affected, bushfire-affected and flood-ravaged Victorian communities in recent years. They are also working on a very important international project to decrease maternal and neonatal mortality rates in East Timor.

The Glen Eira breakfast had many longstanding members of Rotary in attendance — people such as Virginia Cameron, Gary Goldsmith and Graeme Newton — all of whom have worked on many Rotary projects and done much to support the great cause of Rotary.

### **Senator-elect Lee Rhiannon**

**Ms PENNICUIK** (Southern Metropolitan) — Like Bob Brown I was appalled to read in today's *Age* the comments made in federal Parliament yesterday by Michael Danby, member for Melbourne Ports, about Greens senator-elect Lee Rhiannon. Mr Danby should withdraw his comments.

I first met Lee in 1997 when I attended my first national Greens meeting in Canberra. Lee is a gentle and determined person who has had a lifetime commitment to social justice and the environment. Lee is a qualified botanist, and as a young woman she worked as a zookeeper at Taronga Zoo and in London. We share a

passion for animal welfare, and we have worked together on these issues. We have also worked together to end logging and woodchipping of our native forests in East Gippsland and south-eastern New South Wales and for the closure of the Eden chip-mill. In 1993 Lee founded AID/WATCH and was its director until 1998.

In 2001 Lee initiated the Juanita Nielsen memorial lecture to honour the achievements of Ms Nielsen, who was murdered for her stand against overdevelopment in Sydney, an issue Lee has campaigned on too. Lee also initiated the Greens Democracy4sale project, which led to legislative reform regarding political donations in New South Wales, including a ban in 2009 on donations from developers. Last year I put to this chamber a similar motion that was voted down by the ALP and the coalition. Lee has been a tireless campaigner for the rights of gay, lesbian, bisexual, transgender and intersex people and for the removal of discrimination.

Mr Danby is well known in his electorate for playing the person and not the issue. He should apologise to Lee for his outburst.

### **Heathdale community shed**

**Mr ELSBURY** (Western Metropolitan) — I was glad to be able to join the Minister for Housing, the Honourable Wendy Lovell, at the official opening of the Heathdale and neighbours community shed, or HANCS, on 7 June. HANCS is much more than a shed: it is a place for learning, a place for meeting friends and an important focus for the Heathdale community. Minister Lovell reaffirmed the coalition's commitment to and belief in the Heathdale community by announcing an additional \$110 000 of funding for the construction of extra storage and the upgrading of air conditioning.

### **Filipino community: independence celebrations**

**Mr ELSBURY** — I also was happy to join members of the Filipino community to celebrate their declaration of independence from Spain in 1898, although neither Spain nor America recognised this declaration until 1946. Both the member for Derrimut in the Legislative Assembly and I found ourselves participating in a traditional Filipino dance which involved jumping between bamboo poles being struck together to the beat of the music. I am sure our shins and ankles have only just recovered! I congratulate the Filipino community on celebrating their national day with such vibrancy.

### **City of Hume: citizenship ceremony**

**Mr ELSBURY** — I was also pleased to participate in an instance of bipartisan cooperation at the City of Hume citizenship ceremony on 7 June at the Broadmeadows town hall. The member for Broadmeadows in the Legislative Assembly, Ms Broad and I coordinated the distribution of Australian flags and native plants to our new citizens. The variety of places these people came from and the stories they told me on the day were very interesting.

### **Rotary Club of Eltham: Pride of Workmanship awards**

**Mrs KRONBERG** (Eastern Metropolitan) — Last Thursday, 9 June, was a memorable night for many people in Eltham. It was my pleasure to attend a Rotary Club of Eltham dinner at which its Pride of Workmanship awards were made. The awards acknowledged and applauded the hard work, commitment, passion and application of the particular skills of five people. I was delighted to present Rotary awards to Amanda Morley, shop manager at Slocum Floorcoverings; Sonja Wendel, swimming instructor, Eltham Swimming School; Sana Nicholas, quality manager, Degani Bakery Cafe; Russell White, landscape designer and manager of John French Landscape Design; and Amanda Parnell, veterinary nurse, Eltham Veterinary Practice.

My congratulations go to the organisers: Eltham Rotary president Mike Englefield; chairman for the evening, Mike Ramsay; Margaret Lane; and the other committee members. In times when individuals can often be ambivalent in their attitude towards their employers and the responsibility people need to take in their jobs, I commend Eltham Rotary for conceiving of these awards and for its belief in the importance of the principle of taking pride in one's work and being acknowledged for it.

**The PRESIDENT** — Order! Before we proceed to the general business, which today is opposition business, I would like to again place on record my appreciation to the staff of the Parliament servicing the Legislative Council last evening for supporting us through that late-night sitting. It is obviously a fair effort for members of Parliament to go through their activities until those small hours of the morning, but indeed for the staff it also makes considerable demands on their time and energy. I do appreciate it. I am sure I speak on behalf of all the members of the chamber in expressing that appreciation to the staff for their efforts last night. I hope it does not happen too often.

## ENVIRONMENT AND PLANNING LEGISLATION COMMITTEE

### Work plan

**Mr TEE** (Eastern Metropolitan) — I move:

That this house calls on the Environment and Planning Legislation Committee to develop a work plan to review the government's challenges and priorities in relation to the arts, environment and planning, including the use, development and protection of land and that the committee deliver its report by 1 December 2011.

The committees that have been set up are very new. This is the first time this Parliament has set up a committee structure of this type. The committees have been provided with a very broad remit in terms of the review and scrutiny of government. It is appropriate that this chamber provide this committee with some guidance in terms of the way it should operate. As this committee system evolves and develops there is an opportunity for the chamber to oversee, or at least be cognisant of, the work of the committee at this early stage. There is also an opportunity for this chamber to ensure that the committee does take its role seriously and in the way intended by the members of this place. It is important that this chamber takes up that responsibility to make sure that the committee gets on with its role as set out in the new standing orders.

It is important that we open up the batting, as it were. It is important that the work of this committee is supported and that there is a process set up for it to start its work and get on with its role as set out in the rules — that is, to scrutinise the government. I am sure no-one in this place would like the alternative to occur, which would be the committee doing nothing and for us to come back in six months not having had any work done, the committee not having had any opportunity to scrutinise the government. It is an important task that the committee has in scrutinising government, and no-one would want, in 6 or 12 months time, for there to be no return on the opportunity that has been provided under the standing orders.

The committee has a mandate and it has an opportunity to provide scrutiny. This proposal provides a way for the committee to undertake the task and responsibility it has been afforded under the rules. It would be a dereliction of the duty and responsibility of the committee, and of the opportunity afforded to it, if the committee did not fulfil its functions. I do not think anyone wants to see that occur.

The proposal I put forward is deliberately not onerous. It is intentionally generous in that it provides an

opportunity for the committee to go back and, within a broad framework, develop a work plan. There is broad guidance in terms of what should be incorporated into that work plan, but essentially it should focus on the matters picked up in the standing orders regarding the roles and functions of the committee. The standing orders provide the committee with the opportunity to review the government's challenges and priorities in relation to several areas of the committee's work — namely the arts, the environment, and planning, including the use, development and protection of land. Within those very broad parameters there is an opportunity for the committee to undertake a work plan and to provide some sort of feedback and report to this chamber by 1 December this year.

That would provide an opportunity for this house to review not only how the committee is going but also, more broadly, how the committee structure is working. It would provide oversight by this chamber of the committee as it undertakes what is a new journey and a new opportunity. As I said, the alternative is probably unthinkable, which is that we waste this opportunity and we as members of Parliament and as a house of review do nothing. We should take seriously the responsibility we have as members of Parliament representing the Victorian community. We should take the opportunity to ensure that taxpayers funding is being used wisely, in terms of both this committee and government spending.

It is important that we grab this opportunity. The motion suggests a way forward that is not onerous. It may require at most three or four meetings of the committee followed by a report. It is a very broad remit, but it is a common-sense way forward. It is an appropriate starting point. The alternative is one I do not think anyone in this place would support, or certainly not those of good conscience. For us to do nothing for the next 6 or 12 months would be a dereliction of our duties as the elected representatives of the Victorian people. I urge all in this chamber to use this as a bipartisan opportunity to really start the work of this very important committee that has been set up by the Council. I urge all members to support my motion.

**Mrs PEULICH** (South Eastern Metropolitan) — I am the chair of the Environment and Planning Legislation Committee of the Legislative Council to which this motion is being applied. It is one of two parallel committees — being the legislation committee and, the yin to its yang, the references committee chaired by Ms Tierney — that have to be seen as a package, primarily because the same people serve on each committee. In my remarks I will speak about both

because one inherently impacts on the other in terms of management of workload. As chair of one committee and an active participant in the other, along with other members, I think it is imperative that we speak a little bit more broadly than the specific motion moved by Mr Tee.

It is not a riveting motion. Without breaching privilege, I assume it has arisen out of Mr Tee's dissatisfaction with a decision taken by the committee, the details of which I will obviously not go into. Being a member of that committee, he has decided to bring that to this chamber, and that is his right. However, I would like to make a number of points, first and foremost that the committee has only recently been established, like all other parliamentary committees, and so in many ways is still finding its feet. The committee is part of a new structure that was created some time ago as the product of a report that had been undertaken. We are still finding our way.

The references committee has also been given a comprehensive reference by this chamber, which was moved by Mr David Davis, to undertake consideration of and reporting on the contribution of environmental design to prevention and public health in Victoria. The reference contains five fairly comprehensive dot points around the broad theme, for which a background discussion paper has already been prepared by our recently appointed and very competent staff member. As the chair of the references committee, Ms Tierney has developed a comprehensive and detailed plan that involves members of that committee in detailed work right through to next August.

**Mr Tee** — On a point of order, Acting President, I am not sure whether Mrs Peulich is transgressing the rule in relation to talking about the deliberations of the committee. I seek your guidance, and if she has transgressed, I ask that she be called back in terms of that issue.

**Hon. D. M. Davis** — On the point of order, Acting President, the member gets up to raise what I take to be a point of order but indicates he is unsure, and he is a member of the committee. If he is unsure, I put to you that you cannot rule that there is a significant point of order.

**Mr Scheffer** — On the point of order, Acting President, I am not unsure. I think that the member has in fact transgressed.

**Mrs PEULICH** — On the point of order, Acting President, I am not detailing the specifics of the committee deliberations but merely the processes, an

understanding of which members of this chamber need to have to reach an informed decision on the motion before them. The workload of the two parallel committees, the legislation committee and the references committee, must be taken into consideration as a totality because the membership of the committees is the same.

**The ACTING PRESIDENT (Mr Tarlamis)** — Order! Mrs Peulich is debating the matter. In order to achieve clarity for the house I will read the relevant section of the standing orders:

Evidence not taken in public and any documents, papers and submissions received by the committee which have not been authorised for publication will not be disclosed unless they have been reported to the Council.

I ask members to bear that in mind when speaking on this matter.

**Mrs PEULICH** — I note that, but I do not believe that anything I have said has breached the standing orders as articulated by the Acting President.

*Honourable members interjecting.*

**Mrs PEULICH** — Absolutely.

**Mr Scheffer** — You referred to documents absolutely clearly.

**Mrs PEULICH** — There has been nothing; we have not yet received anything.

**Mr Scheffer** — You mentioned a discussion paper.

**Mrs PEULICH** — That we prepared a discussion paper? Mr Scheffer, I am talking about a process and a structure, not the content of a document.

**Mr Scheffer** — That is a document.

**Mrs PEULICH** — I think you are being absolutely preposterous, with all due respect.

**Mr Tee** — A document is a document.

**Mrs PEULICH** — There is a document that exists; I have not divulged the content of that document. I think it is absolutely preposterous to bring this motion forward and not allow me to comment on the substantial work that has been generated by the very people who are bringing this supposed grievance to this chamber and asking the chamber to direct additional work to the committee, which I believe is in the best position to make a determination and manage its own workload. Everything that has been done by the committee has been in accordance with standing orders

and all of the rules as advised by our very competent staff, who in effect are representatives of the clerks. Indeed the decision has been made to hold off on any plans or activities initiated by the committee.

**Mr Tee** — On a point of order, Acting President, the member is transgressing. She is now discussing not only the deliberations but the decisions that have been made in this committee, and it is not appropriate in the absence of a report to this chamber for her to do so.

**The ACTING PRESIDENT (Mr Tarlamis)** — Order! I uphold Mr Tee's point of order.

**Mrs PEULICH** — Let me go back to where I began, and that is to say that the committee is in the best position to manage its workload. The work of the two parallel committees — the reference committee and the legislation committee — must be taken into account as a totality. This chamber has provided a very comprehensive reference for the reference committee to undertake. This is substantial work that will probably take us well into next year. At the same time there have been discussions — and I will not divulge the parameters of those discussions — on possible workload, the subject of which — —

**Mr Tee** interjected.

**Mrs PEULICH** — The subject of which is this motion, Mr Tee. Mr Tee is being absolutely preposterous. You cannot talk about the motion without divulging or making comments about the substance of the motion.

First and foremost, often we hear from non-government members on the committee that this committee should function like a Senate-style committee. Notwithstanding the fact that these points were made in the report on which the committee structure was based, there is a very important difference — that is, that members of the Legislative Council of Victoria have electoral boundaries and electoral duties, and therefore embarking on parallel inquiries involving substantial workload would be unsustainable. All I am asking, as chair, is for this motion to be voted against to enable the legislation committee to manage its own workload. It would otherwise not be a sustainable proposition.

**Hon. D. M. Davis** interjected.

**Mrs PEULICH** — Absolutely. In addition to that, on the functions of the committee, standing order 23.02 provides that 'legislation committees may inquire into, hold public hearings, consider and report on any bills or draft bills referred to them by the Legislative Council'. Endorsing Mr Tee's motion — which is taking the

bounds further than I believe the standing orders intended — would mean the legislation committee would compromise its ability to deal with any other business it may receive from this chamber, especially in terms of what I consider its primary function, which is the consideration of any legislation, bills or draft bills by a committee which is called a legislation committee.

With those few words I ask the house to say no to Mr Tee's motion and to keep in mind that there is a parallel committee with a substantial workload, that the committee is different to a Senate-style committee because we have electoral duties and that we are operating within the same budget parameters as were established by the former government, so the committee is best placed to manage its commitments. Nothing undertaken by the committee has been in breach of the standing orders or any of the advice that has been received by the executive staff, including in consultation with the clerks. With those few words I would urge the house to say to Mr Tee, 'Get on with the job of facilitating the inquiry that is being undertaken by the references committee'. The sooner that is finished, the workload of the committee and its members may be lightened to enable them to undertake further duties.

**Ms PENNICUIK (Southern Metropolitan)** — I will support Mr Tee's motion, which states:

That this house calls on the Environment and Planning Legislation Committee to develop a work plan to review the government's challenges and priorities in relation to the arts, environment and planning, including the use, development and protection of land and that the committee deliver its report by 1 December 2011.

As the chamber knows, the three standing committees — based on the Senate committees, with a legislation function and a references function — were set up at the end of the last parliamentary session. To the government's credit it has established the committees and assigned members to them, and there are now references to the references function. They are quite comprehensive references. Certainly the references to the Standing Committee on Environment and Planning References Committee are very wide ranging. I believe if its functions are carried out well — and I am sure they will be — its work will be of value to the people of Victoria. That is what the work of parliamentary committees is for — to add value by investigating broad-ranging public interest issues and reporting to the Parliament on behalf of the people of Victoria.

All modern parliaments have functioning committee systems. The Victorian upper house has a fledgling

committee system. It has never had a proper committee system that functions in the way the committee systems function in, for example, the Senate or the New South Wales upper house or the Western Australian upper house — just to name the ones the previous standing orders committee looked at closely in the development of this model. The references committees are up and running. They have their references, and there is a work plan being developed for those references to carry the work forward.

**Mrs Peulich** — Hang on, you may have breached privilege.

**Ms PENNICUIK** — I agree with Mrs Peulich on that issue. I think we can make some reference to the work of the references committee without divulging the details of it by at least saying that something will be forthcoming in terms of a work plan. It is partly the reason this motion is here. The legislation functions of all three standing committees have not been tested at all so far. While I agree with the motion, I do not necessarily suggest that the legislation side of the standing committee should come forth with an onerous work plan. There should be some work plan laying the foundations for the work that is assigned to this particular committee, which is to report on any proposal, matter or thing concerned with the arts, coordination of government, environment and planning for the use, development and protection of land. That includes inquiring into, holding public hearings, considering and reporting on any bills or draft bills referred to it by the Legislative Council and producing annual reports, estimates, expenditure or other documents laid before the Council in accordance with the act.

So far no references by any members of the Council to any of the legislation committees have been accepted, so the legislation function of the committee is not operating. If we, as the Victorian upper house, are to establish and get going with a modern, busy and comprehensive committee system, which we should as a modern Parliament, then we need to get started. We are six months into this session, and so far not one thing has happened in terms of the legislation function of any of the three committees, particularly this committee. That is not a good start. The references committees have their references, and they are busy working out their work plans. I am sure they will all come to this chamber without too much delay and inform the chamber as to how they are going to carry out those references.

But the legislation function is important as well. I know members attended the briefing provided by

Dr Rosemary Laing, who is the Clerk of the Senate. I repeat again, and I have said this before, that she mentioned the hard work that is done by senators in terms of both functions. Even though Mrs Peulich is saying they need to be considered as a whole, they also need to be considered separately. They are two separate functions, even though the same members are involved. Senators can manage to carry out both functions, and I think we can do so without making it onerous — and we should. It is a part of our job to serve on committees and to carry out the work of committees.

Six months into the term of this government, this motion is timely in that it alerts the house to the fact that that function is not operating. The house can urge the Leader of the Government, the chairs of various legislation committees and particularly the chair of this committee, of which I am a member, to agree to develop a work plan. It does not need to be onerous, but it would set the groundwork for the work that should follow. The house can also urge the government to accept the referral of bills to the legislation committees so we can carry out the function that is the reason the committees were set up.

**Ms TIERNEY** (Western Victoria) — Firstly, I might create a world first by saying I agree with Mrs Peulich in terms of this motion not being riveting. The fact is it is not meant to be a riveting motion; it is a straight up and down, black and white request for a particular committee that has been established by this Parliament to do some work. I do not think that is a really hard ask at all. The committee we are dealing with this morning is the Standing Committee on Environment and Planning, a legislation committee. It was formed approximately four months ago. Whilst it has met, there has been very little substance to the meetings because, quite frankly, it does not have a work plan.

Without wanting to divulge any documents or internal discussions or anything like that, you can tell that the pile of reference committee documents on my table this morning is this thick — —

**Mrs Peulich** — On a point of order, Acting President, I would hate Ms Tierney to inadvertently mislead the house by saying that the legislation committee has no work plan. Indeed this matter has been addressed by the committee — —

**The ACTING PRESIDENT (Mr Tarlamis)** — Order! That is not a point of order.

**Ms TIERNEY** — As evidenced by the files on my desk here, this is the reference committee, and by

searching really hard you can find a very slim volume called the legislation committee. We on this side of the chamber believe the standing orders that created the new committee structure really need to be looked at and enforced. As Ms Pennicuik has outlined, there are a number of areas at which the legislation committee could and should be looking, whether that be in terms of budget papers or in terms of departmental annual reports that come before this chamber. As a natural way of ensuring that the work gets done, there is plenty for this committee to do in between dealing with particular issues that are referred to it by this chamber.

This morning we are simply seeking a direction from this chamber that the committee develop and implement a work plan now and not await the results of the inquiry that is currently being conducted by the reference committee. We on this side of the chamber really are committed to the new committee structure, and we want it to work. We believe the cross-party working party that developed the new committee structure really never envisaged that the work of one of the committees would override the work plan or work level of the other committee. I would also assert that I do not believe either the government or the chair of one committee could override the decisions or the chair of the other committee in terms of the work level.

However, it is true that, because we have the same membership on both committees, we have to attend to and hold some practical deliberations over the work balance of the committees. Again, without wanting to imply too much, all of that requires cooperation, and that is also what we are seeking here — that is, not just a work plan and a schedule that can be developed and implemented now, without waiting until several months down the track, we also want cooperation, because we are committed to getting the committee system to work.

What we are seeking, then, is simple: we want a work plan that is not held in abeyance, waiting for the conclusion of the inquiry that is being conducted by the reference committee. We on this side are ready to roll up our sleeves and get on with the work that needs to be done, and the question we put to the house this morning is: what are the government members prepared to do? Quite frankly, so far we have had no indication of what this might be. We on this side of the chamber who are members of the legislation committee want the committee to work; we want a work schedule. This committee really does need some work put before it in a systematic way, so that we can not only organise our own individual schedules but can also organise the schedules of our support staff and the proper allocation of support resources, such as Hansard, that need to be organised.

Essentially the argument put — and we have heard this argument before — is that because we have the more specific electoral boundaries of members in this place, compared with those of senators, we are somehow off the hook when it comes to doing committee work. I think this view is an absolute travesty. If that were the case, then that should have been the view contemplated by the government members, who were then opposition members, on the cross-party working party at the time of formulation of this new system. It would have brought new air to the whole proposition of the committee structures, because it does raise a question about the degree to which we are or are not committed to the new committee system.

My view on this matter this morning is that essentially Victorian taxpayers deserve a lot better. If we are going to rely on another committee having another work plan and work schedule, and that somehow because we are upper house members and not senators it means we do not have to roll up our sleeves and get down to business and get some work done, then I am sorely disappointed, and I think Victorian taxpayers would be too. I will leave my contribution at that, and I support Mr Tee's motion.

**Mrs KRONBERG** (Eastern Metropolitan) — I rise to support the arguments against this motion that were so well put by Mrs Peulich this morning. This is a classic example of the Labor Party moving a quite misleading motion, because in trying to give a full account we are hamstrung in terms of what has been presented to the committee other than the reference that the chamber is aware of, our deliberations, the material that we examine and the fine detail of the workload already set in train. This is a fraudulent motion. It exemplifies that the Labor Party is scraping the bottom of the barrel in trying to find some sort of traction and credibility because it is suffering from relevance deprivation in a big way.

Unfortunately, as I try to draw out things to underpin my argument without breaching elements of committee conduct before the house, and for people observing the debate, this motion feels like an entrapment exercise: it is time wasting, ludicrous and misleading. No. 1, the committee works as a whole. No. 2, the people working on the reference already have a work plan, and I add that the work plan is detailed and spans 2011. There is already a significant workload for the same group of people who serve on both the references committee and the legislation committee. The same people are going to be working as a unit in a very fulsome, directed, focused, intense, workmanlike, responsible and comprehensive manner. We need to be able to accommodate an additional raft of work that may or

may not be, to quote former US Secretary of Defence Donald Rumsfeld, 'known unknowns' or 'unknown unknowns'. What we do not know yet is what other kind of work we might have to deal with during the course of the committee's work.

It is okay to be practical, pragmatic and realistic in our approach. Taking up some of the points made by Ms Tierney, she brought up things as though the committee was in jeopardy of not providing full value to the Victorian taxpayer. I need to place on the record that if we are already consumed by an enormous workload that is going to take up a considerable amount of free time and we have to accommodate additional references coming in for the same group of people, it is a nonsense to say that we are not providing value to the Victorian taxpayer.

I find it ironic — it goes to the heart of negating the argument that has been presented to support this motion — that the Greens have refused to serve as members of the Public Accounts and Estimates Committee or the Scrutiny of Acts and Regulations Committee, the top committees.

**Ms Pennicuik** — No, we haven't. I had four years on the PAEC.

**Mrs Peulich** — Not this term.

**Mrs KRONBERG** — For this term. Clearly their energies are directed in a fairly targeted way for their own political strategic outlook.

**Mrs Peulich** — And workload management.

**Mrs KRONBERG** — And the reality of managing a workload as well. The Greens cannot sit there, adopting a holier-than-thou mantle and saying, 'We're the ones who are prepared to shoulder the work and somehow we want to draw a veil of doubt across the work ethic of government members of this committee'. I challenge that because it is outrageous.

It should still be uppermost in the memories of members that the government had to introduce debate in this chamber to bring members of the Labor opposition screaming to membership of the joint investigatory committees. They were playing fancy footwork as to who would participate in the committees. They should not talk to me about wanting to work or the value of their work and the cost of having them here, supported by Victorian taxpayers. With all their fancy footwork, they did not measure up in any way and support the work of the joint investigatory committees. They are frauds.

**Mrs Peulich** — No value for money for the taxpayers there.

**Mrs KRONBERG** — No value for money for the taxpayers. Frankly to me this motion is emblematic of a desperate group of people striving for relevance, all the time knowing that government members cannot be specific about the actual deliberations of and what is tabled before committee members, our workload and the realities of how committee members work together. In a way this is a nonsense motion. It cannot be refuted in detail because committee members are hamstrung by obligations to the confidentiality of the committee's workings and deliberations. I just want to make sure that we shoot down this fraudulent and time-wasting motion.

**Mr LEANE** (Eastern Metropolitan) — I want to respond to the last speaker's contribution in which she touched on committees needing to work in a pragmatic and planned way and said that is how they should go forward. I want to touch on the joint committee of which I am a member, the Drugs and Crime Prevention Committee. Recently the committee was given a reference concerning putting protective services officers (PSOs) in emergency departments of hospitals. There was nothing pragmatic or planned about that.

What happened was that members of the media put a microphone under the nose of the Minister for Police and Emergency Services and asked, 'What about your policy about funding PSOs into emergency departments?', and he said, 'I'm not sure whether it's ours; I can't remember that one. I'm not too sure about what to do. I'll tell you what we'll do: we'll send it to the Drugs and Crime Prevention Committee'. That was a big handball or get-out-of-jail-free card. I do not know what was pragmatic and planned about that particular action by that minister.

**Mrs Peulich** — On a point of order, Acting President, this is not exactly within the confines of the motion before the house. It is about a different committee and a different minister and the member is not a member of the committee we are actually talking about, so I find it very difficult to understand how one can be compared to the other. They are obviously very different.

**Mr Tee** — On the point of order, Acting President, this has been a broad-ranging debate. A number of members, including some on the other side, have raised the issue of the breadth of work they have as members of a number of committees. This is within the breadth of the debate as has been determined by Mrs Peulich and others.

**Mrs Peulich** — Further on the point of order, Acting President, no-one on the government benches has mentioned their own workload on other committees. I would hate the member to mislead the house.

**The ACTING PRESIDENT (Mr Tarlamis)** — Order! I am prepared to rule on the point of order: there is no point of order.

**Mr LEANE** — To get back to the planned, pragmatic actions that go into these committees, the Drugs and Crime Prevention Committee, which is a joint committee of this Parliament, had a reference which had locked in a number of dates by which to do the work. Then the Deputy Premier, Mr Ryan, as I said earlier, used his get-out-of-jail-free card after he had a microphone put in front of him. He was asked about a policy that he did not even know the government had, asked about a promise and a commitment that he did not even know the government had and asked about an amount of money that the government committed to that he did not even know it had committed to, and the get-out-of-jail-free card is to handball it to one of the joint committees. I would be saying to members of the government that if that is their approach and it all has to be planned and pragmatic, please pass that on to their ministers. I want them to pass that on to their ministers so we do not have this constant get-out-of-jail-free card used to handball matters to joint committees when they panic about policies and commitments they did not even know the government had.

**Mr BARBER** (Northern Metropolitan) — If I may say so, I thank the Acting President for his assistance with this debate this morning on what was, at least in its text, quite a neutral motion — some might say bland. There were certainly no aspersions cast against anybody in the wording of the motion. During the course of the debate Ms Pennicuk made a brief and fleeting analogy to the work and role of senators in relation to what we all agree is a Senate style of committees. That was enough to send Mrs Kronberg to the point where she actually, without using the word, started to imply that the Greens are lazy. In responding to that specific point, I simply indicate that we have not been on one particular joint committee and we currently are not on another.

Firstly, on the question of workload, there are three Greens in this house who have 11 shadow portfolios between them, and we take a position on every bill and every amendment. Secondly, we do that with no resourcing beyond that of an ordinary member because in the past Parliament we did not even get a slice of the resources available to the opposition parties and with

the change of government we again get exactly zip consideration from the government of the day to represent the 12 per cent of Victorians who voted Green. Thirdly, we have served on the Public Accounts and Estimates Committee and put considerable effort into it.

**Mrs Peulich** — You decided not to this term because of your workload.

**Mr BARBER** — No, it has got nothing to do with workload; it has got to do with the structure of the Public Accounts and Estimates Committee. After having served on the committee for four years in a format where it was controlled by the government, we also at one stage moved a motion suggesting that the committee, which in debate Mrs Peulich has highlighted is a very important committee, be not controlled by the government. Liberal Party members in opposition supported us; they voted for our motion. They voted for our amendment to the Parliamentary Committees Act. The Nationals did not. When we had the opportunity to move that amendment again with the new government guess which way the government voted? It voted to retain control of that committee. It is reasonable that we devote our energies to committees where, at least in some aspects of their work, the government does not control everything. Using those available facts, I point out that there are no means by which anybody could put a slight against the Greens for their work in relation to the Parliament.

We also represent three upper house electorates, but in practical terms we represent the whole of Victoria; so there is that as well. I have no idea as to the involvement of Mrs Kronberg in her electorate. Outside the Parliament she may get up hill and down dale visiting every community of interest; I have no information on that. But members should compare that with the responsibilities of the Greens across the whole of the state, not just the three-eighths of the state from which we are elected. It is clear that there is no possible way for someone to put a slight against the Greens for our work in relation to the Parliament, the parliamentary committee system or our broader responsibilities as members.

**Mr TEE** (Eastern Metropolitan) — I want to make a few comments in reply, and I will start with the contributions of Mrs Peulich and Mrs Kronberg. What was remarkable about those contributions was their tales of woe, the sense that the community and this chamber ought to shed tears because they are struggling to cope with the workload required of them. They came up with any number of excuses — —

**Mrs Peulich** — On a point of order, Acting President, the speaker is imputing a motive which certainly was not the subject of either contribution, and that is in breach of standing orders.

**The ACTING PRESIDENT (Mr Tarlamis)** — Order! There is no point of order.

**Mrs Peulich** — There is a point of order.

**Mr TEE** — There is no point of order; the ruling has been made.

**Mrs Peulich** interjected.

**Mr TEE** — The tale of woe was that Mrs Peulich could not do the work because she had an unsustainable workload, she had electoral duties — —

**Mrs Peulich** — On a point of order, Acting President, that is an absolute extrapolation beyond what is acceptable. Mr Tee is attributing motive and reflecting poorly on members of this chamber. That was not the subject of the contributions made by Mrs Kronberg and me.

**The ACTING PRESIDENT (Mr Tarlamis)** — Order! There is no point of order.

**Mr TEE** — Mrs Peulich spun a tale of woe — unable to do the work of this committee because of an unsustainable workload due to the work involved in her electoral duties and her work on the other committee. Any number of excuses were put forward by Mrs Peulich and Mrs Kronberg for their inability and unwillingness to get on with the job that has been provided for in the standing orders.

We have members on the committee who manage to work effectively on two committees. There is nothing new in that. We have the capacity, and we have heard from the Greens that they too have the capacity and willingness, to get on with the job as set out in and required by the standing orders, a model that was set up by this house, a model that envisaged the two committees working together and having the capacity to deal with different matters at the same time. We on this side of the chamber are happy for that structure, which was agreed to and set up by this chamber, to be fulfilled. Those on the other side want to neglect one committee while they work on the other committee, which is in complete contrast to what was envisaged by the standing orders.

What the standing orders provide is a way out for those who cannot cope with being on more than one committee. The standing orders provide an option for

Mrs Peulich — or indeed anyone else who is struggling with the workload, anyone who is struggling to do what is required under the standing orders — to appoint a substitute member. If Mrs Peulich is unable to do the work, she is able to appoint a substitute. In that way the standing orders can be upheld and the work of the committee can continue despite her inability to do the work of more than one committee at a time. There is a capacity for her to step aside and let someone else who wants to get on and do the job have a go. She should let someone else have a go so that the committee can do what it is required to do under the standing orders. But to say, ‘I am unable to do it, and therefore I am going to stop the committee doing anything’ without allowing someone else, someone who is willing to ensure that this chamber can get the benefits of the committee, to then step up is a dereliction of duty. To say, ‘I am too busy. I am too important. I have too much other important work to do’ is a lazy approach. It is not too much to ask that Mrs Peulich attend half a dozen meetings of this committee and produce a report in six months. I do not think that that is too much to ask, and I think the electorate deserves better.

#### House divided on motion:

##### *Ayes, 17*

Barber, Mr	Pennicuik, Ms
Broad, Ms	Pulford, Ms ( <i>Teller</i> )
Eideh, Mr	Scheffer, Mr
Hartland, Ms	Somyurek, Mr
Jennings, Mr	Tarlamis, Mr
Leane, Mr	Tee, Mr
Lenders, Mr	Tierney, Ms
Mikakos, Ms	Viney, Mr
Pakula, Mr ( <i>Teller</i> )	

##### *Noes, 19*

Atkinson, Mr	Koch, Mr ( <i>Teller</i> )
Coote, Mrs	Kronberg, Mrs
Crozier, Ms	Lovell, Ms
Dalla-Riva, Mr	O’Brien, Mr
Davis, Mr D.	O’Donohue, Mr
Davis, Mr P.	Petrovich, Mrs
Elsbury, Mr	Peulich, Mrs
Finn, Mr ( <i>Teller</i> )	Ramsay, Mr
Guy, Mr	Rich-Phillips, Mr
Hall, Mr	

##### *Pairs*

Darveniza, Ms	Ondarchie, Mr
Elasmar, Mr	Drum, Mr

#### Motion negatived.

## PRODUCTION OF DOCUMENTS

**Mr BARBER** (Northern Metropolitan) — I move:

That this house requires the Leader of the Government to table in the Legislative Council by 12 noon on Tuesday, 28 June 2011, a copy of the *Network Revenue Protection Plan* for the 2011 calendar year, prepared under section 10.1 of the Metlink services agreement.

This motion requests the tabling of a document, being the most recently available version of *Network Revenue Protection Plan* for the metropolitan public transport system. In arguing the case for supporting this motion, this is not a document that would be of interest to only a small number of members on a small range of issues; it is actually quite central to a number of debates that have been and will continue to be held in this Parliament as well as to our scrutiny role.

The document also contains, or should contain, one of the biggest dollar figures not in the budget — that is, the loss of revenue due to fare evasion. Clearly that is a matter of broad public interest. We have just been buried under a deluge of multimedia advertising with the aim to reduce fare evasion. This document tells us comprehensively what the private operator's role is in reducing fare evasion. For example, a previous version of this plan was released through the Freedom of Information Act 1982. It was stamped commercial-in-confidence — whatever that means — and prepared by Metlink, which is a private corporation owned jointly by the operators, with some government role as well. This most crucial issue has been privatised, and it is only through examining this plan, if we obtain a copy of it through this motion, that we can continue to understand the challenges associated with fare evasion and all its related issues.

The revenue protection plan does not simply relate to collecting fares. It relates to estimates of fare evasion; factors and public attitudes, if you like, that contribute to fare evasion and Metlink's current understanding of those factors; legislative provisions that allow the revenue protection function to occur, and those legislative features frequently come before the Parliament; staffing and work practices, including the role of authorised officers, which was the subject of an Ombudsman's report that received a lot of attention when it was tabled some time ago; ticketing system strategies and how they relate to or support the collection of revenue, and the ticketing system is obviously a huge issue that has consumed this Parliament and continues to consume this government; education strategies, not simply through TV advertising and urging people to do the right thing but through other strategies as well; the overall deployment strategy

of authorised officers, of joint deployments on individual modes of tram, train and bus, and of joint operations with police across a range of services, including at special events; and the role of community education and its relationship to asset protection. There is also a link to V/Line, which has a unique approach to this — a very different approach to how it is done on metropolitan trains. Nevertheless, there is an increasing interrelationship between them.

The plan also relates to the very question of performance monitoring of this process. For members who may be interested, in the most recently sighted version of this plan the estimate of lost revenue for the first half of 2009 across metropolitan trams, trains and buses was \$62 million. By any standards that is an important number for the Parliament to be aware of and scrutinising. That is a half-yearly figure, by the way, for any member who is interested. In the data we have available, over each half year going back to 2005, when this effort seems to have first arisen, it is quite common for there to be a figure around \$50 million or \$60 million — sometimes as low as \$40 million. As a cumulative amount the question of fare evasion and revenue protection is extremely important.

By looking at the available earlier versions of the plan we learn that fare evasion rates, as measured by survey, appear to be dropping, but they are still at high levels. On trains the rate has gone from 13.5 per cent down to about 8 per cent; on trams, from 19 down to about 14; and on buses, from 16 down to about 5.5. It is argued that a rate of low single digits may be as low as it can get, but it is not yet there for other modes.

We also learn from an earlier version of the plan that the rate of detection of offences — that is, the number of tickets checked versus the number of infringement notices issued — has not improved dramatically. On trams as few as 17 000 tickets may be checked per month, rising up to 218 000 tickets checked in September 2009, with 2 per cent of people then being asked to pay or being served with a notice. On trains up to half a million tickets are being checked per month, and there is a 2 per cent rate of infringements being issued. Interestingly, the 2 per cent rate seems fairly static, suggesting that the effort to stamp out illegality has not yet achieved a lower level. Non-compliance has been stable at around 2 per cent, but figures in earlier plans tell us a much larger story when it comes to revenue loss.

As I said, this individual document is prepared by Metlink, a private company — a consortium of the various operators. It is then provided to the government for comment; and if all steps in the franchise agreement

are followed, the government would then receive a copy and sign off on a final draft by 31 December. If that happened last year then the relevant *Network Revenue Protection Plan* covering the 2011 period of operations should be now complete. It is important that all members are informed of its contents, because there have been and will continue to be many relevant debates in this Parliament in relation to the management of the public transport system, particularly in relation to revenue and personal safety and security on the system. Therefore it is essential, if we are to be informed as legislators, that we all have a copy of this plan, which would otherwise not be made publicly available as a matter of course.

**Mr O'DONOHUE** (Eastern Victoria) — The government will not oppose Mr Barber's motion, which is:

That this house requires the Leader of the Government to table in the Legislative Council by 12 noon on Tuesday, 28 June 2011, a copy of the *Network Revenue Protection Plan* for the 2011 calendar year, prepared under section 10.1 of the Metlink services agreement.

I give Mr Barber full marks for consistency: here we are on Wednesday debating a documents motion relating to public transport! I make the point that the government welcomes debate on these issues. It has been approaching these requests for documents in a way that shows its desire to communicate with the Council and be open and transparent. Whilst some documents have taken longer to produce than others because of various factors, where possible the government is producing documents to satisfy the chamber, and I note that in the last sitting week we had a similar debate in relation to VicForests.

The issue of fare evasion, which is the subject matter of this debate, is obviously important. Fare evasion is something which got away from the previous government. Fare evasion was trending upward in a consistent fashion over recent years under the previous government. The current government would assert that the previous government did not have clear targets and did not approach the issue with consistency across the various modes of public transport. As I said that is why it is an important issue.

In opposition the then shadow minister, now the Minister for Public Transport, Terry Mulder, talked about getting the basics right. That is what the now government and now minister are doing with the approach of investment in maintenance, purchasing new rolling stock and, as I say, getting the fundamentals right. Clearly fare evasion — or network revenue protection, to put it another way — is an

important issue which the government is approaching in a diligent fashion, because it is important that people respect the system and pay what they need to pay to use the system.

The government does not oppose Mr Barber's motion, but I make the point again that whilst Mr Barber is seeking a specific document, and therefore his motion does not have the wide ambit of many other documents motions, he is still requesting the production of this document in less than two weeks.

**Mr Barber** — What's your recommended time?

**Mr O'DONOHUE** — I would suggest to the house that as a general principle two weeks is not sufficient time for government to respond to these requests, but as the Attorney-General and indeed other ministers have made clear in their correspondence to the house on other documents motions, the government will seek to respond to such motions in a diligent and speedy fashion.

**Mr LEANE** (Eastern Metropolitan) — The opposition supports Mr Barber's motion seeking this particular document. I put on the record appreciation of the fact that when he notified the parties that he was bringing on this documents motion he included an electronic link to the Metlink services agreement. That made it very convenient to research the subject.

**Mr Barber** — We're a full service operation, the Greens!

**Mr LEANE** — No-one could ever argue about the Greens' work ethic in their endeavours to support this chamber.

I want to touch on a couple of issues. Mr O'Donohue said fare evasion had got away from the previous government. I am happy to be corrected by Mr Barber in his summary, but my understanding is that in his contribution he acknowledged that there had been a reduction in fare evasion on rail from 13 per cent to 8 per cent. I think that is far from letting the situation get away, but I do appreciate that a 1 per cent change would equate to a large amount of revenue lost to the system. I was also interested when Mr Barber spoke about the joint operations with police around fare evasion. It poses the question about whether in future the proposed protective services officers (PSOs), whom the government says it will introduce at every railway station — if it ever will is a question in itself — would have some role in dealing with fare evasion as well. That is something that has not been discussed anywhere in the government's exchanges around introducing PSOs at stations. That is just a point of interest.

In closing, once again the opposition is happy to support Mr Barber's motion seeking this document. I would have thought obtaining one document would be a matter of the government making one telephone call to the operator and it would probably have the document within a week rather than two, but I will leave it to Mr Barber to sum up on that.

**Mr BARBER** (Northern Metropolitan) — I thank Mr O'Donohue and Mr Leane for their contributions to this debate. Just to close off on points that were raised, I agree with Mr Leane that the document would be a very simple document to provide. In fact I would have thought that it being the matter of broad public interest it is, it would be automatically placed on a website somewhere as part of the commitment to transparency by the various operators. Mr Leane questioned whether fare evasion was going up or down. In percentage terms I can tell him it has gone down since 2005, but of course total patronage has grown, in some cases dramatically, on those modes, and therefore if fare evasion were to be measured in dollars, you would see it is a constant rate of loss despite those other measures.

I should say fare evasion is only one measure. The government also separately measures, or used to measure, validation rates, because the rates at which people clunked their tickets was used to share revenue between the operators. I understand that is not the way the new franchises work. Nevertheless, validation rates gave a different picture again of how people are complying with the necessities of the ticketing system. That will be very important with myki, because it has been argued that myki was never intended to have an impact on fare evasion per se vis-à-vis a different ticketing system, but it is quite necessary with myki money to actually validate in order to be charged for that journey, so the validation rate as well as the fare evasion rate is an important consideration.

Mr O'Donohue raised again the issue of the timing that I place on my motions. I have no indication from the government as to what the right amount of time is, so I simply continue to put it to the next sitting week, which usually means two weeks. Sometimes it is a lot more than two weeks. It would be six weeks if I were to do one next week. But unless the government wants to have some dialogue about the preferred amount of time it wants to see on a motion, then I will continue to do what is simplest for me.

I make the point that a document such as this, which contains such important information which is the subject of constant political and public debate — and will be this week because of those ads saying 'Don't be

a fare evader' — is the kind of information that a strong and accountable public transport authority would put on its website as a matter of course. Then we would not even need to take 20 minutes of the Parliament's time to call for something that is of such wide interest. I thank all members for their contributions.

**Motion agreed to.**

## QUORUM

**Mr RAMSAY** (Western Victoria) — President, I draw your attention to the state of the house.

**Quorum formed.**

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

### *Statement of compatibility*

**Ms HARTLAND** (Western Metropolitan) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006, I make this statement of compatibility with respect to the Environment Protection Amendment (Beverage Container Deposit and Recovery Scheme) Bill 2011.

In my opinion, the Environment Protection Amendment (Beverage Container Deposit and Recovery Scheme) Bill 2011 is compatible with the human rights protected by the charter.

The purpose of the bill is to amend the Environment Protection Act 1970 to establish a beverage container deposit and recovery scheme to be administered by the Environment Protection Authority.

The following sections of the charter are of relevance to the bill —

- (a) section 13: privacy and reputation
- (b) section 15: freedom of expression
- (c) section 20: property rights

#### **a) Section 13: privacy and reputation**

Proposed section 52K involves the collection of personal information, which is a policy trigger for s.13 of the charter.

Proposed section 52K creates an offence to claim a refund on a beverage container purchased outside Victoria. It provides for an authorised depot or transfer station to request a person

presenting a beverage container for the purpose of claiming the amount of the refund value to complete a declaration stating that the person has no reason to believe that the beverage container was not purchased in Victoria. Declarations must be stored for three years, and made available on request to an authorised officer.

Depots and transfer stations must comply with the Information Privacy Act 2000 (Victoria) as they will perform the functions of a public authority under s.9(1)(e) of that act.

In my view, the collection of information is justified as it is integral to the purpose of proposed section 52K, which is to prevent the fraudulent claim of a refund on a beverage container purchased outside Victoria.

**b) Section 15: freedom of expression**

Every person has the right to freedom of expression. This right to freedom of expression includes a right against forced expression.

Proposed section 52K creates an offence to claim a refund on a beverage container purchased outside Victoria. It provides for an authorised depot or transfer station to request a person presenting a beverage container for the purpose of claiming the amount of the refund value to complete a declaration stating that the person has no reason to believe that the beverage container was not purchased in Victoria

There is no penalty for failure to provide a declaration, however pursuant to the proposed section 52K(4), the operator of an authorised collection depot or authorised transfer station must not pay the amount of the refund value to a person who has not complied with a request made under subsections (2) or (3).

In my view, the requirement for information is justified as it is integral to the purpose of proposed section 52K, which is to prevent the fraudulent claim of a refund on a beverage container purchased outside Victoria.

**c) Section 20: property rights**

A person must not be deprived of his or her property other than in accordance with law.

It may be argued that, under a beverage container deposit and recovery scheme, the 10 cent deposit has the effect of substantially depriving a beverage purchaser of 10 cents, (including enjoying exclusive possession of it, disposing of it, destroying it, transferring it or deriving profits from it).

In my view, there is no unreasonable limit to property rights, as:

- (i) a person may have the deposit refunded by returning the container;
- (ii) the levy is not arbitrary or unlawful;
- (iii) the levy is justified as it is integral to the purpose of the bill, which includes environmentally sustainable uses of resources and best practices in waste management.

**Conclusion**

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities because although it raises human rights issues, there is no unreasonable limit to those rights.

Colleen Hartland, MLC  
A member for Western Metropolitan Region

*Second reading*

**Ms HARTLAND** (Western Metropolitan) — I move:

That the bill be now read a second time.

This bill provides for a 10 cent deposit and refund scheme for all drink bottles, cans and cartons in Victoria.

It creates a fund that would be administered by the EPA, although the scheme itself would be largely administered by the recycling industry.

Later in this speech I will go through the scheme in detail and describe how it works.

But before I do this, I want to talk some common sense in plain language.

I have stood in this place before and introduced a similar bill.

That bill passed in the Legislative Council in 2009, with the support of the coalition, which was then in opposition. But the then government famously refused to debate the bill in the Legislative Assembly.

The coalition reacted strongly against moves to block the debate, in Parliament and in the media.

The coalition is now in government, having gone to the election supporting a container deposit scheme. And here I am, asking the same question.

Will you support a bill that stops litter before it hits the ground?

Will you turn rubbish into fundraising opportunities for community groups?

Will you create thousands of new jobs in the recycling industry in Victoria?

If the government stands by its principles, this legislation will pass in both houses and become law.

**The need for this legislation (Victorian scheme now, national later)**

I will start by setting out the need for this bill in Victoria, in light of the government's apparent support for a national scheme.

If you want a national scheme, you should support a Victorian scheme in the meantime.

Firstly, it will take direct action from a big state like Victoria to get a national scheme moving.

Secondly, if we start now with a Victorian scheme, we will be in the most advantageous position when negotiations commence for a national scheme, and we will make it impossible for a national scheme to override our Victorian preferences.

This scheme is self-funding, so we have nothing to lose and everything to gain by being the leaders.

And that is even without considering the benefits to Victoria of recycling litter now, rather than at a time that pleases the bureaucrats and packaging industry lobbyists in Canberra.

I will tackle each of these issues separately — the law, the money and the political will.

First, the law.

**National scheme will not override Victorian scheme**

Today the Senate will debate the Product Stewardship Bill. The bill and amendments are likely to pass with the support of all parties.

It sets up a framework for future national product stewardship action on a regulatory, co-regulatory and voluntary basis.

And it will provide certainty that no future national product stewardship scheme will override a successful state-based scheme.

In other words, if we create a 10 cent deposit in Victoria, we will not need to do it all again a few years later, so long as our scheme works at least as well as, or better than, any national scheme that is proposed. And I think we can do that.

The commonwealth Product Stewardship Bill and amendments will also provide for a set of priorities for national action to be created.

We know that TVs will be at the top of the list, since funding is already committed. Car tyres will not be far behind, and e-waste.

A 10 cent deposit will be up there somewhere, but it will not be the first cab off the rank.

**Keep the money in Victoria**

Now I am going to talk about money.

This bill provides for deposits to be received, and refunded. If people litter, or their container ends up in landfill, their 10 cents is not refunded, but instead is used by the EPA to run the scheme.

I will go into detail about that later, but just to whet your appetite, I'm talking about \$56.3 million a year once the return rate for containers reaches 83 per cent.

In the first year, we expect more like \$117 million in the fund, because overseas and interstate experience tells us it takes about 18 months to achieve the full recovery rate.

These are not just figures I pulled out of the air. They were calculated using government and industry sources, even when those sources were optimistic about current recycling rates.

The fund will be right here in Victoria and only available for Victorian recycling initiatives, market creation and support, help for local councils and so on, as set out in the bill.

If we wait for national action, we will go into negotiations with no container deposit infrastructure in place in Victoria, so we will be in danger of losing the benefit of tens of millions of dollars in unredeemed deposits to Canberra each year.

Or worse, if the beverage industry sets up its own scheme, not only will we lose control of the fund, we will also never see any reporting on how the fund was spent. I am looking at you, South Australia.

Victoria could be the model for a national scheme — that is, for the states to administer the fund, with the recycling industry running everything else. In South Australia the bottle industry runs the scheme, which is an old-fashioned idea the rest of the world is abandoning.

### Delays in a national system

But I am getting ahead of myself. A national scheme is not just around the corner. We have a few years to wait at best. At least four years.

The EPHC — that is, the Environment Protection and Heritage Council; a twice-yearly meeting for environment ministers and others — has been working on container deposits for eight years now. Governments have come and gone, but the bureaucrats are still there, quietly rusting.

Discussions at a national level are moving at a glacial pace. And I do mean ‘glacial’. I think the discussions might even be receding.

Where have we got in eight years on container deposits, at a national level? We have got a regulatory impact statement examining a number of measures, including voluntary measures and regulation.

The bottle industry cheer squad is supporting the voluntary measures.

Environment groups and the recycling industry are cheering the regulatory measures.

Victoria has historically been the block for a national scheme.

But it is not enough for the present government to join the regulation cheer squad watching the glacial pace of national discussion.

Every week we delay, over 2000 tonnes of drink containers in Victoria are landfilled unnecessarily, and 230 tonnes of paper is buried in landfill because it is contaminated with broken glass.

We know that a national scheme is not going to happen soon, and it may not happen at all. But why is it up to someone else to bring about the change we want to see in Victoria?

Here we are, in the Victorian Parliament.

If you really want to do something, you don't wait for someone else, you do it.

You want a 10 cent deposit? Do it.

Right here. Right now. In this state. In this house.

### Environment Protection Amendment (Beverage Container Deposit and Recovery Scheme) Bill 2009

Right. Now after that rousing chorus of ‘Yes, we can’, I am going to take you through the bill, and in doing so, I will describe how the container deposit scheme would work.

As the bill is substantially the same as the one I introduced in 2009, sections of this speech in relation to the technical elements of the bill have been reduced, reused and recycled.

I am about to make many references to the 2011 edition of my report *Turning Rubbish into Community Money*, which I am releasing today.

I am not permitted to table the report, but it is available on my website or via the Parliament library. I will circulate a copy to each member.

### Environment Protection Act

This bill amends the Environment Protection Act 1970 to establish a beverage container deposit and recovery scheme to be administered by the Environment Protection Authority.

The Environment Protection Act begins with a fine set of principles, which are all about integrating economic, social and environmental considerations.

The act uses pricing and incentive mechanisms to achieve environmental outcomes.

It speaks of prices based on the costs relating to disposal of wastes of incentive structures and market mechanisms, of shared responsibility between industry, all levels of government and community. It speaks of product stewardship, and preventing commercial advantage to those who pollute.

This bill fits into the Environment Protection Act like a hand into a glove.

### Clause 3

Clause 3 inserts new definitions into the act. The one I want to draw attention to is the definition of ‘beverage container’.

The intention is to capture all bottles, cans and cartons of drink into the scheme. This means everything from a plastic water bottle, to a glass whisky bottle, to a carton of soy milk. It means every kind of fizzy drink, wine bottles and juice poppers.

Historically, schemes were set up by the beverage industry, and they naturally only wanted to capture the most profitable materials for resale, or their own materials.

But the more comprehensive a scheme, the better it works.

You can see this from the litter data in South Australia, where wine and milk are exempted. They have less than a third of the drink container litter we have here in Victoria, but they do even better in categories where there is no exemption. Go to page 18 of my report for more information.

The definition of beverage container in clause 3, together with new regulations under clause 6, lets the EPA prescribe a class of beverage container not to be a container under this act.

Other than that, every drink container under 3 litres is included by default.

#### **Clause 4**

Clause 4 establishes the scheme and sets out how it works. It inserts a new division 6 in the act, and new sections from 52A to 52O.

#### **The role of the EPA**

The beverage container deposit and recovery scheme is funded by the beverage container environment levy, which is administered by the Environment Protection Authority — the EPA. The levy is the 10 cent deposit on each container.

Later, in clause 5, you will see that the levy goes into the Environment Protection Fund, administered by the EPA. This is the same fund that presently receives landfill levies. Levies are a well-established way of achieving environmental outcomes.

This appears to be a fact well supported by the former Brumby government, which legislated to raise the landfill levy, and by the present Baillieu government, which has a bill before this house this week to bring those higher levies forward in time.

New section 52C(1) sets out the new functions of the EPA.

Basically, the EPA does the central administration, liaises with the largest recycling enterprises, creates regulations, reports to the government and keeps hold of the purse strings.

#### **Unredeemed deposit fund**

The benefit of the EPA holding the purse strings is that they will retain a large bucket of money from unredeemed deposits.

The scheme is self-funding, and unredeemed deposits are one of three main funding sources.

My report estimates (on page 12) that 83 per cent of drink containers will be returned. This is a huge increase from the current 49.5 per cent. But the EPA will receive 100 per cent of drink container levies, and will refund 83 per cent.

Actually, if you want to get technical, it will refund 85.6 per cent. It is 83 per cent by volume, because recycling deals with volumes of plastic, aluminium and so on, but we have estimated the unredeemed deposits retained by the fund based on 85.6 per cent of deposits being refunded.

My report estimates (on page 14) the unredeemed deposits will create a fund worth \$56.3 million per year.

The administrative costs for the EPA are barely going to put a dent in \$56.3 million. The size of that dent is estimated on page 21 at \$1 million.

This is a generous estimate. The South Australian scheme is run by something like three bureaucrats in their EPA.

About half of the unredeemed levy funds will offset the costs for the scheme itself, via the authorised transfer stations, which are referred to as hubs in my report, but the costs for the hubs are also offset by recyclate sales, which my report estimates at over \$97 million per year.

Once the costs of administering the scheme are paid, there will remain a large budget for recycling promotion, education and incentives.

Subsection (2) of new section 52C provides for levy funds to be used via grants and other incentives to encourage the use of recyclable and reusable containers and the increased use of recycled material from beverage containers. This means supporting the recycling and manufacturing and other industries to create more jobs in Victoria.

It enables levy funds to be used for supporting kerbside recycling services, offsetting the collection industry costs for the operation of the scheme, product development to improve the recyclability and reusability of beverage containers, and so on.

The funds may be used for advertising and promotion. I have seen a great advertisement from the Northern Territory, where a 10 cent deposit has just been introduced. In the ad the government proudly encourages community groups to get in on the fundraising opportunities, and clean up the territory at the same time. And good on the territory, they deserve it.

A container deposit scheme must be advertised and promoted in order to create the environmental, social and employment benefits, so the legislation provides that the fund be used in that way.

### Unredeemed deposit fund examples

Modern schemes, like the one in California, are run in this way. The South Australian system is an old-fashioned one, where the beverage companies own the unredeemed deposits.

If we are setting up a new scheme, it should be in line with the best practice around the world. It should pay for itself, so there is no burden on the state. And it should engage the recycling industry, who make money out of recycling, rather than the beverage industry, who have no such incentive.

### The hubs

A lot of the on-ground administration would be handled by the largest recycling enterprises in the scheme. They are called authorised transfer stations in the bill. That is a good description, because many existing transfer stations will adapt to a container deposit scheme without skipping a beat. I call them hubs in my report.

I am going to jump ahead to new section 52J, because that describes the functions of an authorised transfer station or hub.

The EPA would make an agreement with each hub — there would be about 60 in Victoria, but there is no limit in the legislation.

Hubs do a lot of the on-ground administration of the scheme. They liaise with the authorised depots and the other large collectors, and they keep the EPA's administrative function to a minimum.

The hubs will make arrangements to pay transaction fees to the depots, and disburse refunds to the other large collectors, such as local councils, commercial and industrial and large community collectors, who would bring their containers directly to the hub rather than via a depot.

Those commercial arrangements are not prescribed in this bill.

The hubs also sell the recyclate — that is, the plastic, aluminium, glass, liquid paperboard and so on. The sale of recyclate is the second of the three funding streams for the scheme.

Every month, the hubs make a report to the EPA on the number and types of empty beverage containers received and processed. The reports from authorised transfer stations will provide the EPA with the data it needs to report to the minister under new section 52C(1)(i).

Before I leave the hubs, I would like to point out that once we have 60 hubs established across the state, they can be expanded to service other extended producer responsibility schemes for TVs, computers, mattresses, compact fluorescent lights, car batteries and gas bottles.

### Green jobs

Environment Victoria's report *Victoria — the Green Jobs State*<sup>1</sup> describes how drink container deposit schemes will create the hubs and make them profitable. Then we expand the concept of producer responsibility to a range of other products.

I am waiting for the first politician to accuse my bill of being 'the thin end of the wedge'. I am happy to say it is.

Environment Victoria's green jobs report quotes the United States EPA:<sup>2</sup>

A commonly used rule of thumb is that 'incinerating 10 000 tonnes of waste creates one job; landfilling 10 000 tonnes of waste creates six jobs; and recycling 10 000 tonnes of waste creates 36 jobs'.

This is consistent with my report (at page 14) which estimates 300–400 new jobs.

But that is just 'the thin end of the wedge'. Environment Victoria estimates 2310 new jobs would be created if Victoria lifted its recycling rates to 80 per cent and introduced a recycling scheme for e-waste.<sup>3</sup>

<sup>1</sup> Environment Victoria, "Victoria — the Green Jobs State: seizing the opportunities" at p.39-  
<http://www.environmentvictoria.org.au/green-jobs>

<sup>2</sup> EV report p.37.

<sup>3</sup> EV report p.34.

### **Role of the producers and importers**

New section 52D provides that an importer or producer of a beverage container is liable to pay the beverage container environmental levy, unless they are granted an exemption. The penalty for not doing so is high, reflecting the principle of ‘no financial advantage’ under section 1K of the act.

It is equivalent to the penalties for works approval offences, waste discharge offences, licence offences and pollution abatement notice offences under the act.

### **Ten cent beverage container environmental levy**

New section 52E sets the amount of the beverage container environmental levy — that is, the drink container deposit — at 10 cents. It provides for a higher amount to be set by regulation.

Ten cents is consistent with the 10 cent levy in the South Australian and Northern Territory container deposit schemes.

New section 52F provides that a manufacturer or importer must pay the levy in a timely manner, once the drink has been put onto the market. This enables the levies to be received by the EPA’s Environment Protection Fund before refunds are reimbursed to authorised depots and transfer stations.

New sections 52G and 52H provide that all beverage containers sold in Victoria must be labelled as refundable. The labelling requirements are similar to those in South Australia and the Northern Territory.

Grab an empty container off the street — there are plenty lying around — and you will see a label saying ‘10 cent refund when purchased in SA’. Over the next few months, you will see the label change to ‘SA and NT’. They could simply add ‘or Vic’.

Our aim is that one day, the label will say, ‘in Australia’.

### **The depots**

New section 52I provides for the EPA to approve a premises to be an authorised collection depot.

Depots are where ordinary Victorians will take their used containers to get a refund. They will be everywhere. Business owners are practically battering down my door telling me how keen they are to establish depots, at no cost to the ratepayer.

New section 52I sets out the agreement between the EPA and the depots, but after that, it is basically hands-off. The depots run themselves, and report to the hubs. The hubs will pay depots a transaction fee per item.

The EPA reimburses the depots for all the 10 cent refunds they have paid out, but the scheme is flexible enough that the EPA may choose to make arrangements for the hubs to perform that function.

### **Reverse vending machines**

Many of these depots will be reverse vending machines — particularly in metropolitan areas.

Reverse vending machines are exactly what they sound like. You put in an empty container, push a button and it gives you 10 cents. They read a barcode, which tells them all about the product. They crush and sort the container. They deliver the containers and the data to the hub, in return for a transaction fee.

They will be in the food court of your shopping centre, or in the car park. They will be in a strip shopping centre. They will be next to the general store. They will be at the service station. They will be at the beach.

There is even one operating at the Bendigo campus of La Trobe University, right now.<sup>4</sup>

Shopping centres and retailers are crazy about the idea. Reverse vending machines are brilliant advertising. Everyone wants to associate their product with good environmental outcomes. They want to offer incentives and vouchers as part of their advertising.

Advertising and business incentives are the third of the three funding sources for the scheme.

### **Reverse vending machines in schools**

These machines can also be in schools, where they will reduce school cleaning and rubbish costs. Instead of advertising, they can play important government messages on the screen.

The student puts in a container and presses the button and earns a point for their team in the school recycling competition. They may choose a voucher for the school cafeteria or donate the refund to the school library or a charity supported by the school by making a choice on

---

<sup>4</sup> <http://www.latrobe.edu.au/news/articles/2011/article/bendigo-students-lead-recycling-charge>.

the screen. The screen can then play a message — for example, about the Kidsafe helpline or road safety.

The EPA enters an agreement with all depots under new section 52I, so they can restrict the types of messages or vouchers allowed on reverse vending machines in schools.

### **Reverse vending machines and charities**

Reverse vending machines can give out cash money or a voucher. In reality, they will give out vouchers and manual depots will make cash refunds.

Once you have your container in the machine, you push a button to indicate whether you want a voucher or whether you want to donate your 10 cents to charity.

Then you will choose which store you want a voucher for or which charity.

In this way, local sports clubs, environment groups or social justice groups can earn donations without even touching the containers.

### **Better than pokie machines**

Reverse vending machines are the polar opposite of pokie machines.

I cannot tell you how much I loathe pokie machines. I loathe how sports clubs have to use them as a fundraiser.

Pokie machines make money out of misery and heartache, from family break-ups and addiction, from suicide and from crime. Fifty-three cents out of every dollar stolen from not-for-profit groups in Australia and New Zealand goes to fund problem gambling.<sup>5</sup>

By contrast, reverse vending machines reduce litter and create donations for community groups.

### **Crushed and broken containers**

At first, there will only be a refund on unbroken containers, with an intact label. This covers most containers.

New section 52J(4) provides for future arrangements to be made for paying a refund on crushed and broken empty drink containers using an estimate of refund value.

### **Containers crossing borders**

New section 52K prohibits the claim of a refund of the levy on a drink container which the person knows or has reason to believe was not purchased in Victoria.

It enables the operator of a collection depot to request a declaration stating that the person has no reason to believe that the beverage container was not purchased in Victoria.

Such declaration is mandatory for any person presenting 3000 or more drink containers within a 48-hour period to a manual depot.

These provisions are consistent with the South Australian and Northern Territory container deposit schemes.

I spoke to local and South Australian experts on how to prevent fraud in the system.

Other than the declarations under new section 52K, the main deterrent is the cost of transport, because containers must be intact to receive a refund.

The materials are crushed only after the deposit has been refunded and data collected.

As the EPA authorises the depots and hubs, it may require bar code scanning technology to be used — apparently the technology is fast, advanced and available — so the businesses would be easier to audit.

The use of reverse vending machines also prevents fraud, as the refund will likely be in the form of a voucher, not cash.

We cannot create a container-proof fence on our NSW border. There is not one at the South Australian border. The best thing would be if this government persuaded their NSW counterparts to join us in a container deposit scheme.

### **Must pay the refund**

New section 52L provides that a collection depot must not unreasonably refuse to pay a refund of the levy to a person returning a used beverage container.

Reverse vending machines may reject containers which are returned in a condition which prevents the machine from reading the label. We know that the machines can read a label that is a bit damaged, or containers that are a bit crushed.

---

<sup>5</sup> BDO Not-for-Profit Fraud Survey 2008, p.54

### Review of 10-cent levy amount

New section 52M provides that the EPA must review the amount of the refund value at least once every five years. The EPA must have regard to the minimum refund value necessary to maintain the appropriate level of incentive to meet the purpose of the act.

### Exemptions

New section 52N enables the EPA to grant exemptions for some drinks not to be part of the scheme. I call this the 'swords wine exemption'. It would also apply to companies such as Re-Wine that charge a premium for a reusable bottle, then refill it.

Those bottles are reusable, which is better for the environment than melting down single-use containers. An exemption is consistent with the principle of wastes hierarchy set out in section 1I of the act, by providing a financial incentive to reuse containers.

### Other issues

New section 52O gives a phase-in period for the scheme — drinks that are already in the shops may be sold without a levy, but new ones arriving on the shelves must have the label and the levy.

Clause 5 amends section 70 of the Environment Protection Act to provide for the Environment Protection Fund to receive beverage container deposit levy moneys, and apply those moneys for the purposes of the scheme.

Clause 6 amends section 71 regulations so that the EPA can decide that something is not a 'beverage'. This means if someone says, 'What about vinegar?', the EPA can say, 'No'.

Clause 6 also provides for the EPA to prescribe that a class of beverage container is not a 'beverage container' for the purposes of the definition of 'beverage container'.

I call this the 'future proofing' clause. The EPA might decide to exclude, say, wine casks, then down the track when technology changes, it may include them. If a whole new type of beverage container appears on the market, the legislation will not need to be retrofitted.

### Differences from 2009 bill

There are five differences between this bill and the one I introduced in 2009.

The definition of 'beverage container' now refers to containers up to 3 litres, not 4 as it was in my previous bill. This would enable reverse vending machines to accept every type of container. The number of containers in circulation above 3 litres is negligible.

In clause 3, I have fixed a typo. Ten points to you if you can spot it.<sup>6</sup>

In new section 52D, I have added the words 'for the purposes of sale in Victoria' in two places.

This fixes a drafting error that was pointed out by the Scrutiny of Acts and Regulations Committee that year, and it also neutralises one of the concerns held by the former government about the legality of the scheme.

In new section 52K, I have created an exemption so that reverse vending machines do not have to ask someone to sign a declaration, because those provisions were always aimed at manual depots that give out cash refunds for bulk returns.

### Legal issues

Before I leave the technical outline of the bill, I should say a few words about the legality of introducing this bill in the upper house, or at all, because the controversial actions of the Legislative Assembly in 2009 might give rise to some queries.

This bill does not offend either the Victorian or commonwealth constitutions. It introduces a levy, of a similar type to the landfill levy we are debating this week. It is not a tax, nor is it an appropriation.

I will not go into more detail here, as my argument is still available in *Hansard* of 29 July 2009, when the message from the Legislative Assembly was debated.

### Benefits of a 10-cent deposit system

In closing, I remind members of my report *Turning Rubbish into Community Money*, which outlines the scheme that is proposed in this bill.

The report demonstrates the economic, social and environmental benefits of the scheme. Tonnes of greenhouse gas saved. Gigalitres of water. Clouds of pollution. Hundreds of new jobs.

---

<sup>6</sup> Page 3, line 16 - it's the review in accordance with 52M, and the changed word is "52M"

### Local councils

The biggest cost saving in the scheme is to local councils. This should not surprise anyone, because even those who recommend against drink container deposits admit that local councils would benefit.

In my own region, Brimbank would save \$550 000 per year; Hobsons Bay would save \$315 000; Hume would save \$543 000; Maribyrnong would save \$273 000; Melton would save \$425 000; Moonee Valley would save \$410 000; Moreland would save \$490 000; and Wyndham would save \$315 000.

I recommend to each member that they look at pages 16 and 17 of my report, to see the financial benefit to the local council in their region.

Then add to those figures the savings in litter reduction, wages and other efficiencies that are not included. If a council or shire has tourist areas and public open space, add more savings on the cost of public space rubbish and recycling.

Imagine what our local councils could do with those savings! Sportsgrounds, playgrounds, child-care centres, arts programs and more.

No wonder dozens of local councils around the state have voted across party lines on motions in support of container deposits in the last two years. Plus the Municipal Association of Victoria, plus the Australian Local Government Association.

### Opposition to this bill

Ninety-four per cent of Victorians want a container deposit system, according to a 2006 Newspann.

I am reminding you of this because you are about to be lobbied by the packaging companies and drink companies.

They are relentless. I cannot fathom their gall. They are the ones creating the litter.

Their campaign in the Northern Territory was extraordinary and vicious, and they come at you from unexpected places.

The Packaging Stewardship Forum and Coca-Cola are major sponsors of Keep Australia Beautiful Victoria. This might explain Keep Australia Beautiful's otherwise inexplicable preference for the ineffective voluntary measures promoted by their sponsors.

For example, the Keep Australia Beautiful website contains many, many examples of the Coca-Cola Foundation logo, which is a Coke bottle with a map of the American continents on the front!<sup>7</sup>

The Keep Australia Beautiful grant application form actually refers to Coca-Cola as 'our company', which is a bit of a slip. The recipient is encouraged to download the Coca-Cola Foundation logo for display. The reporting form asks the recipient to provide photos of how the Coca-Cola logo was used.

Packaging Stewardship Forum sponsorship logos are also everywhere on Keep Australia Beautiful materials, and it has a member on the advisory committee. The Packaging Stewardship Forum and Coca-Cola oppose regulation like my 10-cent deposit bill because it would stop them shifting the cost of their litter onto our local councils. They also oppose it because it is effective. Branded litter is advertising to them.

I am sure there are many people in Keep Australia Beautiful who are just trying to do the right thing, as it were. But by housing Keep Australia Beautiful, Sustainability Victoria has the influence of those companies and their lobbyists under its roof.

Compare this with Clean Up Australia, which is independent of packaging industry funding. Clean Up Australia and its founder, Ian Kiernan, are strong supporters of container deposit legislation.

### Victorian support for container deposits

The bottle and packaging industry have money and influence, but this bill represents 94 per cent of Victorians.

Many people do not even care about redeeming the deposit — they support it in principle. Most people tell me they want to donate their refund to charity.

The packaging industry keeps bleating about the price hike on a slab of beer, but I am yet to meet a beer drinker who cares about that. They know they can get the deposit back, and there is no rule saying that beer drinkers cannot care about the environment.

I mentioned the broad support of local councils earlier.

Environment groups and community groups across the board support a container deposit scheme — from Friends of the Earth and Environment Victoria, to the

---

<sup>7</sup> <http://www.kab.org.au/what-we-do/beverage-container-recycling-grants/>

scouts and the guides. The scouts and guides have written to me endorsing this bill in the warmest possible terms.

Victoria may not have been ready for a container deposit scheme in the past, but we are ready now.

This is an idea whose time has come.

We have the technology. It should be almost as easy to return an empty container as to buy a full one. The recycling industry is ready to turn our empty containers into new products and into employment for Victorians.

I am a member of the Greens, but this bill has nothing to do with politics. This is something we can all agree on. It is the highest common factor.

We all support jobs, we all like practical environmental measures and we all hate litter and waste.

It is not a political issue in South Australia, where the scheme is so popular that any government dismantling it would fall. It was not a political issue in the Northern Territory, where legislation was passed this year with the support of all MPs across party lines.

If they can do it there, we can do it here.

I commend the bill to the house.

**Debate adjourned on motion of Mrs PETROVICH (Northern Victoria).**

**Debate adjourned until Wednesday, 29 June.**

## GOVERNMENT: ACCOUNTABILITY

**Hon. M. P. PAKULA** (Western Metropolitan) — I move:

That this house expresses its grave concern regarding the refusal of the government to —

- (1) fully, frankly and openly explain the circumstances behind, and the contents of, the meeting between the Premier's chief of staff and the former deputy chief commissioner of police, Sir Ken Jones; and
- (2) commit to an open and transparent process for the examination of such matters including the role of the offices of the Premier, the Minister for Police and Emergency Services, the Attorney-General and the Minister for Corrections.

As the motion outlines, this — —

**Hon. G. K. Rich-Phillips** interjected.

**Hon. M. P. PAKULA** — No, not duck hunting, Mr Rich-Phillips — that is later. Notice of motion 125 is in fact a motion expressing grave concern about the fiasco that is currently going on at senior levels of the government in regard to the government's handling of Victoria Police. It is a motion which calls on the government to fully, frankly and openly explain what has gone on in the discussions between the Premier's chief of staff, Mr Kapel, and the former deputy commissioner of police, Sir Ken Jones, and to commit to an open and transparent examination of what has occurred, because what is happening at Victoria Police, Acting President, as I am sure you would agree, is a sad and very worrying saga.

Everyone would recall that this government was elected nearly seven months ago with a tough-on-crime mantra, but in the time it has been in power, the two organisations which have the principal responsibility for enforcing criminal justice in this state, namely, the Office of Public Prosecutions and Victoria Police, have morphed from a situation where there was tension at the top — and no-one would deny that there has been tension at the top for some time — into a situation where there is complete meltdown, with total chaos engulfing both organisations.

That is what happens when you have a government and figures within the government who are intent on meddling in the affairs of those organisations, a government which is divided about the approach that should be taken and a government which subsequently becomes secretive about what has gone on. This is what happens when you have a government where there is a clear division between the Liberal Party and The Nationals, certainly between the Premier and the Deputy Premier, about the handling of this matter. There is clearly a deep divide between the supporters of the Premier and the opponents of the Premier, and there is an even deeper divide between supporters of the Premier's chief of staff and those who despise him. I note that the Acting President is vigorously endeavouring not to make eye contact with me during this debate — —

**The ACTING PRESIDENT (Mr Finn)** — Order! I suggest very strongly to Mr Pakula that he is straying perilously close to reflecting upon the Chair, which would be very much against the standing orders of this place. I request that he behave himself and do the right thing, and we will all get on famously well.

**Hon. M. P. PAKULA** — Acting President, you know I would never intend to reflect upon the Chair. If the Acting President wanted to listen to the debate, I am

sure he would find that he and I have some common ground on some of these matters.

There is also a clear divide between those people in the government who want the government to be transparent about what has gone on and those who want to duck and hide about what has gone on, between those who are trying genuinely to ascertain what is going on and those who have decided to make themselves active players in all the intrigue and internal politics of Victoria Police.

Some of the murkier details of this saga are better left to the plethora of inquiries that is currently being undertaken. There is one by the Ombudsman, there is one by the Office of Police Integrity (OPI) and there is one by Jack Rush, QC. I may have missed one, but there are inquiries into the inquiries and watchers watching the watchers. All the matters that would be ventilated in those inquiries — —

**Hon. G. K. Rich-Phillips** — You know that as a fact, do you?

**Hon. M. P. PAKULA** — I know there is an OPI inquiry; I know there is an inquiry being carried out by Mr Rush, because the government has announced it; and I know there is an Ombudsman's inquiry, because the Ombudsman has announced it — so, yes, I know that as a fact. I am making the point that it is not my intention to go through all the matters they would go through, because it would appear that those inquiries are into who is bugging whom and who is leaking what, but there are certain things this Parliament is absolutely entitled to ask. There are things Victorians ought to know already, and questions have been asked by the media in the last week and by the opposition in question time yesterday. There is a lot of information we ought to have already, but we do not have it because of the secrecy and obfuscation of the Premier on these matters.

The first thing the Victorian community is entitled to know is which government figure approached Sir Ken Jones and suggested that he should contact the Premier or the Premier's chief of staff and provided to Sir Ken Jones the mobile telephone numbers of the Premier and the Premier's chief of staff. It is clear from the emails from Sir Ken Jones that have found their way into the media that he at least believes he was approached by a government figure who suggested to him that he should make that contact. In what can only be described as an unmitigated act of political cowardice, the Premier and other government members have hung Sir Ken Jones out to dry. Rather than offer up whichever individual it was who provided Sir Ken Jones with those phone

numbers and made that suggestion to him, the suggestion now coming from the government is that Sir Ken Jones was the initiator of the meeting. The suggestion being made is that the meeting with Mr Kapel was initiated by Sir Ken Jones.

It is clearly not Sir Ken Jones's view that that is what occurred. It seems that rather than concede that someone in the government made this suggestion to him, the government is suggesting that it was on Sir Ken's initiative.

**Mr Drum** interjected.

**Hon. M. P. PAKULA** — I note that Mr Drum is not in his place, but he can continue if he likes. It is clearly a very material matter, because if there were nothing to the suggestion or nothing wrong with someone making that suggestion to Sir Ken Jones, then the government would tell us who made it. When directly questioned on that matter yesterday the Premier refused to answer the question. Now the Deputy Premier, because he is a loyal member of the government, has clearly sought to support the Chief Commissioner of Police, and he has been forced to sing from the same song sheet.

The second thing all Victorians are entitled to know is what was discussed at that meeting between Mr Kapel and Sir Ken Jones.

**Mr Drum** — Why?

**Hon. M. P. PAKULA** — Mr Drum asks why. I will come to that.

**Mr Drum** interjected.

**The ACTING PRESIDENT (Mr Finn)** — Order! Mr Drum is out of his place and is interjecting, which is most disorderly. If he wishes to interject, he should return to his seat.

**Hon. M. P. PAKULA** — I thought interjections were of themselves out of order.

**The ACTING PRESIDENT (Mr Finn)** — Order! They are particularly out of order when members are out of their place, as Mr Pakula knows.

**Hon. M. P. PAKULA** — Through you, Acting President, Mr Drum asks why it is important. I make the point again: if it were not important and did not matter, the Premier would answer the question about what was discussed. It is important because people are entitled to know whether the Premier's chief of staff put improper propositions to the deputy commissioner of police. Let us not forget that that meeting was held

without the knowledge of the chief commissioner, without the knowledge of the Minister for Police and Emergency Services and — according to the Premier's own version of events — without the knowledge of the Premier.

Mr Drum asks why it matters what was said. The Premier says there was nothing inappropriate about the meeting. Even if one accepted that there was nothing improper about the meeting occurring of and by itself, the question of whether the meeting was appropriate is directly related to what was discussed at it. People cannot form a judgement about whether the meeting was appropriate unless they know what was discussed at the meeting. The questions that emerge are: was the future of the chief commissioner discussed; was the future of Sir Ken Jones and any other roles that might be available to him discussed; was the independent, broadbased anticorruption commissioner's job discussed; and was information provided to Mr Kapel that could be used to undermine the chief commissioner? We do not know any of those things, because the Premier will not say what was discussed and neither will Mr Kapel.

**Business interrupted pursuant to standing orders.**

## QUESTIONS WITHOUT NOTICE

### Industrial relations: government policy

**Hon. M. P. PAKULA** (Western Metropolitan) — My question is to the Minister for Employment and Industrial Relations. I refer, by example only, to the recent decision by the New South Wales Parliament to significantly amend the state's industrial relations laws and also to the minister's comments last sitting week that, despite the 1996 referral of industrial relations powers to the commonwealth, the government will act to protect the interests of Victorians. My question, therefore, is: can the minister provide the house with an unequivocal commitment that the referral of the state's industrial relations powers to the commonwealth will be maintained for the term of the government?

**Hon. R. A. DALLA-RIVA** (Minister for Employment and Industrial Relations) — Yes.

#### *Supplementary question*

**Hon. M. P. PAKULA** (Western Metropolitan) — I thank the minister for his succinct and direct answer, and I ask: can the minister advise the house whether the referral will be amended or restricted in any way?

**Hon. R. A. DALLA-RIVA** (Minister for Employment and Industrial Relations) — I thank the member for his question. Obviously there are issues in which we will always take an interest, in terms of the Fair Work (Commonwealth Powers) Act 2009. We are always in consultation with the federal government about the processes it is undertaking, and we will continue, as we have said, to hold the federal government to account in relation to the industrial relations framework.

### Housing: Southern Metropolitan Region

**Mrs COOTE** (Southern Metropolitan) — My question is for the Minister for Housing, the Honourable Wendy Lovell. Can the minister provide detail of the program of acquisitions and upgrades of public housing for Southern Metropolitan Region in 2011–12?

**Hon. W. A. LOVELL** (Minister for Housing) — I thank the member for her question and for her ongoing interest in the needs of the vulnerable people in her electorate who rely on the social housing system in this state. I am pleased to advise that we have finalised our construction program for this year, and it shows quite clearly that the coalition is getting on with the job of providing public and social housing in this state. In Southern Metropolitan Region we will acquire about 300 new homes and upgrade a further 350 existing properties. This is part of a \$528 million investment in public and social housing in the 2011–12 year that will provide around 1600 new homes across the state and upgrade a further 1800 homes.

Around 300 properties will be acquired in Southern Metropolitan Region this year. That is \$73 million worth of acquisitions in that electorate. The government will also spend a further \$136 million on physical improvements to properties statewide. Some of the areas that will benefit from these additional homes are the city of Casey, where we will deliver around 40 new properties; the city of Frankston, with around 20 new properties; the city of Glen Eira, approximately 40 new properties; the city of Greater Dandenong, around 20 new properties; the city of Port Phillip, around 120 new properties; and in the shire of Mornington Peninsula, around 60 new properties.

As members can see, the Baillieu government is getting on with the job of investing in homes for those who have languished on the waiting list that the former Labor government was prepared to leave this state. Eleven years of traditional Labor values left 41 212 families languishing on the public housing

waiting list. Shame on the former government! We are getting on with the job.

**Police: enterprise bargaining**

**Ms PULFORD** (Western Victoria) — My question is to the Minister for Employment and Industrial Relations, who is also the minister in this chamber representing the Minister for Police and Emergency Services. I refer to the May edition of the Police Association magazine and the message from Mr Brian Rix on the president's page where he states that the Police Association has been offered a 2.5 per cent wage rise but, 'with significant trade-offs in current terms and conditions', including a cut to WorkCover payments from 104 weeks to 52 weeks. Can the minister confirm that it is now government wages policy to seek trade-offs even in return for the basic 2.5 per cent wage offer?

**Hon. R. A. DALLA-RIVA** (Minister for Employment and Industrial Relations) — As the member knows, the government will this year renegotiate a number of enterprise bargaining agreements (EBAs). These negotiations will take place in good faith with the nominated employee representatives.

The government's wages policy is well known: increases above the guideline rate of 2.5 per cent are able to be negotiated where the parties can achieve genuine productivity offsets. The government intends to achieve the wages outcome that Victorian taxpayers can afford, especially when there are budgetary pressures from commonwealth funding cuts and blow-outs and black holes left by the former Labor government. The government expects all public sector enterprise agreements, including that with the police, to promote fiscally sustainable outcomes and deliver measurable improvements in service and workforce productivity for the benefit of all Victorians.

To respond directly to Ms Pulford's question, the government does not believe it is helpful or effective to conduct enterprise agreement negotiations through the media or question time in Parliament.

*Supplementary question*

**Ms PULFORD** (Western Victoria) — I thank the minister for his response to my question, and by way of supplementary I ask the minister if he could perhaps outline how genuine productivity offsets are achieved by a proposed reduction in WorkCover payments from 104 weeks to 52 weeks for members of Victoria Police?

**Hon. R. A. DALLA-RIVA** (Minister for Employment and Industrial Relations) — As I indicated before, the government does not believe it is helpful or effective to conduct these EBA negotiations in the Parliament. What I can say is that Victorians expect the government to responsibly manage the public funds belonging to the people of Victoria, and that is precisely what the government will deliver.

**Ageing: elder abuse**

**Mr RAMSAY** (Western Victoria) — My question is to the Minister for Ageing, the Honourable David Davis. Can the minister advise the house of any government initiatives in place to combat elder abuse?

**Hon. D. M. DAVIS** (Minister for Ageing) — I am happy to respond to Mr Ramsay, and I thank him for his question on elder abuse, which is a significant issue. Today is a day to note elder abuse — it is elder abuse day — and the opportunity is here — —

**Mr Jennings** — Awareness.

**Hon. D. M. DAVIS** — World Elder Abuse Awareness Day; Mr Jennings is quite correct, and I know this is a matter on which he would be in broad agreement with me. The whole chamber would agree that this is a significant issue that needs to be combated. It is an issue that the community needs to maintain a significant awareness of. I welcome the opportunity, and I will shortly speak about these matters at a function.

The government has committed additional funds, hundreds of thousands of dollars, to make sure that elder abuse is combated and that call lines are available. The government is determined to work with groups in the community that support the elderly to ensure that elder abuse is not allowed to occur in this state. The aim is to prevent as many of these cases as we possibly can. I know Mr Ramsay will be interested to see this happen in his area of western Victoria, and I welcome the opportunity today to join with most people in this chamber to indicate the government's support for elder awareness matters.

**Police: enterprise bargaining**

**Mr LEANE** (Eastern Metropolitan) — My question is for the Minister for Employment and Industrial Relations. Given the minister's overall responsibility for industrial relations in the state of Victoria, can he outline for the house what industrial action is currently being pursued by the Police Association in support of its claims and what impact that action is having on the state of Victoria?

**Hon. R. A. DALLA-RIVA** (Minister for Employment and Industrial Relations) — It really follows on from the previous question that was asked by Ms Pulford. As I said, I do not intend to go through the Parliament to discuss the enterprise bargaining agreement (EBA) negotiations.

**Mr Lenders** interjected.

**Hon. R. A. DALLA-RIVA** — As I said, Mr Lenders, I do not intend to go through the detail in the Parliament of those negotiations, and you would understand that. What I can say is that in terms of the detail, obviously I will refer that matter to the responsible minister.

*Supplementary question*

**Mr LEANE** (Eastern Metropolitan) — Despite the minister's answer, given that we know some form of action is occurring, can the minister confirm that since the police enterprise bargaining agreement (EBA) process started in early December last year, no representative of the Victorian government external to Victoria Police has attended or played any role whatsoever in the EBA negotiation process?

**Hon. R. A. DALLA-RIVA** (Minister for Employment and Industrial Relations) — As I said, this is a question which I do have some parliamentary responsibility for, but in respect of the specific detail, I am happy to take that question on notice and get back to the member in relation to the question raised.

**Automotive industry: achievements**

**Mr O'DONOHUE** (Eastern Victoria) — My question without notice is for the Minister for Manufacturing, Exports and Trade, Minister Dalla-Riva. Can the minister update the house in relation to recent advances in vehicle manufacture in Victoria?

**Hon. R. A. DALLA-RIVA** (Minister for Manufacturing, Exports and Trade) — I thank the member for his question and his ongoing interest in a very important sector in Victoria. Unlike those opposite who will talk doom and gloom in the manufacturing sector, we will continue to talk it up. I have continued to meet with some of our great manufacturing companies to see firsthand the work they do and to express our confidence in the future of a strong manufacturing industry in this state.

It just happens that on 7 June I visited the Volgren site in Dandenong. Volgren is an Australian company employing 400 staff Australia-wide, and over 229 of

those jobs are located right here in Victoria. I was proud to announce that the Ventura bus company has awarded Volgren a \$10 million contract to build locally and supply 38 buses for use within Victoria's public transport system. This represents another stamp of approval for the quality, reliability and competitiveness of vehicle manufacturing in this state. Volgren has successfully established export markets in Singapore, Hong Kong, Indonesia, the United Arab Emirates and the United Kingdom, as well as in other states in Australia — a great news story.

This big win for Volgren of course comes hard on the heels of the welcome announcement by the commonwealth that it will purchase another 100 Bushmaster armoured troop carriers from Thales in Bendigo. These are two very different fields of heavy-vehicle manufacture, but both are success stories demonstrating the ability of our local manufacturers to succeed against tough global competition in local and overseas markets.

In further positive news for the vehicle manufacturing sector, which the other side does not want to hear, I am sure all members of the house would welcome the news that Toyota has returned to full production after the disruption — —

*Honourable members interjecting.*

**The PRESIDENT** — Order! There is way too much noise on my left. The minister has the call.

**Hon. R. A. DALLA-RIVA** — As I said, I was talking about the good news story that Toyota has resumed full production. We see those opposite wanting to talk down the manufacturing sector yet again.

Production at the Toyota plant had been reduced to 50 per cent of pre-earthquake levels from 9 May due to the lack of availability of some parts, but last week it was heartening to hear Toyota Australia announce that production at Altona had returned to 9000 cars a month. That says something about the resilience of Toyota and its staff in the face of enormous stress. It is great to see Toyota come through these difficult times and get back on track for the development of the next generation of Camry. We are committed to the development of the manufacturing sector, and I can say again that, despite the negativity and scepticism of those opposite, this government will never talk down manufacturing. We will stand by our commitment to ensure that Victoria sustains its historic role as Australia's premier manufacturing state.

**Mr Somyurek** interjected.

**Hon. R. A. DALLA-RIVA** — There are multiple challenges at present, including a high Australian dollar — which for some unknown reason Mr Somyurek thinks I have control of — high oil prices and intense competition globally.

One of the things that I hear often is that a key factor adding to the uncertainty is a lack of clarity on the commonwealth's proposed carbon tax, which may yet emerge as an important issue when it comes to the cost inputs for manufacturers. Higher energy prices would affect manufacturing — for example, through the higher cost of fabricating metals such as steel and aluminium. We will never talk down the manufacturing sector in Victoria.

### **Heinz Australia: Girgarre factory closure**

**Ms BROAD** (Northern Victoria) — My question is to the Minister for Manufacturing, Exports and Trade, Mr Dalla-Riva. The minister has previously advised the house about the actions his department is taking to support the community of Girgarre, which has been rocked by the decision of Heinz to close the sauce factory. Can the minister outline for the house what success his department has had in assisting members of the community to obtain alternative employment?

**Hon. R. A. DALLA-RIVA** (Minister for Manufacturing, Exports and Trade) — The news of the job losses at Heinz in Girgarre is obviously extremely disappointing. The government has spoken to Heinz, which has described the decision as part of a global consolidation strategy. The government has been advised that the Girgarre plant will close within the next 6 to 12 months, and we will be working with Heinz to assist those displaced workers. Heinz has stated that all employees will be provided with support through its outplacement program, including counselling, job search services and new skills training. This will be supported by the Victorian government. Heinz has indicated its commitment to Victoria and is seeking to ensure the long-term future of its Australian and Victorian operations.

As we know, the company is planning an investment of \$5 million at its nearby Echuca site, which manufactures baby food. The company has also made arrangements for Cedenco Foods to accept this season's tomato crop from local growers. The Victorian government held talks with Heinz on 1 June about information sessions for all staff, and there will be a further meeting with Heinz and my department before the end of this month to discuss the types of assistance that could be provided. This meeting will be attended by the Victorian government's Bendigo office.

I also understand that the acting CEO of Regional Development Victoria has recently met with the local council to discuss possible options and look more broadly at how Girgarre can be supported. It is anticipated that the department will continue to meet with Heinz over the next 6 to 12 months to discuss ways in which we can work together and assist the region, site and employees.

### *Supplementary question*

**Ms BROAD** (Northern Victoria) — I thank the minister for his answer and his reference to talking. On Thursday of last week local media reported that Mr Paul Weller, the member for Rodney in the Assembly, met with Girgarre residents to emphasise the Victorian government's commitment to find a replacement company to occupy the Girgarre site. Can the minister confirm that the government is seeking a replacement company for the site, and will the government be facilitating the establishment of a replacement company through financial or any other means?

**Hon. R. A. DALLA-RIVA** (Minister for Manufacturing, Exports and Trade) — I might just say that the realities are that we have been working with Heinz. Unless Ms Broad's ears are painted on and she did not hear me, I did explain that the department has been working with the Heinz company to find solutions for that. In terms of other matters that we are discussing, obviously those are in discussion. What Ms Broad should be doing, though, is perhaps getting on the phone to her federal mates to give some certainty to the manufacturers in this state as to what is happening with the carbon tax and to give some certainty to manufacturers so that they understand that they can work in Victoria moving forward.

### **Higher education: governance**

**Mrs KRONBERG** (Eastern Metropolitan) — My question without notice is directed to the Honourable Peter Hall, the Minister for Higher Education and Skills. Can the minister inform the house of what the government is doing to ensure that governance arrangements in Victoria's tertiary education and training sector are robust?

**Hon. P. R. HALL** (Minister for Higher Education and Skills) — I thank the member for her question and for her interest in this particular topic. The governance of our TAFE institutes may not be top of the list for all of us in this chamber, but for me it is. TAFE institutes are premium providers of training in Victoria, and consequently the way in which they are governed is

important — that is, their ability to compete in the system the previous government put in place, which is a competitive, demand-driven system. TAFE institutes need to be provided with the flexibility, ability and accountability to compete in the system against an increasing number of private providers and other community providers of training in this state of Victoria.

In 2010 this Parliament passed amendments to the Education and Training Reform Act 2006, amendments that were supported by all sides of the chamber. Many of those amendments went to issues of governance. In particular, among other things those amendments require me as the minister to review TAFE constitutions by 1 April 2012. The amendments also made it clear that TAFEs were able to engage in activities of a commercial nature so long as those commercial activities were compatible with the strategic directions and the objectives of TAFE institutes as defined in the act.

When I inherited this position of Minister for Higher Education and Skills there had been no process put in place by the previous government to ensure that those statutory responsibilities were addressed. I am now in a position to report to the house actions I have taken to address my statutory responsibilities. I can advise the house that the first of those is that my department is currently working with the TAFE sector to prepare a draft model constitution that will give some guidance to the constitutional models of TAFE institutes, something which has seen little change since right back to when Haddon Storey was Minister for Tertiary Education and Training. I think that will be helpful, and it will certainly meet one of my statutory requirements under the act.

Secondly, some members would be aware that the Victorian Auditor-General is currently conducting a review of the governance arrangements in TAFE institutes, particularly concerning clarity of the respective roles and responsibilities of the boards of TAFEs. The decision by the Auditor-General to undertake this particular inquiry is welcomed by me, and it follows a request I made to the Auditor-General in a letter of 27 January this year in which I asked the Auditor-General to look at certain financial relations between Holmesglen TAFE and Carrick Institute of Education. I might add that the Auditor-General has already reported to Parliament on the outcome of those particular measures. I am pleased the Auditor-General has seen a need to investigate in a more fulsome way the governance arrangements of TAFE institutes, and I am sure that other members along with me look

forward to that report being tabled in the Parliament shortly.

There are other matters on which I am working with the Department of Treasury and Finance to clarify the need for some guidelines around commercial activities of TAFE institutes. Again that is something that had not been done by the previous government and something that I am prepared to put in place to provide advice and guidance to TAFE institute councils.

### **Retail sector: jobs**

**Mr SCHEFFER** (Eastern Victoria) — My question is directed to the Minister for Manufacturing, Exports and Trade. I refer to the 200 Victorian jobs lost yesterday as a result of the closure of 16 Colorado stores, 8 Williams stores, 2 Mathers stores and 1 Diana Ferrari store, and I ask: what measures has the minister put in place to protect jobs in the Victorian retail sector?

**Hon. R. A. DALLA-RIVA** (Minister for Manufacturing, Exports and Trade) — The Colorado Group is a privately listed company controlled by the equity group Affinity Equity Partners, and Colorado was placed in administration in April 2011. The Colorado Group is a clothing and footwear retailer that trades across Australia and New Zealand under the brands of Colorado, Williams shoes, Mathers shoes, Jag and Diana Ferrari. The group has approximately 500 employees in Victoria, including around 65 at its office in Richmond.

On 14 June 2011 the receivers of the Colorado Group announced that 140 underperforming stores will be closed, affecting 1042 staff across Australia and New Zealand. My department has had discussions with the administrators, Ferrier Hodgson, and has had contact with and offered assistance to Colorado and its employees. Colorado is yet to decide whether it will take advantage of the scheme.

The Victorian government is committed to ensuring that retailing remains an economic driver for the state's economy. I remind members that the latest April figures released show a growth of 2.8 per cent in Victoria against a national growth of 1.1 per cent. Over the year to date Victoria's growth was 5.9 per cent, stronger than the 3.3 per cent recorded nationally.

I know those opposite will always look for the opportunity to talk down Victorian industry, whether it be manufacturing or indeed the retail industry, but in its relentless negativity the opposition appears not to have noticed a big retail event right here in the heart of Melbourne this very day. Global fashion giant Zara has

opened a 1700 square metre store in the Bourke Street Mall. This is very exciting news both for shoppers and for the 130 new staff that will be employed by Zara at this outlet. Of course Zara is one of the strongest fashion retailers internationally, with 700 stores in 78 different countries. I invite those opposite to join us in celebrating this important advance in retailing in Victoria.

*Supplementary question*

**Mr SCHEFFER** (Eastern Victoria) — I thank the minister for that memorandum, but I guess what I want to know is whether there is a broader retail strategy, beyond the CBD, into the suburbs and into Victoria as a whole?

**Hon. R. A. DALLA-RIVA** (Minister for Manufacturing, Exports and Trade) — As I said, unlike Labor, I do not consider it my role as a minister to talk down our industries. As the minister I consider it my role to help support business wherever I can. As I said before, this is not necessarily the Labor way. The Labor way is to actually talk down business. I will give one example of the aftermath of the recent distress at the Readings and Borders book stores. I direct the attention of those opposite to some widely reported comments — —

*Honourable members interjecting.*

**The PRESIDENT** — Order! Mr Pakula and Ms Pulford are perhaps invigorated by a lack of sleep, but certainly today they are far too loud. It is their party's question; I assume they want to hear the answer.

**Hon. M. J. Guy** interjected.

**The PRESIDENT** — Order! Mr Guy, that is most unhelpful. I do not consider that comment very funny.

**Hon. R. A. DALLA-RIVA** — As I said, if you want an example of how Labor deals with small business and retailing, let us look at the comment from Senator Nick Sherry, the federal Minister for Small Business, who is reported as saying:

I think in five years, other than a few specialist booksellers in capital cities we will not see a book store, they will cease to exist.

This is from Labor's champion of small business. Rather than defending their interests, he is ready to wave the white flag.

**Ms Pulford** — On a point of order, President, the supplementary question was about a retail strategy for Victoria. The minister has strayed well off the topic. I

would urge you to get him back on the question at hand.

*Honourable members interjecting.*

**The PRESIDENT** — Order! I cannot uphold the point of order, because the minister still has 12 seconds in which to address the very pertinent issue that was raised by Mr Scheffer in his question. However, the minister has continued to discuss retail issues in a retail context, which is what the question was about. I am not in a position to actually direct the minister on how to answer questions. He is talking about the sector referred to in the question, and he has explored some government action. I suggest in the 12 seconds left the minister might not continue to talk about what the federal government is doing but be mindful of what the question was in regard to state action.

**Hon. R. A. DALLA-RIVA** — As I said, the retail vacancy rates in the CBD central retail core for March are at an all-time low. The latest global retail report by CB Richard Ellis rated Melbourne first as the most desirable Australian city for investing by international retailers.

**Planning: reform agenda**

**Mr FINN** (Western Metropolitan) — My question without notice is directed to the Minister for Planning, and I ask: can the minister inform the house how the government intends to take advice and feedback from the planning, development and local government sectors throughout the planning reform agenda?

**Hon. M. J. GUY** (Minister for Planning) — I would like to thank Mr Finn for another fabulous question in relation to the government's planning reform agenda. This government is getting on with the job when it comes to reforming the way we manage the planning system in Victoria.

**Mr Tee** — So we set up a review.

**Hon. M. J. GUY** — How's your mate Julia going, Brian?

**The PRESIDENT** — Order! Mr Guy knows that is not acceptable. For a start the Prime Minister has a title. We do not use Christian names like that, and I would suggest it is just not appropriate for the minister to be disparaging the Prime Minister when he is answering a question that has absolutely nothing to do with the Prime Minister or, I dare say, the federal government, given the question put by Mr Finn.

**Hon. M. J. GUY** — That is a fair point, President. I absolutely accept your advice, President. No-one of any intelligence would want to talk about the Australian federal government at this point in time.

This is another great example of how the Baillieu government is getting on with the job of reforming the planning system in Victoria. When they were in government those members opposite took advice from, say, Peta Duke and some Windsor memos from the former Premier's office and the former Premier's staff about how to look at a planning process and shape it their own way, but this government believes in decent consultation that is put forward by those who have to run the system themselves.

We have a situation in Victoria where there are more than 55 000 planning applications every year — the most in Australia. It represents a \$17 billion industry to the Victorian economy. But we will not go down the path, as the previous government did, of simply bandaiding the Victorian planning system. We will not bandaid a system that is broken. This government was elected on a platform of reform, and we will get on with the job of reforming the planning system. Some people in this chamber may not be interested in reforming the system. Why would they be interested in reform? They cannot even reform their own party. They cannot even get a quorum to reform their own party.

We on this side of the house believe in fundamental reform. We have established an expert advisory group to be headed by Mr Geoff Underwood, who has more than 40 years experience working for both coalition and Labor governments. Mr Geoff Underwood will head a team of people from local government, the planning law industry and the planning industry itself who will manage a process that will give the government advice on how to properly reform the system. What we see in this state is a planning system that is in need of fundamental reform — a planning system that the government has an agenda to get on with reforming.

We want to make sure that when we face the Victorian people in four years we can offer them a planning system that has not been tokenistically bandaided, as was the case with our opponents, and a system that has not been the subject of sham consultation, as was the case with Justin Madden, who was the minister and who will be a minister if the Leader of the Opposition in the Assembly, Daniel Andrews, is ever Premier. In four years the Baillieu government will leave a system that has been fundamentally reformed from the ground up right through the legislative base and the application base — so that Victorians have a better planning system because of the Baillieu government.

## QUESTIONS ON NOTICE

### Answers

**Hon. M. P. PAKULA** (Western Metropolitan) — I hesitate to raise this matter again. I now have more than 100 outstanding questions on notice, but two in particular — 108 to Mr Davis and 114 to Mr Guy — have been outstanding since 1 March. Each time I have asked about them Mr Davis has told me the answers are on their way. This is, I think, the fourth time I have asked.

**Hon. D. M. DAVIS** (Minister for Health) — I am happy to follow up each of those questions on notice — in particular 108 and 114.

*Honourable members interjecting.*

**Hon. D. M. DAVIS** — I advise Mr Lenders that it was 31 October 2010. I note the first question on the list was received on 23 March 2007. More than three years is the length of time involved there. I have to say that we will respond to those questions. We are responding to them thoughtfully and carefully, and I will do everything I can to ensure that that happens.

*Honourable members interjecting.*

**Hon. D. M. DAVIS** — Three and a half years is the record of those opposite.

**Mr BARBER** (Northern Metropolitan) — I am raising for the attention of the Leader of the Government the same two questions that I have raised in the last three sitting weeks, so this is the fourth sitting week in which I have raised the two questions. The minister knows what they are.

**Hon. D. M. DAVIS** (Minister for Health) — I am happy to let Mr Barber know that they are on their way. I have moved some of the members of the lower house along on that.

## GOVERNMENT: ACCOUNTABILITY

**Debate resumed.**

**Hon. M. P. PAKULA** (Western Metropolitan) — Before question time I was discussing the appropriateness of the meeting between Mr Kapel and Sir Ken Jones and the Premier's assertion that there was nothing inappropriate about that meeting. The point I was making was that the question of whether the meeting was appropriate is directly related to the question of what was discussed at the meeting. Was the

future of the Chief Commissioner of Police discussed? Was the future of Sir Ken Jones discussed? Were any offers, including the offer of the independent, broadbased anticorruption commissioner's job, made to Sir Ken Jones? Was information provided to Mr Kapel which he could subsequently use to damage the Chief Commissioner of Police? These questions have all been asked of the Premier, and the Premier has refused, point blank, to answer them. We do not know what was discussed.

We do know some things, though. What we know is that in the weeks after that meeting there were three stories — all coincidentally damaging to the Chief Commissioner of Police — that found their way into various media outlets. There was the crimes statistic story, with which we are all familiar.

**Mr Drum** interjected.

**Hon. M. P. PAKULA** — I alert Mr Drum to the fact it was given to 3AW in the weeks after that meeting. There was the story about parole violators being on the streets due to problems with the LEAP (law enforcement assistance program) database, and there was the story about Sir Ken Jones being uneasy that Carl Williams was housed in the Acacia unit of Barwon Prison. All those stories found their way into the media in the weeks after the discussion between Mr Kapel and Sir Ken Jones. One of the things I think many people would like to know is whether that was information that Mr Kapel gleaned at his meeting with Sir Ken and then dripped out to the media. However, that is something we do not know because the Premier will not tell us what was discussed.

Anyone here who is familiar with the show *South Park* will know there is a character in that television program called Officer Barbrady whose stock-in-trade line is, 'Move along people, nothing to see here'. That is basically what we are getting from the Premier on this issue. He will not answer any questions about what happened or how the meeting came about. He simply says, 'Move along people, nothing to see here'. For a Premier who was elected on a solemn commitment to lead a government that is open, transparent and accountable, I would have thought that that is nowhere near good enough.

The third question that we are entitled to know the answer to is: why does the Premier's chief of staff, Mr Kapel, still have a job? The reason that is a pertinent question is that Mr Kapel had a meeting with the deputy commissioner of police that everyone concedes the Chief Commissioner of Police did not know about. Everyone concedes that the Minister for Police and

Emergency Services, Mr Ryan, did not know about it. The Premier says that he, himself, did not know about it. The chief commissioner, the police minister and, according to the Premier's version, the Premier did not know about this meeting between Mr Kapel and Sir Ken Jones. The deputy commissioner did not tell his boss. Mr Kapel did not tell his boss. Nobody thought to tell the police minister, who is actually responsible for this area of government. However, somehow the meeting was deemed to be appropriate.

If the meeting was appropriate, my question is: why all the secrecy about it? Why all the secrecy about a meeting that the Premier claims was perfectly appropriate? The police minister made it clear that he believed it would have been inappropriate for him to meet with Sir Ken Jones. If it is not appropriate for the police minister to meet with the deputy commissioner of police, how is it appropriate for the Premier's chief of staff to meet with the deputy commissioner of police without the chief commissioner, the police minister or the Premier knowing about it?

On one day we had Mr Ryan saying the meeting was inappropriate, and then on the next day, after he had been lassoed into supporting the line being run by the Premier, he turned around and said, 'It was appropriate for Mr Kapel, but it would've been inappropriate for me'. No-one has explained how that is the case. Sir Ken Jones knew the meeting was not appropriate. We know he knew it was inappropriate because he said if the chief commissioner found out about it, he would be toast — those were his words. We have a situation where Sir Ken Jones has been thrown to the wolves and the police minister is defending the indefensible, all for the sake of protecting the Premier's chief of staff.

Why is so much effort being put into protecting the Premier's chief of staff? One reason might be that the Premier knew about and approved the meeting that took place between Sir Ken Jones and Michael Kapel. Maybe the Premier was quite happy for his chief of staff to discover information that might have had the capacity to undermine the chief commissioner. Clearly Mr Kapel knew, and the Premier would have known, that Mr Ryan would do his block if he found out about the meeting, and that is of course why Mr Kapel and Sir Ken Jones met in secret at Sir Ken's home.

What I think nobody counted on was Sir Ken Jones telling Greg Davies about the meeting and Greg Davies then passing on that information to the Minister for Police and Emergency Services. It is clear that is what has occurred. Sir Ken Jones became concerned that he was about to be hung out to dry, and he expressed those concerns to the secretary of the Police Association.

**Mrs Peulich** — Hung out to dry how?

**Hon. M. P. PAKULA** — Hung out to dry this way, Mrs Peulich: by the government alleging that the meeting was initiated by Sir Ken. The notion that Mr Kapel would embark on something so fraught, so clearly improper and so potentially destabilising without consulting his boss about it is frankly not a proposition that passes the credibility test, because you would know that if you conducted a meeting like this and you got caught, you would be toast — to use the words of Sir Ken Jones. Mr Kapel ought to be toast. I think the only credible reason he is not toast is that the Premier has very good reason to protect his chief of staff — that is, to prevent other things from being revealed.

Other questions have emerged in recent weeks. First of all, what is the role of Mr Weston in all of this and why did he have to resign from Victoria Police? No-one is saying. Why did the Attorney-General go to such extraordinary lengths in a media conference last week to avoid answering a very simple question? He was asked the question, 'Have you ever met Sir Ken Jones?' 14 times, and 14 times he dodged answering it. He did not say yes and he did not say no; he simply refused to answer the question 14 times. Sometime later that day the Attorney-General released a statement saying he may have met Sir Ken Jones once. If he may have met him once, why would the Attorney-General of this state spend minute after minute at a press conference refusing on 14 separate occasions to answer a question about whether he had met the deputy commissioner of police? I have to say it shows the presence of a guilty — or if not guilty, at least conflicted — conscience.

**Mrs Peulich** — By asking leading questions you are trying to create a story, a narrative.

**Hon. M. P. PAKULA** — I am not asking leading questions.

**Mrs Peulich** — That is what you are doing through your presentation.

**Hon. M. P. PAKULA** — Mrs Peulich can describe my presentation any way she likes. I am sure she will have an opportunity to respond in whichever way she chooses.

There was a suggestion in the *Herald Sun* last week that someone may have suggested to the Minister for Corrections that a place would be created on the bench of a court in order for him to make way for Mr Kapel.

**Mr Ondarchie** — You can do better than that. *South Park*, the *Age* and the *Herald Sun* — you can do much better than that, really.

**Hon. M. P. PAKULA** — Mr Ondarchie, these stories are not coming out of the Labor Party; they are coming out of your party. These are people within the Liberal Party who are seeking to undermine various actors and players in the party.

**The PRESIDENT** — Order! I want to express some reservations of the Chair in respect of some of Mr Pakula's speech to the house. I caution Mr Pakula to some extent, and certainly members of the house when they respond to the points that have been put by the lead speaker in regard to this motion, that his speech has relied fairly heavily on media reports, including newspaper reports in particular. It is not possible for me as a presiding officer, and I daresay for the house, to be confident that those media reports are accurate to the extent that they have been relied on by Mr Pakula. I am not pulling up Mr Pakula on his presentation, because the context of his motion is to pose the proposition that there are questions regarding a meeting and he has been putting those questions to the house. I accept that it is his right to pursue that line in respect of his speech to the house.

The extent to which he has relied on media reports needs to be borne in mind by members of the house and those people who might consult the record in the future from the point of view that not all of those media reports are necessarily substantiated or accurate. In particular, the media report Mr Pakula has referred to in the last few moments has been vehemently denied by everybody associated with that possibility. The veracity of that report cannot be established.

As I said, I am not pulling up Mr Pakula. I am prepared to accept that he can continue to pose some of the questions he believes the opposition and perhaps the public have an interest in — if not a right to know — in respect of pursuing his motion. But, as I said, one needs to be mindful that a large part of this speech has relied on media reports which we cannot be absolutely confident are accurate. I think Mr Pakula would acknowledge that himself. As I said, he is posing questions surrounding those reports without accepting that they are absolutely accurate. He is certainly suggesting they raise questions. I think that is an important tenor to note in this debate.

**Hon. M. P. PAKULA** — You are quite correct, President. Let me make clear that I am not using my contribution to assert that the claims made in the media are true, but no-one is disputing that the claims

appeared. I am, as you point out quite correctly, suggesting that a process needs to be undertaken through which members of the government and people employed by the government can answer those claims. In the past month we have seen the culmination of the government's last mangled foray into the administration of justice, being the secret inquiry into the Office of Public Prosecutions, with secret evidence from secret witnesses which led to a secret report which culminated in the resignation of the Director of Public Prosecutions for who knows what reason. I am suggesting that that cannot be allowed to happen again.

If it is good enough for Mr David Davis, Mr Baillieu, Mr Guy and other ministers when in opposition to demand that advisers front up publicly and give evidence publicly, then it is good enough for them to stand by that principle now that they are in government. The proposition that is at the heart of my motion is that Mr Weston, and Mr Kapel more particularly, should not be allowed to hide under the Premier's metaphorical skirts. They should be required to front up publicly and to answer for their conduct, not have the Premier release a glib line saying 'Nothing came of it', which is the line that was released by the Premier as a result of the meeting between Mr Kapel and Sir Ken Jones.

There was no explanation of how the meeting came about and no explanation of what was said or what was discussed. There was just a take-me-on-trust assertion that nothing came from it. Particularly in an environment in which government members have said that the administration of justice and being tough on crime is their no. 1 priority and in which the upper echelons of Victoria Police are in complete and absolute turmoil, the people of Victoria are entitled to know who arranged the meeting, who knew about the meeting, what the purpose of the meeting was, what was discussed at it and what flowed from it — they are absolutely entitled to know all those things.

Perhaps Mr Rush could do some of this in his inquiry. Certainly his report should be a public report and not a secret report. Perhaps a parliamentary inquiry could do it. Perhaps Mr Kapel could front a media conference and answer some questions about it. But either way, all the while that they are obfuscating, passing over it and speaking in very carefully constructed sentences that are designed to obscure the truth, Sir Ken Jones and Simon Overland are swinging in the breeze. Certainly the chief commissioner does not know what his future is, and Sir Ken Jones is the subject of suggestions that he was the initiator of the meeting — that approach by the government is not working. This matter is not going away. What would work far better is some honesty and

transparency, because there is nothing open, transparent or accountable about the way the government is handling this matter — and there should be.

The government's most solemn promise to the Victorian community was that it would govern in a manner that was open, transparent and accountable. What has been occurring as a consequence of the meeting between Mr Kapel and Sir Ken Jones has been anything but. Members of the opposition find it exceedingly difficult to understand how it is that such a meeting — a meeting which is apparently appropriate and of which the Premier effectively has said 'nothing came of it' — can now, some three or four months later, be shrouded in so much secrecy. Why is it that a series of questions asked by the opposition in question time yesterday in the Assembly can be replied to with very carefully constructed answers that are designed to allow the Premier to stand up and sit down without giving too much away but not to answer any of the substantive questions that were asked of him?

**Mr Lenders** — Spin and a cover-up.

**Hon. M. P. PAKULA** — Indeed. If this had happened in isolation the opposition might have one view about it but it has happened in an environment in which these events have occurred directly on top of matters surrounding the Office of Public Prosecutions. When the government came to office it took control of an institution where there was tension at the top. Very quickly through its actions the government has caused a situation where we have no Director of Public Prosecutions. Let us be clear. On 11 January when the Attorney-General announced the Vincent inquiry into the Office of Public Prosecutions he said that the government would release as much of that report as it could. Some three or four months later — the government had the report since 31 March — it then released the report in the middle-to-latter part of May. After committing to releasing as much of the report as it could, the government then released none of it — not one word, not one line of that report.

**Sitting suspended 1.00 p.m. until 2.02 p.m.**

**Hon. M. P. PAKULA** — This time I dare say I will be able to get to the end of my contribution without either question time or the lunch break intervening. I was just in the process of wrapping up my contribution. As I recall, I was making the point that as a state we cannot afford another secretive examination of the highest levels of the administration of justice, coming on the back of the secret process and the secret report into the Office of Public Prosecutions. The opposition has been pursuing the release of that report, and it will

continue to seek the release of that report, not just on the principle of openness but also because very important questions about the conduct of that inquiry and the running of the Office of Public Prosecutions demand that that report be made public. The opposition will continue to pursue that.

In relation to this matter of Victoria Police, I say again that the Victorian community and this Parliament are entitled to know, given the turmoil that is currently engulfing Victoria Police, how that meeting came —

**Mr Drum** interjected.

**Hon. M. P. PAKULA** — If Mr Drum wants to describe it as a crisis, I will defer to him and describe it as a crisis.

**Mr Drum** — A turmoil, a fiasco.

**Hon. M. P. PAKULA** — Mr Drum — —

**Mr Drum** — What other words do you have?

**The ACTING PRESIDENT (Ms Crozier)** — Order! Mr Drum! Mr Pakula!

**Hon. M. P. PAKULA** — Acting President, I note that Mr Drum has now described it as a crisis, fiasco and turmoil, and I have to say I agree with him.

**An honourable member** — Mr Drum is a wise man.

**Hon. M. P. PAKULA** — Mr Drum is a wise man. It is notable that it appears The Nationals, particularly through their leader, Mr Ryan, are probably the only group from the government side that has come out of this with any honour. I acknowledge Mr Drum's recognition of the fact that all is not what it ought to be at Victoria Police. I am glad for Mr Drum's intervention, because Mr Drum served with me last term on the Select Committee on Gaming Licensing that conducted a series of open and public hearings at a cost of goodness knows how much — hundreds of thousands of dollars — with an enormous number of witnesses into the content of a conversation between former Premier Bracks and his wife and Mr White and his wife at a dinner in Lorne. We had an open and public inquiry, initiated by the Liberal Party and The Nationals, into that, but the government wants to maintain secrecy about what occurred between Mr Kapel and Sir Ken Jones.

**An honourable member** interjected.

**Hon. M. P. PAKULA** — It is hypocrisy at its worst. The Victorian community needs to know and is entitled

to know how this meeting was arranged, what was said at it, what its purpose was, who knew about it and what flowed from it. If the Premier is going to be true to his word — to run an open, transparent and accountable government — then the government will start answering these questions without obfuscation and without the continual carefully constructed sentences which provide no real information, and the Premier will require Mr Kapel to front up and to answer for his conduct. Anything less than that is a dereliction of the government's commitment to be open, transparent and accountable.

**Mr O'BRIEN** (Western Victoria) — I can advise that the government disagrees with the motion and much, if not all, that was said by Mr Pakula in his contribution. I can also advise the house that the government will not be supporting the motion.

In opposing the motion I firstly refer to the Premier's press conference of Monday, 6 June 2011, which dealt with these matters appropriately. The Premier is quoted as having made a number of statements, including:

... Michael was contacted by Sir Ken Jones, and in good faith accepted having a meeting with him. Now, Michael in his role meets with people all the time, and that's what we expect for him.

...

... Michael's information to me is that no issues arose that he believed warranted any further action.

...

... he is a senior member of our team, he has experience and judgement and I have complete faith in him.

It is not necessary to add anything further to that in opposition to the first part of the motion.

In relation to the second part of the motion, I remind the opposition and the house that on 9 May 2011 the government announced the formation of a special inquiry to be established under section 52 of the Public Administration Act 2004. The terms of reference for that inquiry are:

To inquire into the following matters relating to the structure, operations and administration of the senior command of Victoria Police:

1. The effectiveness and functions of the senior structure of Victoria Police command.
2. The extent to which the senior command structure of Victoria Police provides the future capabilities to deliver best-practice policing.

3. The extent to which Victoria Police has the command management structures to deliver major IT and administrative functions.

On 25 May Jack Rush, QC, commenced his term of six months. Special inquiry reports, along with any government response, must be tabled within 30 parliamentary sitting days of being received by the government.

I advise that the government is working hard to establish an independent, broadbased anticorruption commission (IBAC). The government has publicly announced it will introduce legislation establishing IBAC before the end of the year. Once functioning IBAC will have an annual budget of approximately \$40 million. A consultative committee is currently meeting with key stakeholders regarding various policy issues relevant to IBAC. The members of the consultative committee are: the Honourable Stephen Charles, QC; His Honour Gordon Lewis, AM; Peter Harmsworth, AO; and Gail Owen, OAM. The recruitment process for the inaugural independent, broadbased anticorruption commissioner of IBAC is currently under way.

The coalition government, unlike the previous government, is committed to a wide range of integrity measures. Not only will IBAC be instigated, but the government is also developing other integrity measures such as a judicial complaints commissioner, an FOI commissioner and new codes of conduct for ministers and MPs.

**Ms PENNICUIK** (Southern Metropolitan) — The motion moved by Mr Pakula today:

That this house expresses its grave concern regarding the refusal of the government to —

- (1) fully, frankly and openly explain the circumstances behind, and the contents of, the meeting between the Premier's chief of staff and the former deputy chief commissioner of police, Sir Ken Jones; and
- (2) commit to an open and transparent process for the examination of such matters including the role of the offices of the Premier, the Minister for Police and Emergency Services, the Attorney-General and the Minister for Corrections —

is not a motion that anybody could disagree with. Like members of the previous government, this government's members are forever saying how open and transparent their government is. That is all this motion is about: it is calling for openness and transparency with regard to Victoria Police and interactions between Victoria Police and the state government. Those interactions need to be above board

and to be seen to be above board. If they are not, then that undermines public confidence in the police force. That is the simple fact of the matter.

I agree with what the President said earlier, that we only have media reports to go by when looking at what is or is not happening within Victoria Police command. I have read all those media reports in preparation for contributing to the debate today on this motion, as I am sure other members have. I have listened to coverage on the TV and radio. There has been a lot of coverage. There has been a lot of 'he said', 'he said' and 'he said'.

**Ms Tierney** — No 'she said's'.

**Ms PENNICUIK** — No 'she said's', exactly. I am in no position to judge who is right and who is wrong. I agree with the President that we cannot be assured that everything we read in the newspapers, hear on the radio or see on the TV is completely accurate or the complete and full story. Everybody involved, including the Chief Commissioner of Police, the deputy commissioner, who has resigned, and the staff, needs to be treated fairly and not be subject to endless innuendo.

We know there are inquiries in train. The director, police integrity, has confirmed that the Office of Police Integrity is undertaking an investigation, as it is able to do under its act. The director — and this was covered and confirmed on the *PM* program on Radio National on Friday, 3 June — expects to report to Parliament by mid-August. We expect the report of the Office of Police Integrity will be tabled in Parliament in mid-August.

Another inquiry has been put in place by the government. It will be overseen by Jack Rush, QC. My concern is that it seems like it is going to run for an awfully long time. The more expeditious these types of inquiries can be, the better it is for all concerned. The motion calls for the inquiry and its findings to be made public, and we share that call.

The Ombudsman has announced that its office is also conducting an inquiry into the Office of Police Integrity inquiry. I find that a bit curious. In the same radio interview on *PM* which I referred to earlier, Professor Colleen Lewis of Monash University expressed some surprise that the Ombudsman was looking into the inquiry concerning the Office of Police Integrity given that the Ombudsman used to be the head of the Office of Police Integrity. I am not sure about this. It is up to the Ombudsman to make his own decisions in terms of the acts that govern him, including the Ombudsman Act 1973 and the Whistleblowers Protection Act 2001. I would have thought the special investigations monitor

would be the obvious body to oversight the Office of Police Integrity. That is how it has been set out under the structure in Victoria.

However, given that the Ombudsman has publicly announced he is conducting an inquiry, I expect that he too will table a report in Parliament. I went to hear the Ombudsman speak when he gave a public address as part of Law Week, during which he discussed the inquisitorial approach versus the adversarial approach in the justice system. He also made the point that he conducts a lot of inquiries, many of which are never tabled in Parliament. However, I assume that he will table this inquiry in Parliament given that he has already made public that he will conduct it. So I support this motion in that the inquiries that are being undertaken should be open and transparent. The ministers of the Crown who are involved in such inquiries — the Attorney-General, the Minister for Corrections, the Minister for Police and Emergency Services, and the Premier — should also be open and transparent.

Two main concerns have been brought to light by the series of events that have unfolded before us. The first is the broad issue of the role of unelected persons in such matters. I refer to the issue which Mr Pakula discussed at some length, which is the meeting between the Premier's chief of staff, Mr Kapel, and the former deputy commissioner, Sir Ken Jones. I do not want to go into the same level of detail as Mr Pakula, but I do want to raise the issue of the activities of chiefs of staff and ministerial advisers in a general sense, in that they are not elected but they have a lot of power and influence. I am concerned that a chief of staff was having a meeting with a person of such senior rank as a deputy commissioner apparently without the knowledge of the Premier or the police minister.

However, the issue I am discussing is the broader role of these types of people — chiefs of staff and ministerial advisers — and it is not limited to this particular incident or this particular government. We were concerned, and many commentators have raised concerns, about the role of ministerial advisers to the previous government. Just as there have been at the federal government level, there were many examples which highlighted the roles of ministerial advisers in a host of incidents, particularly with the Howard federal government.

I do not want to go into these in detail except to raise the issue, which is an ongoing issue for people who are concerned about the integrity of government — that is, the role of unelected people who are highly paid and do not have any accountability. People in such positions do

not have any accountability to the Parliament or to the people of Victoria. That is an issue of concern. I would hope that the various inquisitorial bodies — the Office of Police Integrity, the Victorian Ombudsman and perhaps even the Jack Rush inquiry — could look at the issue of the growing role and power of these staff members, because it is an issue of great concern to many people in the community. Again I just say that as a general comment.

The other issue highlighted by this series of events is the role of seconded police officers as ministerial advisers. In the previous government there was also a seconded police officer who was an adviser in the office of the previous police minister, Mr Cameron. I cast no aspersions on that particular person; I do not wish to do that, but I did feel uncomfortable about that arrangement in a general sense — that is, is that a correct situation to have? In such circumstances is there enough separation between the government and the police, as there should be — there should be an independence and a separation between them — when you have a seconded police person as an adviser? As noted, I make no definitive judgement about that; I merely raise it as an issue of concern, an issue of accountability and an issue about separation of powers.

I would hope that the inquisitorial bodies that are looking into this series of events will also consider that particular issue. In fact I am sure they are going to do so because that has been raised as an issue that is being looked into. However, I would like those inquisitorial bodies to also look into this issue in a general sense rather than just in a specific sense — that is, I want them to look at how we should put in place structures and processes to make sure that there is accountability and separation so that the public can have full confidence in the relationship between the government and police, which should be independent. Also it is important that the public have confidence with regard to force command, as it is commonly called within Victoria Police, and that it is operating with integrity and in the best interests of the people of Victoria. I have no evidence in front of me to suggest that it is not doing so, but I am sure the reports will tell us.

As the first part of Mr Pakula's motion says, it does not appear to people who are on the outside that there is full and frank openness about the incidents that have been going on, but as I say, I can only go by what has been reported in the press. I do not have any other information before me, and I do not wish to prejudge anyone, but there are concerns and they do need to be addressed, and that is all that this motion is calling for — that is, that legitimate concerns that are out there in the public sphere should be addressed and that the

resolution and the inquiry into these processes should be open and transparent. For those reasons I will support the motion.

**Mr VINEY** (Eastern Victoria) — I will not speak for a long time on this motion, but I indicate at the outset that I rise to support the motion moved by Mr Pakula. I do so on the basis that we have enough ability to separate what we know from what we do not know in this fairly murky matter and to determine the need for an open and transparent examination of what took place in these matters raised by Mr Pakula. We know investigations are being undertaken by the Ombudsman and that, as has become public, a meeting took place between Sir Ken Jones and Mr Kapel, the chief of staff to the Premier. It was a meeting not known about by the Chief Commissioner of Police, one apparently not known about by the Minister for Police and Emergency Services, who is also the Deputy Premier, and one the Premier says he did not know about.

Yet it was a meeting of such significance that Sir Ken Jones believes a decision was made to deny the meeting took place, that he was told that if the meeting became public, he would be 'on his own'. After having accepted an invitation to attend a meeting, Sir Ken Jones felt that knowledge of that meeting would be sufficient for him to be, in his words, 'hung out to dry'. We also know that the police minister indicated that the meeting between Sir Ken Jones and Mr Kapel was not an appropriate meeting and one he certainly would not have had, yet the Premier publicly indicated that the meeting was appropriate. What we do not have is an explanation as to how those two positions can be reconciled. How can it be the view of the Premier that a meeting was appropriate when the relevant minister and Deputy Premier — the man who calls himself the co-Premier of this state — regards it as an inappropriate meeting?

We do not know other details of what took place and what was discussed. We know Sir Ken Jones wrote an email which became public and that that email indicated that the matters were of such significance that he feared those discussions becoming public, or certainly feared those discussions becoming known to the chief commissioner. We know there are significant divisions within senior Victoria Police ranks under this government's watch. Whilst holding legitimate fears about these matters, the opposition does not know the impact of those decisions, but we know that the administration of justice in this state is being compromised. We know the government does not have a consistent view as to whether this meeting between the Premier's chief of staff and Sir Ken Jones was

appropriate or inappropriate. One version says it was appropriate; another says it was inappropriate.

We know these matters are seriously impacting on the administration and management of justice in this state and that senior levels of the police force are bitterly and deeply divided. We know the Ombudsman has been undertaking investigations into these matters. As a result of those investigations a senior adviser to the government was essentially given a choice between remaining a police officer and being an adviser. If he had remained a police officer, he would have been required to go back to the force and answer questions in relation to an investigation that is apparently taking place. He chose to resign from the police force, to not answer those questions and to remain a government adviser. We also know that a number of investigations are being undertaken and that people appear to be speaking to the media, because the media is reporting things that are not otherwise public, including emails and allegations of questionable activities relating to a government adviser that are unexplained and not detailed.

I say to Mr O'Brien, who made a contribution with the advantage of not having been in a previous Parliament, that there are some other things that we also know — namely, that the current government when in opposition railed on many occasions against the then government about openness, transparency and accountability. One of the consistent mantras from the then opposition, particularly from Mr Davis, the Leader of the Government, but also of the now Minister for Planning, Mr Guy, in all of those debates — which resulted in the setting up of a number of select committees, and I served on all of them — was that if you have nothing to hide, you have nothing to fear.

That was the mantra of members of the then opposition in every debate. I remember well in all those debates Mr Davis time and again leaning forward on his desk, saying, 'If you have nothing to hide, you have nothing to fear'. I remember his constant conspiracy theories and allegations of corruption of process. I remember well all those positions that Mr O'Brien, because he is a new member of this place, conveniently does not have to account for in his contribution to the debate.

As a result of all those things, the then opposition, working with the crossbenchers, set up a number of select committees that were about the political smearing of then ministers, former ministers and former Premiers. I understand the process of politics and that that is part of the business of politics. I do not accept the hypocrisy that is displayed by members of a political party who in opposition say one thing and in

government do another. They have a consistency problem, the essence of which is that Liberal Party members cannot speak and tell the truth at the same time.

This motion simply proposes that the government is to set up an appropriate process. The opposition is not dictating that process, as government members did when they were in opposition. Members on this side are not spelling out what process ought to be put in place. We are simply saying that government members should be true to their word and set up a proper process to inform the community of the facts of this matter — that is, what occurred and the basis of the concerns of Sir Ken Jones. We need a way forward for the community to have confidence in the administration of justice in this state.

This is a straightforward motion: that the house expresses its concern about the meeting that took place and the circumstances surrounding that meeting. Members on this side are asking for some openness about what happened — that is, what were the essence and subject matters of the meeting; why the government, in Sir Ken Jones's view, initiated the meeting in the way it did; and why the government then indicated to Sir Ken Jones that it intended to hang him out to dry, in his words, if the meeting and the substance of it became public.

In Mr David Davis's words, 'If you have nothing to hide, you have nothing to fear'. If the Premier, other government members and Mr Kapel have nothing to hide about the meeting that took place between Mr Kapel and Sir Ken Jones — the circumstances around that meeting, what was discussed and what were the intentions as a result of those discussions — then they have nothing to fear and could have an open and transparent inquiry that would inform the public and restore the community's confidence in the senior administration of justice in this state. That must include not only the meeting between Sir Ken Jones and Mr Kapel but also all the circumstances around it and the knowledge of the Premier and ministers of that meeting. It must include an explanation of why such a meeting would have been initiated and what were the government's intentions in holding a covert meeting with a deputy commissioner of police without the knowledge of the Chief Commissioner of Police.

**Ms PULFORD** (Western Victoria) — I speak in support of Mr Pakula's motion, by which he simply seeks that the government commit to an open and transparent process for the examination of the circumstances around the meeting between the

Premier's chief of staff, Mr Kapel, and a former deputy commissioner of police, Sir Ken Jones.

When they were on this side of the chamber, Liberal Party members preached endlessly at members of the then government about the need for integrity in government. The Liberal Party's approach to the 2010 state election was all about law and order. All of its flagship policies were around law and order. Last year all members would have spent quality time putting together and distributing to people right across Victoria information about the competing policies and objectives of our parties. All the Liberal Party campaign material I saw had a strong law and order theme to it. Last year there were a whole lot of blue-and-white chequered banners all over Victoria.

Members of the Liberal Party campaigned enthusiastically on their policies of having protective services officers on train stations, greater numbers of police recruits, more police on the beat, enhancements of the police academy to improve its ability to churn through greater numbers in training, suspended sentencing and additional powers for police officers to support the law and order approach and campaign. Since the election, government members have talked about tougher penalties for young offenders, home detention and the need for additional prisons. Yesterday members in this place debated legislation that could provide for fines for swearing in public, among other things.

The government's approach to road safety is best characterised as tough on hoons and hooning behaviour. That is an important element of a suite of measures to promote road safety. Government members have sent mixed messages on speeding and speed cameras, although members opposite talk constantly about the need to be tough on crime.

I refer to the notion of openness and accountability — that is, transparency — in government. Again, when Liberal Party members were on this side of the house, much was said about the role of parliamentary committees, how questions in question time ought to be answered and about the appropriate level of scrutiny of legislation. Now that Liberal Party members are in government and have the majority in both houses of Parliament, their enthusiasm for these things is somewhat diminished. Earlier today members were debating a motion calling for a work plan to be prepared by one of our parliamentary committees.

Yesterday, in his contribution to the debate on the parliamentary appropriation bill, Mr Lenders proposed that there be additional resources for parliamentary

committees. The parliamentary committee of which I am a member has the opposite problem, really. We have a reference with a scope that is well beyond public administration in Victoria. That is a different kind of problem than that of a committee that is not being provided with a whole lot to do by the government; it is one extreme or the other.

Government members have opposed every initiative in this house by non-government members. The approach to the documents motions, which are frequently opposed by Liberal members in this place, could not be more different to that taken by Liberal members in the last Parliament. Members of the fourth estate, which plays an important role in scrutiny of government, frequently complain about the accessibility of the Premier in particular but also senior ministers to answer questions about matters in their areas of responsibility. I think the government did not really mean much of what it said when in opposition about the need for government to be open, accountable and transparent in all its decisions.

If we put these two things together — a tough-on-crime approach and suite of law and order policies that the government is so very proud of — with the new secret way of governing in Victoria, what we have is unprecedented political interference by the Premier's private office into the operations of Victoria Police. Previous speakers have canvassed these issues in some detail, and I am sure all members have been following the alarming revelations in the media in recent weeks.

The Premier describes the meeting between his chief of staff and Sir Ken Jones as appropriate. The Deputy Premier is clearly very concerned about the meeting, and with his police minister hat on I expect he is very concerned about not having known about it until after it happened. On one hand we have the government saying that the meeting was appropriate; on the other we have government saying that the meeting was not appropriate. There is great confusion about who knows what was discussed at the meeting. How can you possibly have a view on whether it was appropriate or not if you do not know what was discussed at the meeting? Here we have a government that was elected on the back of a strong and, I must say, very effective campaign about law and order with its heavy-handed and ham-fisted interventions into the operations of Victoria Police that can only be having a terrible impact on morale in Victoria's police force.

Coupled with the duplicitous way in which the Liberal Party has indicated it approaches public sector wages, we have a situation where members of Victoria Police are currently taking industrial action in pursuit of their

workplace claims. This can, I imagine, only provide yet another distraction and detract from the important crime-fighting work our police officers do.

This is a government that made big promises to the Victorian people about the importance of an effective justice system and a strong approach on crime. This is a government that was elected on the back of having much to say about transparency and decency in government. When these two things come together, as they have around this meeting, there are many questions that Victorians expect to be answered. Mr Pakula's motion simply calls on the government to commit to an open and transparent process for the examination of these matters, and I think the Victorian public deserves nothing less.

#### House divided on motion:

##### *Ayes, 17*

Barber, Mr	Pennicuik, Ms
Broad, Ms	Pulford, Ms
Eideh, Mr	Scheffer, Mr
Hartland, Ms	Somyurek, Mr ( <i>Teller</i> )
Jennings, Mr	Tarlamis, Mr
Leane, Mr	Tee, Mr
Lenders, Mr	Tierney, Ms ( <i>Teller</i> )
Mikakos, Ms	Viney, Mr
Pakula, Mr	

##### *Noes, 19*

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

##### *Pairs*

Darveniza, Ms	Drum, Mr
Elasmar, Mr	Guy, Mr

#### Motion negatived.

## DUCK SEASON

**Ms PENNICUIK** (Southern Metropolitan) — I move:

That this house requires the government to act immediately to repeal the current duck shooting season and to ban duck shooting within Victoria as has occurred in New South Wales, Western Australia and Queensland.

I begin by saying that the current duck shooting season finished two days ago during the long weekend, on 13 June. Duck shooting was banned in Western

Australia in 1990 — 21 years ago; in New South Wales in 1995 except for on some public land where it is still allowed — 16 years ago; and in Queensland in 2005 — 6 years ago. It has never been allowed in the Australian Capital Territory. When those bans were put in place the premiers at the time basically said that duck shooting was an activity that was not acceptable in the 20th century, or the 21st century.

My motion calls on Victoria to join those states and put an end to the cruel and barbaric practice of shooting native waterbirds for so-called recreation. It is Greens policy across Australia to ban duck shooting where it is still allowed. For example, on 7 March this year a Tasmanian Greens media release stated:

Greens environment and animal welfare spokesperson Cassy O'Connor, MP, said that it was less than a year ago that the Tasmanian Greens tabled a petition signed by over 3000 people calling for an end to the duck shooting season, on the grounds that it was cruel, senseless and damaging to the environment.

...

'The Greens are committed to introducing legislation to ban recreational duck shooting, to fully protect ... our native waterbirds for 12 months of the year instead of the current ludicrous situation where they are protected for 9 months and then become shooting targets for the remaining 3 months of the year'.

The Tasmanian Greens will be moving to end duck shooting in Tasmania.

In South Australia in 2009 Greens MP Mark Parnell tabled a private members bill to ban duck hunting; it was called the National Parks and Wildlife (Ban on Hunting Protected Animals) Amendment Bill 2009. Sadly that bill was not carried, but just this year Greens South Australia's animal welfare spokeswoman, Tammy Franks, MLC, called on the South Australian government to end duck shooting and said she will introduce a private members bill to outlaw it this year. She said in a media release:

Native waterbirds should not be subject to extermination for the gratuitous pleasure of a small minority of shooters.

There is clear evidence from past seasons that despite 'waterfowl identification tests' it is next to impossible to avoid 'accidentally' killing or maiming protected species of waterbirds as well as the 'permitted' species.

She went on to say:

Over 52 000 South Australians opposed to the continuation of duck shooting added their weight to one of the largest petitions in our state Parliament's history yet the old parties continue to pander to the noisy demands of a handful of hunters.

The Greens will introduce a bill to outlaw duck shooting and stand firm against this cruel and archaic activity alongside the Coalition for Stopping Duck and Quail Hunting, which includes the RSPCA, Animals Australia, Birds SA, Fauna Rescue and Animal Liberation SA.

Personally I have always abhorred all animal cruelty, including duck shooting.

I first met Laurie Levy in 1991 when I was introduced to him by a friend of mine who is also involved in animal welfare issues, Ms Shirley Anderssen. Along with many thousands of people in the Victorian community, I have admired Laurie's efforts. Since 1986 he has campaigned to end duck shooting in Victoria. While so far no government has moved to end duck shooting in Victoria, in the last 25 years the number of shooters has declined dramatically as public tolerance of duck shooting is evaporating. This is in large part due to the attention brought to the issue by Laurie Levy and the Coalition against Duck Shooting, the RSPCA (Royal Society for the Prevention of Cruelty to Animals), Animals Australia, Birds Australia, Wildlife Victoria, Animal Active and, more recently, the Duck Army.

In my capacity as an MP, I have attended the opening weekends of the last two duck shooting seasons. In 2010 I travelled to Dowd Morass State Game Reserve in Gippsland. That weekend was pretty quiet due to a lack of ducks as a result of the prolonged drought, which saw waterbird numbers plummet across eastern Australia. There were also very few shooters. This year I went to the opening of the duck season at Lake Buloke near Donald in north-western Victoria. Due to the extensive rain over the summer season there was a large number of ducks and ducklings. There were quite a few shooters — the number was estimated to be 250 — camped around the very large lake. It is a beautiful place, but at dawn the peace and serenity were assaulted by the sound of tens or hundreds of shotguns, which went off in a crescendo for the next two hours. The atmosphere was quite tense and really frightening.

I was very upset by what I witnessed. Birds were killed and wounded, including a large number of ducklings. I thought perhaps it was just me, because I am not necessarily a seasoned campaigner, but on speaking to others who are, including Lynn Trakell, the assistant director of the Coalition against Duck Shooting, I found that everyone present at the lake that weekend was distressed and upset by the absolute onslaught of shooting, by the cheers as birds fell from the sky, by the large number of wounded birds and by the tiny ducklings killed in the first breeding season in more than a decade. Nobody could fail to be upset by what was witnessed there.

I took quite a bit of footage that morning and made a YouTube video, which included the sound that permeated the environment with shotguns going off everywhere, to bring to the attention of the Victorian public, most of whom are totally opposed to duck shooting, just what it is like. One duck rescuer was injured by shotgun pellets ricocheting off the water as a result of a 14-year-old boy shooting at water level, which is a very dangerous thing to do. I am pleased to hear she is recovering, even though she needs to have a tooth replaced, and that she will not suffer any ongoing scarring on her face, which was a big concern, but of course she remains very traumatised by the experience. Also that weekend a shooter injured his hand.

I know that representatives of the Coalition against Duck Shooting have approached members of Parliament, have sent members of Parliament some information in support of the motion and have been lobbying members of Parliament to support the motion. I want to put on record some of the information the coalition has put together. By way of background, in Victoria the law protects all native waterbirds, yet for three months annually eight species of native waterbirds may be legally shot purely for recreational purposes. Those species are the Pacific black duck, the grey teal, the chestnut teal, the mountain shelduck, the hardhead or white-eyed duck, the pink-eared duck, the maned duck or wood duck, and the blue-wing shoveler. They are the ducks that are listed that can be shot. They are all protected waterbirds except during duck season. In South Australia the situation is the same as in Victoria.

There is no scientific reason for the shooting; it is purely an outmoded recreational slaughter that takes place in order to accommodate duck shooters, who comprise just 0.4 per cent of Victoria's population. Environmental scientist and waterbird expert Professor Richard Kingsford has carried out annual aerial surveys of waterbird numbers since 1983. His data shows an 82 per cent decrease in waterbird numbers across eastern Australia. Although the drought has now broken, Kingsford has said it will take five years of flooding rains for waterbird numbers to return to the levels of 20 years ago. I would add that that is if ducks are not shot and if many ducklings are not killed by shooters or die as a result of being left orphaned because their parents have been killed.

There are only 15 Department of Sustainability and Environment (DSE) wildlife officers to patrol about 20 000 Victorian wetlands where duck shooting can take place. This year, however, no budget was allocated for this purpose, so duck shooters were policed only at the opening weekend and during Easter.

The wounding rate and cruelty is unacceptable in the 21st century. Shotguns spray some 200 pellets, resulting in high wounding rates. We see legs shot off, shattered bills, splintered wings, pellets through eyes and shot lodged in organs, muscles and tendons. According to US ballistics expert and shotgun user Tom Roster, the wounding rate is at least 1 in 4. This rate is pretty well recognised by everyone, including DSE. Roster has told US duck shooters that such a high wounding rate is not acceptable. He has warned that if it cannot be lowered, American states will ban duck shooting, as has been done in the three Australian states of Western Australia, New South Wales and Queensland.

Another reason wounding occurs is that hunters can legally shoot in poor light or bad weather, such as fog, mist and wind. They may also shoot in wetlands half an hour before sunrise and half an hour after sunset, when it is too dark for species identification. Victoria's Animal Welfare Advisory Committee has repeatedly recommended a ban on recreational duck shooting on cruelty grounds, but the recommendations have been ignored.

In 2007 a Roy Morgan Research poll showed that 75 per cent of Victorians wanted a permanent ban on recreational duck shooting. That number climbed to 87 per cent when respondents were informed that the wounding rate was 1 in 4, that waterbird numbers had declined by 80 per cent across eastern Australia since 1983 and that three states had already banned the activity. The results were across all political parties. I have a copy of the poll, and it is interesting to read. It says:

Those living in Melbourne (91 per cent) were more likely than those in country areas to think the shooting of native waterbirds should be banned, but even in country areas an overwhelming majority (77 per cent) think the activity should be banned.

Also of note is this:

Women (94 per cent) were more likely than men (81 per cent) to say the shooting of native waterbirds should be banned. Support for banning this activity was highest amongst younger people (14–17-year-olds — 91 per cent) and lowest amongst those aged 35–49 (86 per cent).

That is still very high — 86 per cent is a vast majority of Victorians — and 77 per cent, over three-quarters, of people living in country areas favour the banning of the shooting of native waterbirds, so it cannot be disputed that the majority of Victorians want to see duck shooting stopped.

In October 2010 a joint RSPCA-Coalition against Duck Shooting petition with over 30 000 signatures calling

for a permanent ban on the recreational shooting of native waterbirds was presented to the Victorian Legislative Assembly. That petition, which was tabled by a former member for Brunswick in the Legislative Assembly, Carlo Carli, had 30 233 signatures, and it read:

The petition of the residents of Victoria draws to the attention of the house that Victorian native waterbird numbers have dropped 60 per cent since 2007 and 2008 (when their numbers were already low), that 75 per cent of Victorians want the recreational shooting of native waterbirds banned but once informed that eastern Australian waterbird numbers have dropped more than 80 per cent, that one in four birds are wounded (DSE) and that duck shooting is banned in WA, NSW and QLD, a huge 87 per cent of Victorians said they wanted the activity banned (Morgan Poll, October 2007). Drought, global warming and climate change means the recreational shooting of native waterbirds is no longer sustainable.

The petitioners therefore request that the Legislative Assembly of Victoria follows the Labor governments of WA, NSW and Queensland and permanently bans the recreational shooting of Australian native waterbirds in Victoria.

Children as young as 12 years of age can shoot ducks under adult supervision. I have already mentioned the mishap that occurred at the opening of this year's season when a 14-year-old boy was shooting at the water and a duck rescuer was wounded. The wounding rate for adult shooters is unacceptably high, and it must be even worse for young children. Shooters also litter the wetlands with spent cartridge shells, beer bottles plastic and general rubbish, and build their hides out of non-biodegradable materials. Many waterbirds are shot and illegally left on the wetlands. This adds to the introduced predator problem by providing food for foxes and feral cats and dogs.

Duck shooter numbers have dropped dramatically. Because of a change in public opinion and culture, the activity is no longer acceptable. Today there are around 21 500 licensed duck shooters — just 0.4 per cent of Victorians — compared with around 95 000 in 1986, which was 25 years ago. Yet, even with the wetlands full after 13 years of drought, very few duck shooters were active this year. However, even though there were very few, they still did a lot of damage, which I will go into later in my contribution.

Recreational duck shooting is not a sport. Sport is a contest between equals. Clay target shooting is an ethical alternative where the target is controlled and contestants compete against each other. In the lead-up to this year's duck shooting season the RSPCA ran a full-page advertisement in the *Age* stating that the opening of the duck shooting on 19 March was Victoria's day of shame. Tragically many waterbirds

were breeding during the first weeks of the duck shooting season. At Lake Buloke in central Victoria the shooting of parent birds during the opening and subsequent weekends left large groups of flightless orphaned ducklings to die of shock, starvation or from predators. I saw this myself.

Coalition against Duck Shooting rescue teams have brought in over 500 shot birds that were illegally left on wetlands this season. Some were game species — that is, usually protected birds that are allowed to be shot during duck shooting season — but many were protected species. This is an ongoing problem every duck season. Despite passing the obligatory waterfowl identification test to gain their licences, this year hunters have illegally shot and left the following protected species on the wetlands: a rare and threatened freckled duck, musk ducks, plumed whistling ducks, purple swamphens, dusky moorhens, grebes, coots, cormorants, swans and cygnets, owls and other birds of prey, galahs, a spoonbill, magpies, ravens and others. Additionally, at least 25 displaced swan eggs were collected. In some instances shooters had kicked the eggs away in order to use the swan nests as dry platforms to stand on while shooting.

This year rescuers saw countless abandoned ducklings; birds shot outside the legal shooting time — I witnessed this myself; shooters taking more than the bag limit; birds stuffed live into shooters' bags; a wounded duck left amongst a shooter's decoys; and evidence of illegal lead shot cartridges — lead shot was banned in 2001 but it still continues to be used by some shooters.

The wetlands have been filling with water and there are increased bird numbers after a 13-year drought, but very few shooters have been active in the state's wetlands, even though Field and Game Australia offered tens of thousands of dollars in prizes to entice hunters onto the wetlands. Earlier this year four youths stoned to death a female swan in a Moonee Ponds park. This senseless violence resulted in an outpouring of emotion from the public and the media. The youths will be prosecuted, yet the government sanctions the same violence to swans and other native birds on Victoria's shooting wetlands. Duck shooting is legalised cruelty — no more, no less. This is precisely why 87 per cent of Victorians want recreational duck shooting banned.

I would like also to present some information that has been collected by the Coalition against Duck Shooting. Representatives of that coalition have attended every weekend at wetlands throughout Victoria, including, as I said, Lake Buloke, McDonald Swamp, Lake Connewarre, some private wetlands near Melton, Dowd

Morass, Hird Swamp and the marshes — and they have attended these places more than once. I cannot read out every particular instance, but I can summarise what has been found by the Coalition against Duck Shooting. May I say that that organisation does a tremendous job in monitoring what is going on with duck shooting, given that there are only 15 DSE (Department of Sustainability and Environment) officers, and as I have previously mentioned, they attend only on the opening weekend and at Easter — and that was done only because the Coalition against Duck Shooting and other members of community groups opposed to duck shooting made such a fuss that they did attend.

It is a bit like what we have seen with Animals Australia having to raise awareness of things that the Greens and many others in the community have known about, such as the horrors of the livestock export trade. That had to be raised by a community group. And that is the case with the Coalition against Duck Shooting, Wildlife Victoria and other groups that go on to the wetlands to monitor what is going on and to rescue wounded birds. They do this at their own personal risk, and they are often portrayed as the offenders in the situation when in fact they are out there trying to protect our native waterbirds.

In summary, the Coalition against Duck Shooting says while there were very few recreational shooters active in Victoria this season, they left behind an appalling legacy of suffering and waste. The low shooter turnout was despite Field and Game Australia giving away \$30 000 worth of prizes to entice hunters back on to the wetlands. I find it quite horrendous that Field and Game would be giving away prizes to entice people to come to shoot ducks. That is my personal view of that activity.

DSE officers counted only 250 active hunters on the water at Lake Buloke as at 9.00 a.m. on the Sunday morning of the opening weekend. That is a huge drop in numbers since the late 1980s and early 1990s when this particular wetland attracted 10 000 to 15 000 shooters on the opening morning of the season. But, as I described before, it was horrendous enough even with those 250 shooters there, because they were very robust in their activities — that is probably the kindest way you could put it. At Easter a maximum of 40 shooters were present at Lake Buloke. Again in the late 1980s and early 1990s Lake Buloke at Easter would replicate the opening weekend, with thousands of shooters present.

With this drop in the number of shooters the towns nearby, particularly Donald and St Arnaud, are not reaping any benefit from duck shooting. As I will

discuss later, there are other activities that those towns could possibly be involved in. Having spoken to several people in the towns when I was there, I know there are many people in the towns who would like to see different activities and would like see an end to duck shooting and the establishment of a more eco-friendly tourism base in those places. But I will return to that later.

The following offences were reported by the DSE on just the opening weekend of the 2011 duck shooting season: 14 hunters were fined for using or possessing toxic shot, otherwise known as lead shot; 10 hunters were fined for not retaining the wing of the duck; 3 hunters were fined for hunting from a boat with a motor running; 2 hunters were fined for littering; 2 hunters were fined for failing to destroy game on recovery; 1 hunter was fined for failing to carry the correct safety equipment — a fire extinguisher — on their boat; 3 hunters will be charged on summons for shooting too early, so 3 are going to be charged, but I heard a lot more than 3 on the morning I was there; 2 hunters will be charged on summons for unsecured firearms; and 3 will be charged on summons for hunting without a game licence. Those are just the ones who have been caught.

Due to a lack of budget allocation no wildlife officers patrolled the wetlands for most of the 2011 duck shooting season. If it were not for the Coalition Against Duck Shooting rescue teams, the evidence of illegally shot birds and breaches of the hunting regulations would never come to light and the government would get away with sanctioning cruelty to native waterbirds without the truth ever being revealed. However, the situation for native waterbirds will become even worse when the Department of Primary Industries (DPI) takes over responsibility for recreational duck shooting from the DSE on 1 July this year.

I also had conversations with some DSE officers and with police. There were police in attendance at the opening weekend of the duck shooting season, and there was some consternation amongst officers about this situation. I have put some questions on notice to the minister as to this transfer of responsibility from DSE to DPI. We are talking about the protection of native waterbirds here. It is a responsibility that should lie with DSE, and there was some consternation about that.

I was speaking before about how upsetting I found that particular weekend to be. Some of the DSE officers expressed the same thing when I was having a talk to them, as did some of the police who were there.

The Coalition against Duck Shooting rescue teams were out every weekend of the season patrolling some of the 20 000 wetlands where shooting can take place in Victoria, including Lake Connemara, near Geelong; McDonald Swamp; Hird Swamp and the marshes in north-western Victoria; Lake Buloke in central Victoria; and Dowd Morass and Hart Morass in Gippsland. Very few shooters were seen on any of these wetlands. Rescuers saw hundreds of helpless ducklings left orphaned as shooters shot in waterbird nurseries and illegally shot nesting swans and cygnets. Many of the 23 swan eggs recovered had been kicked off nests so shooters could use the nesting mounds as dry shooting platforms. I remind members that swans are protected birds.

Rescuers also saw uncollected wounded birds, birds shot before and after the legal shooting time, wounded birds stuffed into bags and shooters exceeding the bag limit of 10 birds per shooter, per day. That is a high bag limit in anyone's language, given we have had 10 years of drought and it has been 15 years since the birds have been able to breed in any capacity. In their first breeding season we had this slaughter, which I witnessed and which included the slaughter of ducklings. Baby ducklings were shot by shooters, and then the rest of the ducklings were left as orphans. Duck shooting is not an activity that can be condoned.

A cache of illegal lead shot, which was banned in 2001, was found on a wetland near Geelong. Just last weekend rescuers recovered 25 game species as well as 4 protected species which had been shot and illegally left on the wetlands. From just a small number of wetlands patrolled by the Coalition Against Duck Shooting, not by DSE officers, this makes a season total of approximately 550 birds illegally left to die and rot on the water, including 74 protected species. I do not mean to impugn DSE officers, who do the best they can. However, there are not enough of them there to cover the wetlands and to monitor what is going on.

Those 74 protected species included 22 Eurasian coot; 10 black swans and cygnets; 8 grebes, Australasian, hoary-headed and great crested; 5 plumed whistling ducks; 5 Australian magpies — how anyone could mistake a magpie for a duck, I am not sure — 4 purple swamphens; 3 musk ducks; 3 dusky moorhens; 2 little ravens; 2 galahs; 1 little button-quail; 1 freckled duck; 1 barn owl; 1 unidentified owl; 1 unidentified bird of prey; 1 blue-billed duck; 1 Australasian pipit; 1 black-winged stilt; 1 cormorant of unidentified species; and 1 yellow-billed spoonbill. Not only are protected birds and non-duck species shot but a lot of protected ducks not deemed game species are also shot, which proves that the identification test does not work.

An X-ray of one swan showed over 30 pellets lodged in its body. Obviously it had been shot at close range. The birds that the Coalition Against Duck Shooting rescuers find are just the tip of the iceberg. Many dead birds are taken by predators or go undetected. In a 1983 Texas study by Stutzenbaker et al., eight searchers found only 6 per cent of 100 dead ducks planted in a 40.5-hectare area. I do not know the details of that study, but it goes to show that it is very difficult to find ducks once they have actually fallen. We know that at least one in four, probably more, are wounded and fly or swim off.

**Mr Koch** — How do you know? You are just guessing.

**Ms PENNICUIK** — No, I am not guessing. On good authority, the Coalition against Duck Shooting was told that wildlife officers who were out in force in north-western Victoria on the closing weekend were given instructions to harass rescuers. Three rescuers were arrested on trumped up charges and taken back to the Kerang police station.

I pause to say that it has been made an offence for duck rescuers to go into the water. Duck rescuers enter the water to try to rescue wounded birds that have been shot and have fallen into the water; once the rescuers leave the water they are arrested and given an infringement notice for breaking the law. That is criminalising the act of protecting wildlife and making it a non-criminal activity to shoot what are for the rest of the year protected native waterbirds.

I agree with the sentiment that Victoria's wetlands, which include many Ramsar wetlands of international importance, could be opened and promoted for nature-based wetlands tourism and become the new mecca for interstate and overseas birdwatchers, bringing millions of dollars to regional Victoria. Currently the government only caters for duck shooters, who number around only 0.4 per cent of the Victorian population.

Having visited several of the wetlands on which duck shooting is allowed, I have found that they are all very beautiful places where people like to go camping. In keeping with the ethos of ecotourism, conserving our wildlife, not promoting the use of guns and a gun culture, and for many other reasons, not to mention that of cruelty, this is the sort of activity that we should be moving into in our wetland areas. It would be of benefit to the regional towns near those wetland areas. It would create more employment and attract more people to those areas.

That has been the case in areas like Warrnambool and Albany that used to be whaling centres. There was a great outcry at the time that if whaling stopped, those towns would disappear and there would be nothing there for people to do. Both of those towns are now huge whale watching centres. The economy of Warrnambool during the July–August whale season is highly benefited by people going to Logans Beach to see the whales, as I do every single year. Acting President, you can stand there watching those whales for 2 hours, and it feels like you have been there for 15 minutes. At that time there are always thousands of people staying in Warrnambool or towns around Warrnambool, such as Port Fairy, Koroit et cetera.

The Coalition against Duck Shooting sent information to all its members promoting the idea, which I support, of nature-based wetlands tourism to assist regional Victoria. Instead of the destruction of our natural assets, Victoria's magnificent wetlands could attract thousands of interstate and overseas birdwatchers and other visitors. Wetlands in Victoria where shooting is allowed during duck shooting season include wetlands of international significance under the Ramsar convention, state and national parks, and many indigenous sites with important cultural heritage values. In contrast, with very few active hunters on the wetlands these days, the recreational duck season provides little or no real financial benefit to regional towns. Development of a vibrant nature-based tourism industry would generate significant financial returns for country Victorian towns by attracting some of the millions of birdwatchers worldwide and within Australia.

Many years ago Premier John Cain had the vision to promote and invest in nature-based tourism on Phillip Island. The penguin parade is extremely successful, earning the state close to \$200 million each year. The present government should show the same vision and invest in the promotion of nature-based wetlands tourism. During the 1990s Premier Jeff Kennett organised a number of tourism consulting firms to investigate and identify the most important tourist assets in regional Victoria. Advance Tourism researched north-western Victoria and the Sunset Country. The company reported one of the best untapped tourism assets in the Kerang region was the Ramsar and other wetlands, which include native waterbirds. These assets need to be promoted to attract interstate and overseas tourists.

Victoria's wetlands are also steeped in indigenous heritage. Should they wish to do so, regional indigenous communities could be involved in wetlands tourism ventures. With its 20 000 lakes and swamps,

Victoria could become a mecca for nature-based wildlife tourism. It is time Victoria made wiser use of its wetlands, including Ramsar wetlands of international importance. They should be places to enjoy the beauty of nature, rather than places to kill and maim. They should be places where all our native waterbirds feel safe, not traumatised by three months of unrelenting slaughter. Duck shooting devalues native waterbirds, by killing off or scaring away those assets, and must be banned before nature-based wetlands tourism is introduced. Victoria needs to respect, cherish and value its native waterbirds, as it does penguins, whales and koalas, and as do the majority of Victorians.

I would like to mention some of the other groups in the community which oppose duck shooting and are calling for the cessation of it and have been for a long time. The RSPCA has for a long time opposed duck shooting. This year, as I mentioned before, it released a full-page ad in the state newspapers against the opening of the duck shooting season on 19 March this year. The ad states:

RSPCA Victoria is bitterly disappointed that the Baillieu government has announced that a full recreational duck shoot of 12 weeks will go ahead in 2011.

RSPCA Victoria President, Dr Hugh Wirth said, 'The Brumby government was clearly out of touch with Victorians and the rest of the country by continuing to allow duck shooting seasons year after year. This was a chance for our new leaders to positively shape animal welfare in Victoria. However, it would seem that the Baillieu government also has selective hearing when it comes to our native wildlife. Victorians want duck shooting banned!'

'Year after year, shooting interests have been given the opportunity to plead their case to the Department of Sustainability and Environment and to the minister. No such formal opportunity has been afforded to animal welfare organisations, which clearly indicates the decision to go ahead with a duck shooting season in 2011 is biased, self serving and made without any consideration for animal welfare', Dr Wirth comments.

A full bag limit of 10 birds per shooter per day will be allowed, which could equate to almost 2 million birds being killed during the season. With a 25 per cent wounding rate, this obviously suggests protection of our native wildlife is not on our new government's agenda.

Animals Australia is another organisation concerned with the welfare of animals of all types — that is, animals in experimentation, animal exploitation, agricultural animals and companion animals — and duck shooting is one of its campaigns. Material on its website states:

The recreational shooting of ducks in Australia causes suffering to countless numbers of native waterbirds.

Some species of duck are permitted to be shot each year during an open season in Victoria, South Australia, Tasmania and in private rice fields in NSW. Animal welfare and conservation groups oppose the killing.

...

Birds suffer pain and stress when they are wounded by shotgun pellets. Computer simulation estimates and the observations of 'rescuers' on the wetlands indicates that duck shooters wound at least as many birds as they kill outright. Even shooting groups acknowledge that at least one in every four birds targeted will be wounded — amounting to tens of thousands each duck shooting season.

It could amount to that.

Birds Australia's position statement states that 'recreational waterfowl hunting should not be allowed in Australia and its territories'. Previous to this statement Birds Australia had a different position, where it provided qualified support if five particular criteria could be met, which is in its 1998 policy background document. Of the five actions listed in its 1998 policy, on its latest position it states:

... only 2. hunter education/changed shooting times/periodic closures, and 3. the banning lead shot, could be seen as substantially achieved to date —

even though I have listed today so many breaches of those particular requirements. It goes on to say:

Recreational waterfowl hunting has been banned in ... Western Australia ... New South Wales ... and Queensland —

as I have mentioned, and:

Since 1994 the number of active shooters has declined significantly in the states where recreational waterfowl hunting is allowed, through a combination of factors including: societal pressure, changes to gun ownership laws, and drought.

Further it says:

Birds Australia considers that recreational waterfowl hunting should not be allowed in Australia and its territories.

Earlier this year I asked a question on notice of the Minister for Agriculture and Food Security, which was answered on 26 May, about the cost to DSE of deploying officers to monitor areas and rescue wounded ducks at sites where duck hunting takes place for the duration of the duck hunting season. I was informed by Peter Walsh, the Minister for Agriculture and Food Security, that:

DSE advise the cost of field operations during 2010 duck season for compliance and survey activities was \$74 500. A standard full season has been declared for 2011 with projected costs of \$92 700.

Although the management of duck hunting in Victoria is undertaken by DSE, other government agencies such as Parks Victoria and Victoria Police are also involved. Their costs are not reflected in DSE costs.

It costs DSE, the police and Parks Victoria quite a lot of money to monitor the duck shooting season. As I have already explained, minimal monitoring goes on. A lot of the activity is totally unmonitored, unregulated and unwatched by anybody except community members who group together with their passion and courage to go out year after year to monitor what goes on in the wetlands and try to rescue stricken animals.

I have to say I was pretty dismayed by the 12 January media release by DSE entitled 'Favourable conditions mark return to a standard duck season in 2011' — as if that was a happy announcement. For me that was a very sad announcement. The media release states:

The 2011 Victorian duck hunting season will return to a full 12 weeks, following a year of above-average rainfall that has substantially improved environmental conditions.

I found that statement quite sickening. Basically it says that after a year of drought we have had a bit of rain so you can all go out and shoot ducks again, even though, as I have mentioned, this was the first year in more than a decade when any breeding whatsoever had taken place. It has to be remembered that most of the ducks that are able to breed when there is some water around are getting a bit long in the tooth. Most of them would be at least a decade old or older, because they were not able to breed in any way, shape or form during the drought. The media release goes on:

Significant rainfall ... has increased habitat for waterfowl including game bird populations.

This in turn has triggered extensive breeding and wide dispersal of waterfowl across Eastern Australia's wetlands. As a result, Victoria can sustain a return to normal seasonal arrangements in 2011 ...

I find that whole attitude of the DSE, which is meant to be looking after our native wildlife, quite disturbing.

I will ask the Acting President if the following can be incorporated in *Hansard*. I know I am not allowed to show it as it could be regarded as a prop, but I just want to pay tribute to Michael Leunig for his cartoon in the *Age* of 25 March this year which shows his famous ducks on a pond. There is a mother duck with five ducklings. The mother is looking at the five ducklings and telling them:

It's Earth Hour this weekend. The humans will be turning their lights out, guzzling high-octane racing car fuel and blasting us to smithereens with their shotguns ...

I pay tribute to Michael Leunig for having a go at not only duck shooting but also something else I do not like, the grand prix, which also took place at that time.

In conclusion, I urge all those members of this house who do not support duck shooting — and I know there are quite a few — to say so openly and support my motion to have it permanently banned in Victoria, as it is in the other major states of Australia.

I would like to thank Laurie Levy, Lyn Trackell, Tony Murphy and all the other committed and courageous members of the Coalition against Duck Shooting who attend the waterways every weekend to monitor the duck season and to rescue wounded ducks. I would also like to thank the RSPCA, Animals Australia, Wildlife Victoria, Birds Australia and the Duck Army and all their volunteers and supporters who work tirelessly, both on the ground and in campaigning, to see an end to this cruel and outdated activity in Victoria once and for all. I would like to thank the 87 per cent — the vast majority — of Victorians who do not support duck shooting. I ask them to not give up, because we will not give up until duck shooting is banned and our wetlands can be used for ecotourism and a much better purpose than shooting our native wildlife.

**The ACTING PRESIDENT (Mr Ramsay)** — Order! I note Ms Pennicuik wishes to incorporate material in *Hansard*. I refer her to standing order 12.16, which lists a number of conditions that must be met before she can do so. I am happy for the Clerk to advise the member of those conditions if required.

**Ms PENNICUIK** — Thank you, Acting President.

**Mrs PETROVICH** (Northern Victoria) — I say at the outset that I support animal welfare. But I have to say the motion before us today is not about animal welfare. This has become a political campaign.

The 2011 duck shooting season returned to the normal 12-week period. It went from 19 March to 13 June and followed a year of above-average rainfall, which substantially improved environmental conditions, as was discussed earlier. Issues that arise about the season have been prescribed by the Wildlife (Game) Regulations 2001. The 2011 season finished last weekend, which was a long weekend. This was the first unmodified season since 1999, and it was proclaimed as a result of significantly improved environmental conditions, as Ms Pennicuik stated. There was reduced water as a result of 10 years of drought, and the above-average rainfall and flooding across large areas of eastern and northern Victoria has improved environmental conditions.

The statewide waterfowl survey undertaken during November by Field and Game Australia and DSE (Department of Sustainability and Environment) indicated the highest level of breeding since surveys began nearly 20 years ago. The eastern Australian aerial survey undertaken last November also indicated an increase in waterfowl numbers and significant widespread breeding. Current environmental conditions are still favourable, with waterbird populations continuing to increase. There are currently 40 000 licensed game hunters in Victoria, including 24 000 hunters licensed to hunt ducks. In Ms Pennicuik's words, it is a handful. Duck hunters now tell me that that handful is feeling persecuted by those who are out in the wetlands. We need to understand that lobbyists have a different view of hunting ducks and the protection of wildlife. The two groups are in conflict, and it is a dangerous situation for the people who are out in the wetlands.

As a result of the increase in duck numbers and the return to a normal season, the number of duck hunters has increased from previous years, so there are more than a handful. The opening weekend traditionally attracts the largest proportion of hunters across the entire season. According to 2011 surveys, an estimated 62 per cent of licensed duck hunters were active over the opening weekend. It is a busy time in the wetlands.

Duck hunting protesters were most active over the opening weekend. It is estimated that around 150 protesters were active at Lake Buloke, near Donald in the north-west of the state. The management of the opening weekend of the duck season is the largest planned enforcement operation that DSE undertakes, and it does so in conjunction with Victoria Police and Parks Victoria, with over 130 officers active over that weekend. I understand Ms Pennicuik is very emotional about this issue. In some ways that may have clouded her judgement on the opening weekend of the duck season.

During the opening weekend a protester illegally entered Lake Buloke during a prohibited period and was allegedly accidentally shot. I have to say that being in a wetland before 10.00 a.m. is a dangerous practice when live ammunition is being used to hunt. Something that has been missed in relation to all of this is that what is actually occurring in those wetlands is illegal activity. Duck hunting is a regulated activity. Those people who are entering the wetlands to protest are acting, in many cases, illegally.

Over that weekend 23 infringement notices were issued to hunters, including 12 fines for using or possessing toxic shot, 5 fines for not retaining the head or wing of

a duck, 3 fines for hunting from a boat with the motor running, 1 fine for failing to destroy game on recovery and 2 fines for littering. Three hunters will be charged on summons for shooting too early, two hunters will be charged on summons for having unsecured firearms and two will be charged on summons for hunting without a game licence. No hunters have been charged for illegally destroying protected wildlife. The point I am making is this is a highly regulated activity. A large amount of resources go into ensuring that people who pursue this sport are monitored. Heavy penalties come into play for an infringement of the law.

In contrast, 54 infringement notices were issued to protesters for illegally entering wetlands during the prohibited period. I have to say that it is irresponsible conduct by a member of Parliament to be out in the wetlands leading a group of protesters, which culminated in one of those protesters being shot. That is conduct that endangered life. A member of Parliament should know better.

Protesters have continued to deliver litter and recovered dead birds following every weekend. Approximately 365 birds have been recovered. The vast majority of them are game species. It is not known whether all the birds were shot; some evidence indicates these birds and litter have been collected from a variety of sources.

One thing that strikes me about the activities of these protesters is, firstly, they are illegal. For every duck that is collected and taken away, a hunter can shoot an additional duck. A hunter has a bag limit of 10 ducks. In many respects those protesters who are out in the wetlands protesting against the killing of waterfowl are actually facilitating additional shots being fired and additional birds being shot. I do not see that as saving those birds; I see it as increasing the number of birds that hunters can shoot because hunters are still entitled to have a maximum bag limit of 10 ducks per day.

It is interesting to look at some of the websites around the duck shooting issues of the last opening of the duck shooting season. It has been a longstanding campaign. But I reiterate that it is a legal activity. Those who participate in duck hunting in this state are highly monitored. They are required to undertake a course to ensure that they not only have the required licence to shoot ducks, but that they act in a particular way and that they understand the species of ducks they are shooting at. It is regulated. To quote from an article, Warrnambool wildlife carer Ms Veal conceded:

... the protesters almost certainly contributed to more birds being killed than would be the case if they were not there: because for every bird shot if the shooter does not retrieve the

bird because it is taken by a protester he or she is permitted to shoot another one.

Sue Pennicuik has been quoted as saying that she does not simply want an end to duck shooting; she wants an end to shooting; she wants an end to guns.

Ms Pennicuik said:

This is a cruel, barbaric practice that is past its use-by date.

I will not go on because Ms Pennicuik has expressed strong views on that issue, but I think it is about more than this particular activity. It is about a change of culture. We have talked about alternative economic development. Donald suffered devastating floods and six months ago one of its pubs burnt down, while one of its motels is still out of order because of floods. At that time there were lots of empty shopfronts in the main street, and Donald residents were very excited about the fact that the town was at the centre of the full 12-week duck season, its first in 10 years. Estimates were that this season could inject as much as \$500 000 into the local economy, which has been struggling and has become quite unsustainable because of drought and other prevailing weather conditions. Yet on that Saturday there were lots of shooters pouring into that region to make the most of the large numbers of birds on Lake Buloke.

However, there was an unfortunate incident which took the shine off that opening for a whole range of reasons. One of the protesters was shot, which was tragic both for that lady and for the young boy who was accused of firing the shot, but it was also tragic because it left a sour taste in the mouths of that community. It had a significant effect on the enjoyment of those people and also affected some of the activities that would otherwise have taken place on that weekend. The young man who was involved in that incident was involved in a club activity the night before. He had been fundraising that weekend for the community. I think it is very upsetting for those people as well. There is an alternative side to this; this is their chosen activity. It is a legal activity, and until that changes — if that changes — these people should not be harassed. They should be left to enjoy their sport. It is important to note that these young people are taught how to handle a gun and they are taught safety and responsibility, which is in contrast to the other activities that are going on in those wetlands.

It is sad for Julia Symons, who was shot, but it is also very distressing to think that a young boy was put in that position. I can only imagine how he felt. This matter is being investigated, and there has been speculation about whether people will be charged. This was a tragic event, but I will quote from the 'Hunt and shoot network' website, which says it was:

A tragic event but it was bound to happen when you have people who have zero understanding of firearms walking in front of shooters. This incident only goes to highlight how dangerous it is for the government to allow protesters in the water.

In fact they do not allow that. Further:

From what I understand the woman was in the water before 10 a.m. which is illegal and I think as such she should be charged.

A young fella is being questioned about the shooting but I hope he does not get charged. Whilst he should be aware of what is around him is there really a reasonable expectation for a person to pop up in the line of fire when they aren't legally supposed to be there?

Anyway something needs to be done about these protesters as this is ridiculous that they put people's lives at risk for the sake of ducks. The duck hunters are partaking in a legal activity and if you don't agree with it by all means protest but do it safely and the police should make sure protesters aren't able to get anywhere near the shooters.

It really is amazing that this hasn't happened before. I don't know how this will go. I'm sure the protesters will victimise themselves but it sure highlights how irresponsible and irrational these —

People are. I refer to another comment on that, and I will not go through this ad infinitum, but a contributor to the website said:

I was at the Donald opening and every person was talking about this situation, every one of these people who range from hunters to farmers to shopkeepers and just the Donald residents all agreed that this woman was in the wrong and that the young lad involved will suffer a conviction of some sort as a result of her stupid actions, sure it was an accident, but one that could have been avoided ...

I could go on. There is an alternative view to this, and I understand that Ms Pennicuik is passionately opposed to the hunting of waterfowls — she has spoken in great detail about her convictions. I fully appreciate the work of her associates and of people who have been out on the wetlands conducting protests. When I was in opposition I was a great supporter of peaceful and legal protests, but I cannot support something that puts people's lives at risk in this way. There are a range of ways that this protest could occur, but the way these protests are taking place detracts from Ms Pennicuik's argument.

This is not the first time this sort of behaviour has been perpetrated. In many cases protesters have laid out dead birds for all to see, and that is okay. But one member of the previous government, Karen Overington, the former member for Ballarat West in the Assembly, was unfortunately labelled a duck hunting supporter. The effect of that was quite punitive, but it was more punitive for her staff, because when she was in

Parliament, ducks and rubbish were not only left outside her electorate office but also inside her office. The Ballarat *Courier* of 15 June 2011 stated that she:

... labelled the group 'gutless' as she issued the warning in the wake of the fifth dumping on Wednesday.

'They have got a right to protest, but it is inappropriate the way they are going about it,' she said.

'It's gross'.

This warning was given by Karen Overington after her staff became upset because she was not there to talk to the protesters or deal with the carcasses of waterfowl, but her staff were placed in that position, which was most unfair.

I have another example. It is the *Lookout* e-newsletter of 23 March 2011 on the Field and Game Australia website. I think the logo of the *Lookout* is a duck, and I am not sure how appropriate that is. The article states:

The days are long gone when anyone really believed the Greens are a noble bunch of caring politicians with a conscience.

But then some folk might still harbour thoughts that the Greens wouldn't use a 14-year lad as a political punching bag for their own twisted purposes.

...

Greens member in the upper house seat of southern metropolitan, Sue Pennicuik, displayed her true colours in Parliament yesterday when she accused a 14-year-old of shooting a protester at Lake Buloke.

Ms Pennicuik used the time-honoured fudge word 'reportedly' to cover her legal tail feathers. Still she could not help but keep the issue alive and use it to further her own anti-duck hunting, anti-firearms, anti-anyone who isn't like herself campaign.

Ms Pennicuik, you may have the benefit of parliamentary privilege and you may carefully choose your words but you are just as big a bully as the *Herald Sun*.

I note your statement in Parliament that: 'Everyone would be aware that a duck rescuer was hit by pellets from a shotgun reportedly fired by a 14-year-old boy'.

Nice work ... Appalling taste and a disgusting insight into your character ... But nice dirty political work ...

Unfortunately this sort of action is being used to promote a particular view, and the argument has been portrayed in a particular way through the media. The reason I referred to those articles is that there is an alternative view out there. People pursue hunting as a legal activity, yet they feel harassed and maligned in a way that is unreasonable. I will not be supporting this motion on the basis that I represent a rural area and

believe that people in country areas have a right to their traditional values and culture as much as anybody else.

**Mr JENNINGS** (South Eastern Metropolitan) — Earlier in the debate on the motion moved by Ms Pennicuik today, she implored us to put heartfelt and personalised contributions on the public record and debate her motion accordingly. That is not the expectation of the Labor Party. I have an important obligation to represent the Labor Party and the labour movement, and they have a very clear expectation that I will find a way to express their fundamental position on this and many other issues that come before the Parliament. Having said that, I will do my best to stay connected to the humanity that permeates this issue from all directions.

Unlike aspects of some of the speeches made by members who preceded me, I choose not to demonise anyone. I will try to find some way in which we can reach out to members of the community to see what level of agreement we might find to unite us as we confront this major challenge.

In terms of how this debate has developed over the years in a public policy setting, and from a basis of community activism as seen from numerous vantage points, this issue has unfortunately been seen as a litmus test of whether one is humane or not, a litmus test of whether an identification with a rural, recreational, hunting lifestyle is exclusive to maintaining any degree of connection with humanity and dignity in terms of animal welfare. It has been a major problem that has kept people apart and continually brought people into conflict. We have seen an extreme tragedy over the last couple of decades in Victoria in terms of this piece of public policy.

From my vantage point I can think of very few areas where there is such an outpouring of public grief about an issue. From my perspective this issue is associated with grief felt by those people who mobilise to call for an end to the duck season and who have almost a lifetime of commitment to the issue in the name of better addressing animal welfare issues, particularly for ducks. It is not exclusively for ducks; it is for other wildlife, bird life in particular, throughout Australia. I do not doubt for 1 millisecond the sincerity and the depth of the emotional, philosophical and ethical commitment of those people and the real grief that they experience through witnessing what they consider to be extreme trauma and stress for bird life in our landscape.

On the other side of the equation, among the humans who are involved in this issue I see if not grief for probably the potential loss of recreational pursuits and

lifestyles near and dear to the hearts of many Victorians, certainly anxiety and a high level of stress. In her contribution earlier, Mrs Petrovich said that people are paranoid and feel persecuted by the pursuit of animal liberationists who have them in their sights. She is not far off the mark on the level of anxiety that is demonstrated time and time again by hunting organisations and people in the hunting community. They are always second-guessing what will be the shift in public policy and public attitudes and what should be the appropriate degree of regulation. They are never certain and never confident. They are extremely anxious in their dealings in community life and with government.

For what has been clearly identified as my sins, I have been a minister responsible for this area of public administration. From my vantage point I tried to undertake my responsibilities with some degree of rigour and integrity, to be very straight on this issue and to give clear indications that I would act within the prescriptions that I had inherited — the policy, laws and regulation of Victoria and their requirements. Being straight on this issue did not provide me with any joy. Indeed it probably provided me with some degree of grief. I am not asking for sympathy but am pointing out the obvious — that trying to be straight on this issue probably won me only a few friends, who recognised what we sought to achieve. There was fundamental dissatisfaction about this among those on both sides of the human dynamic.

Within the concept of grief, sometimes people who are very concerned about animal welfare issues purport to hold beliefs about the emotional state and wellbeing of animals — in this case, bird life. I am not quite sure how far down that continuum I go, but I have no doubt that birds are subjected to trauma and stress which they comprehend. They are aware of the suffering of other bird life and in that sense they are aware of all the fundamental building blocks of grief. I do not dispute that; in fact I have seen that through the behaviour of birds. In terms of the grief that permeates this issue, it is a public policy of profound grief in all directions.

The extraordinary thing is that instead of our finding that connectivity between us all, it is far easier to find ways to criticise the behaviour of others. People are said to not be acting in accordance with the law — that is, that they are breaching one law or another. It can be the law that allows duck hunting or the laws that in some shape or form preclude people from exercising what would otherwise be their democratic right to protest. We see people calling on and harking back to the laws of the state of Victoria to protect them.

At this time it is not my responsibility to protect those laws. Even though by my words I may be considered to be patronising and to be assuming responsibility for bringing these issues together, I am not responsible for doing so. The Labor Party and the Greens political party are not responsible for bringing these issues together and finding some way that the policies can be dealt with appropriately in Victoria to achieve some degree of public harmony in this matter. That is the government's responsibility.

The government has the responsibility to consider how it operates, how it understands its obligations under the law, how it accounts for the welfare of bird life issues through the appropriate consideration of the viability of the bird population and the individual species within it and the sustainability of bird populations into the future, the health of wetlands and how they should be managed and appropriately cared for on a sustainable basis into the future and how decisions are made about whether it is appropriate under existing Victorian law. I acknowledge that the law is written in a strange way, with the default setting being that there will be a duck hunting season unless there is a determination that there not be one.

The government has responsibility for ensuring that the decision-making process is rigorous, that it can withstand scrutiny from all sides, that it can account for the sustainability outcomes embedded in the Wildlife Act 1975 and all the obligations that come to state agencies under that act, and that Victorian citizens comply with that act in the way that duck hunting is undertaken. That is a fairly onerous responsibility.

It is interesting that in her contribution Mrs Petrovich used the evidence of the breaches of the Wildlife Act 1975 when saying that this is a highly regulated field and that the community should be satisfied that that is a measure of good hunting practice and behaviour and a good approach to regulation. I found the number of breaches of the Wildlife Act 1975 that she listed in the litany she ran through in justifying that position quite extraordinary. It indicated quite the contrary to me.

With the huge shift this year from the previous decade in terms of whether there was a duck season and whether it was allowed to proceed for a limited time under strict guidelines, Mrs Petrovich said that what she described as a return to normal conditions of a 12-week duck season is appropriate. To support her justification of how the act is regulated, she then outlined to the house the litany of breaches and inappropriate hunting behaviour.

It was a quite perverse argument and one that the government would not, in the cold, hard light of day, necessarily want to be associated with to demonstrate that it is on top of the safety requirements of the duck season and the certainty that the community should have that it will be undertaken in accordance with the law and in a safe fashion. It is incumbent upon the government to make sure it assesses these issues properly and perhaps a little bit more dispassionately than the way in which the government contribution to debate may have been undertaken today. It could perhaps be a little more reflective of the obligations of government to make sure the law is complied with and that the Victorian community can comply with that law in the main through the prism of goodwill, cooperation and respect, even though there may be fundamental differences of opinion about the duck season, whether it is appropriate behaviour today and whether it should continue into the future.

The Labor Party's position on these issues will stay as it has been; there is no change. Our public policy prescriptions on a whole range of areas, whether it be health, education, the environment or, in this case, animal welfare, the welfare of bird life and the sustainability of our wetlands, have not changed, just as they have not changed in any other area compared to what they were in government. We will go through an evaluation of the lives of our policy settings during the course of this electoral cycle and we will be making any decisions about whether we maintain or shift that policy setting in the fullness of time, and I am not indicating that policy to the chamber at this point in time or telegraphing our intention to go in any direction. What I am saying is that we will have very high expectations that this government will meet its obligations under the law with rigour and determination to try and build some confidence in the community. Compared with the level of confidence that was evident under my administration of the act, the community's level of confidence is clearly on the precipice of falling over; in fact I think it has probably toppled well and truly — —

**Hon. D. M. Davis** — It sometimes did topple, I think.

**Mr JENNINGS** — I do not think so. I do not think you could go back and see any difficulties, such as we have been experiencing in the last season, that occurred on my watch.

**Hon. D. M. Davis** — The Auditor-General had a lot to say.

**Mr JENNINGS** — I do not think so. It is very important for this government. The Minister for Environment and Climate Change, Ryan Smith, has the dubious honour of having a lowest common denominator name. I am not taking a pot shot at him because it is not his fault; he was given the name Smith. The critical issue is that he has to be a lowest common denominator minister. You have an option to be a minister of a high calibre or one of the lowest common denominator. I encourage him and I will support him in any efforts where he demonstrates that he rises above the ruck and steps up and makes a contribution in this area and other areas under his responsibility so that he is not the lowest common denominator, that he does not take the easy path and that he does not apply the rigour. That is his challenge and that is the challenge that the opposition will place on the government. That is the expectation we have of the government.

I am sorry for the proponent of the motion today and those who support her in her expectation that all of a sudden we are going to have the numbers and overturn public policy in Victoria. It will not be happening today. I am not telegraphing where Labor will head on this issue apart from the fact that we will apply scrutiny and discipline in our approach to the government and support as many humane outcomes as can occur in this public policy space in the years to come.

**Mr RAMSAY** (Western Victoria) — I do not wish to prolong the debate and I have some sympathy with Ms Pennicuk in relation to some of the comments she made earlier, but I want to say from the outset that I am an unashamed shooter. I am a man from the land, and shooting and controlling vermin is a large part of what we do. I am also a carer of animals; in fact about 11 000 of them inhabit a property I own in western Victoria.

**Mrs Coote** — Name them.

**Mr RAMSAY** — I will not be naming them, Mrs Coote.

The importance of those remarks is to provide a balance to the debate and the motion before us. It is important to remove some of the emotion from some of the contributions to this debate, and to make a statement in relation to some of the compliance requirements and restrictions related to recreational shooters who want to participate in duck shooting over a certain period of time. It is important that that is documented in *Hansard* so that people can then consider their viewpoint and make a less emotive and more procedural decision on duck shooting in the duck season. I ask that members bear with me for a few minutes. Some of this information has already been stated, but it is important

that we put on record the compliances that are already in place in relation to duck shooting.

Victoria has emerged from 10 years of drought, water levels are well above average and duck breeding is reflecting those improved conditions. Duck season opened this year on Saturday, 19 March, and closed on Monday, 13 June, so it is actually a very short window. Shooters are permitted to take up to 10 game ducks a day and this limit is enforced by wildlife officers, so there are restrictions on how many birds you can shoot. Duck shooting is permitted in state forest, unoccupied Crown land, licensed Crown land or private land with permission of the owners, leaseholders or licensees. I might say that as a land owner and as a holder of significant water reservoirs on the property I can assure members that on the morning of the start of the duck season my door is forever being knocked on for access to those water storages on private property. It is not only the shooters and the protesters who are busy on that day; it is also the land owners who own some of those water storages.

The season is constantly monitored by DSE (Department of Sustainability and Environment) and parks officers who have the ability to close wetlands or place restrictions on the season. That opportunity is there. It can be closed early, and indeed the season has been shortened in previous years. Shooters are required to have a game licence that is endorsed to shoot ducks. To achieve this, they need to have passed a waterfowl identification test to gain that duck licence. It is not every Tom, Dick and Harry with a gun who can go out and shoot birds without actually doing the required identification course. They need to carry that licence and also a firearms licence at all times when shooting. Again there are considerable compliance requirements for those people who carry firearms and are engaged in duck shooting in this case.

Only non-toxic shot can be used. The use of lead shot is now prohibited. Yet another stage has been progressed in relation to ammunition. This was a major change when it was enforced and recognises the ability for shooters to adapt to better methods. It was also applauded by shooters who, at their very heart, are lovers of our environment, and do much good work to achieve the protection of wetlands and the development of improved environments such as our forests and wetlands for the betterment of native flora and fauna.

To maintain the integrity of the laws and protect those shooters doing the right thing, a fully feathered wing must be left on all birds shot in order to allow wildlife officers to ascertain the breed and take action on those shooters who accidentally, or otherwise, shoot a

non-game species. Again there are quite considerable restrictions and infringements for those who do not shoot the identifiable birds that are allowable under the legislation.

Non-game species may get shot accidentally, and I am sure they do. This can happen when they are flying or grouped with game species. Shooters are advised to only shoot within shotgun range and to identify a single bird within that group. Indeed shooters are advised not to shoot into a flock of birds. Shooters are also advised not to shoot at birds on water to avoid any potential ricocheting of the pellet, unless it is a wounded bird that has been shot out of the sky and needs to be dispatched quickly and humanely, in accordance with a code of practice that the shooters must abide by.

Much has been said about the incident at Lake Buloke and I want to confirm the actual facts in relation to that incident. St Kilda woman Julia Symons received pellet wounds as she waded in the water at about 8.45 a.m. that day. As has been said, she did that illegally. It should be noted that protesters are not allowed in the waterways until 10 o'clock. A 14-year-old boy was taken by police to the Donald police station and questioned by police about the incident, but no-one has been charged over the matter. The police say they do not know who fired the shot that hit Ms Symons and there is no evidence to say it was the 14-year-old boy questioned by police on that day.

This incident should act as a reminder to everyone that good sense needs to be used by all in this matter. Shooters should be wise, and protesters should also be sensible in the way they decide to protest. There are rules and regulations around this for a very good reason, and I certainly abhor anyone who uses that particular incident to carry a case for or against duck shooting.

Duck shooting is a recreational, controlled and licensed sport. We are not a nanny state. The duck season continues to provide a sport and a service to Victoria and indeed interstate due to the ducks' transient behaviour. The duck season enables a cull of the wild duck population. These ducks are considered as vermin by some producers, particularly rice and grain farmers. Duck shooting is a recreation conducted in a controlled environment. It is constantly monitored and overseen by DSE. At any stage further restrictions can be applied and wetlands shut to shooters.

It should be noted that duck hunting is a tradition that goes back many years in Australia. Indeed for 40 000 years ducks have been hunted for food and harvested for personal consumption. It is a tradition that

has been going on for much longer overseas. Duck hunters will also argue that they are the true conservationists. They worked and lobbied for the establishment of the current state game reserves, effectively purchasing them out of their own pockets through their firearms licence fees. In 1987 the then Premier John Cain directed the licence fees into general consolidated revenue — that sounds familiar — rather than using those funds as originally intended to purchase and establish state game reserves. Victoria's state game reserve system contains 182 wetlands, which comprise 1 per cent of Victoria's overall wetlands.

Hunters argue that Victoria's duck season allows for the sustainable use of a renewable resource. In a standard season less than 3 per cent of the overall duck population is harvested. It is not an illegal activity, but it is an activity that evokes passions on both sides of the argument. Smoking — another legal activity — is less legislated and yet is more detrimental to our community, health systems and public health costs than duck shooting.

There is a point at which we acknowledge a right to shoot for recreational purposes, but this is a right that is legislated, controlled and licensed. It is very much a part of the lives of many living in country Victoria. Some may argue that the age at which a gun licence can be obtained is too young. However, a 12-year-old is required to pass all the legislated tests needed to gain a licence. These are the same tests required of all shooters, and the 12-year-old is required to be with a licensed shooter.

In closing, Victoria's duck season also serves an environmental purpose. This government believes that the benefits of duck shooting outweigh the detrimental effects. While it is acknowledged that there is a loss of non-game species during the season, the loss is minor in the overall numbers of birds shot. This government supports duck shooting and will continue to do so.

**Ms PENNICUIK** (Southern Metropolitan) — I thank Mrs Petrovich, Mr Jennings and Mr Ramsay for speaking on my motion. Quite a lot of ground was covered by the speakers, and in my right of reply I would like to take the opportunity to respond. The first thing I want to respond to is an issue raised by Mrs Petrovich, who began her contribution by asserting that the motion I have moved is not about animal welfare but a political campaign. She is right on one count but not the other. It is totally about animal welfare. For me and for many others — the vast majority of Victorians do not support duck shooting — it is about animal welfare. It is about ceasing an activity

that inflicts cruel and barbaric pain and suffering on the ducks that are shot and on the other waterbirds caught up in the shooting during the duck shooting season.

However, Mrs Petrovich is right that it is a political campaign by groups of people, supported by the majority of Victorians, to bring about political change in this activity. Every speaker — Mrs Petrovich, Mr Jennings and Mr Ramsay — went to the issue of it being legal, but it is legal only because it is legal. It is not legal in Queensland, it is not legal in New South Wales and it is not legal in Western Australia, and the aim of this political campaign, which is based on animal welfare, is to make it not legal in Victoria. It is to bring about a situation in which it is not legal. It is legal now, and the object of the campaign is to change the law.

Mrs Petrovich said that my having a passion for this issue has clouded my judgement in campaigning to change the law with regard to it. It has not clouded my judgement, and nor does the fact I might have emotional feelings about it cloud my judgement. I still have a very clear view that this is a bad law that needs to be changed, as it has been in most of the country.

Mrs Petrovich also said several times that it is a legal and highly regulated activity. She used the words 'regulated' and 'highly regulated' very often. Certainly it is regulated on paper, but I went to some lengths in my contribution to point out that it is not regulated very well on the ground. There are very few Department of Sustainability and Environment (DSE) officers deployed to regulate the activity and make sure the regulations and the code of practice Mr Ramsay referred to are adhered to.

A lot of infringements were picked up at the particular wetlands attended by the Coalition Against Duck Shooting, backed up by Wildlife Victoria and wildlife rescuers and carers. I went through them in my contribution, so I will not repeat them now — Mrs Petrovich repeated some of them. However, that detection only happened in the areas where wildlife rescuers and carers were able to be present. At most of the other wetlands no-one is regulating anything; there are just shooters shooting.

We do not know whether they are using lead shot. Some certainly are. Mr Ramsay pointed out that in 2001 it was made illegal, but 10 years later it is still being used, so there are shooters in breach of that regulation. I went through all the infringements that were detected by DSE officers. They were in attendance in a very minimal way, but that is only because they are underresourced. As I said before, I do

not want to impugn any particular officers; they do their best. Mrs Petrovich also called duck shooting a sport, but I do not believe it can be described as a sport.

I need to correct the record. Mrs Petrovich described me as having led protesters into the water. I need to make clear that on both the occasions I went to the wetlands as an MP I did not enter the water. I have not behaved illegally. I know it is against the law to go into the water, so I have not done that. I have been in the camping area as an observer. Because it is an issue I feel passionate about and I want stopped, I feel it is my duty to see what is happening and observe it for myself, so I have gone and observed and seen what is happening. In my contribution today I described it as being an activity that I think should be outlawed in Victoria. It is way past its use-by date, as has been recognised by the majority of Australians. I can say that my experience is that I went and observed, and I have been before.

I say very clearly that I have not behaved irresponsibly; I have behaved very responsibly by going to see for myself what goes on in an activity I want outlawed in Victoria. I did not lead protesters into the water. I did not enter the water at all. In fact I stood around while other people entered the water and I had conversations with DSE officers and with police, as I mentioned before, most of whom were themselves horrified about what was going on there.

I also take up the point Mrs Petrovich made regarding the problems at Donald. I visited Donald in March just after the floods, and I saw for myself the damage that had been exacted upon some properties in Donald. I meant to mention that in my speech, but somehow it got lost in my notes. I take the opportunity to say that I understand the hardships the people of Donald have been suffering. There was still quite a lot of water around when we were there. I understand that some people in the township were excited about having the duck shooters there, camping nearby, buying things in shops et cetera, but others I spoke to had a different view. I remind people of the statistic that 77 per cent of country residents do not support duck shooting, so there are a lot of people in Donald who do not support duck shooting. It is not true to imply, as Mrs Petrovich and Mr Ramsay did, that everybody in Donald supports duck shooting. It is not the case.

**Mr Ramsay** — I didn't say that.

**Ms PENNICUIK** — You implied it. I have sympathy for the people in Donald who suffered during the drought and during the floods, but the ending of duck shooting will not be a terrible thing for Donald or

other towns near wetlands. As I have explained, other opportunities could open up. There could be more people wanting to visit the wetlands with their children to watch and photograph the birds than there are people wanting to shoot the birds. There is a strong possibility that will happen. The fact that there are places where people let off shotguns is keeping away a lot of campers with their children. They do not want to go somewhere where shotguns are being fired.

Mrs Petrovich talked about it being illegal for protesters to be in the water, and I acknowledge that. There are people prepared to go into the water and be issued with an infringement notice for doing that, because they feel strongly that the law is wrong. It is their right to feel that way, but the duck rescuers behave sensibly and keep to very strict rules about being able to be seen and not getting into confrontations with shooters et cetera. I know for a fact that Laurie Levy and the other people in the Coalition Against Duck Shooting have good relationships with police, DSE officers and the people from Field and Game Australia. When I am there I speak to the people from Field and Game Australia in a civilised way. It is not that we are all fighting with each other up there; we respect that we have different points of view. That is what I have experienced.

**Mr Ramsay** — They're there to create confrontation for the TV cameras.

**Ms PENNICUIK** — That is not true.

Mrs Petrovich also went to an issue about the office of the former member for Ballarat West, Karen Overington. I have no knowledge about that particular issue, so I cannot make a comment about that. However, I know when birds are taken to perhaps the Premier's office, the DSE is involved and takes the birds away. It is all organised in that way; they are not just dumped and left there.

**Mr Ramsay** — It's done for the cameras.

**Ms PENNICUIK** — It is done to highlight the issue of the particular protected species — they are not game species, but protected species — that were killed the previous weekend when duck shooting had occurred.

Every speaker also raised the issue of Julia Symons being injured by shotgun pellet spray. Mrs Petrovich kindly read out some comments made about me on a website — I cannot remember the name of it — suggesting I was somehow speaking in an accusatory way regarding a 14-year-old boy. I used the word 'reportedly' because I had no way to verify that that was what had happened at that particular time. That is why I said it was a reported incident. Mr Ramsay has

suggested there is no evidence that it was the 14-year-old boy who actually fired the shot. I am quite happy to accept that, but somebody fired a shot into the water such that pellets ricocheted into the face of Julia Symons. As I mentioned, she is recovering, but she was traumatised and I am sure whoever fired that shot would also be traumatised. I am not using this for anything except to say it was a tragic outcome. Fortunately it was not so tragic that anybody was more seriously hurt than they were. I mentioned that Julia is recovering, but she is still very upset by the incident.

I hope I have been able to address the issues that were raised by Mrs Petrovich. I know she does not agree with me and I do not agree with her, and I respect that. However, the campaign that is being run by many animal welfare groups and supported by a majority of Victorians is about animal welfare. It is a political campaign designed to change the law, that is true, and I will keep being part of that campaign until the law is changed.

Mr Jennings made one of his Dalai Lama-type speeches. It was a very philosophical, esoteric type of speech. He wandered around the philosophical landscape and talked a lot about grief, levels of agreement, litmus tests, humanity et cetera. He said he was there to put the party view, but after we had gone on that philosophical journey with him we ended up finding that he was not flagging which direction the ALP may go in the future. I am glad about that. I feel some joy in that; I am hopeful the ALP may go the right way in the future. I am also reassured that the ALP will be scrutinising the government to make sure that it enforces the law with rigour and ensures that there is public confidence with regard to duck shooting.

I am sorry to say to Mr Jennings — and I am sure he knows this — there is little public confidence with regard to duck shooting, because time and again we have seen that most people want to see an end to it, as there has been an end to it in the major states of Australia. As I mentioned earlier, my Greens colleagues and I will not give up until it is gone from Victoria, South Australia and Tasmania as well.

Mr Jennings also went on to say that duck shooting is keeping people apart and in conflict. There is a conflict of views, but there is not necessarily a conflict between people. As I mentioned, I know Laurie Levy and the people from the Coalition Against Duck Shooting do their very best to maintain cordial relations with Field and Game Australia, DSE, the police and the various shooters who are there, even though they do not agree with the activity. I am not trying to demonise people at all; I am just opposed to the activity of duck shooting.

*Honourable members interjecting.*

**Ms PENNICUIK** — I have not demonised any person with regard to this motion. I have just pointed out that the activity should be stopped. It is good to know that the ALP is not flagging its direction. Hopefully it is reconsidering its direction.

Mr Ramsay started out by saying he had some sympathy with the things I said — and I thank him for that — but we should take the emotion out of it. I do not necessarily think we should take the emotion out of it. What is life if you do not have an emotional attachment to issues? How can you prosecute an issue if you do not actually feel it in your heart?

**Mr Ramsay** — I think it was more that it was clouding your judgement.

**Ms PENNICUIK** — No. You can have an emotional attachment to an issue and an emotional, passionate view about something without being unable to have a judgement about it. I am not going to take the emotion out of it, and I do not advocate that anybody else who feels passionate and emotional about it should take it out either; they should keep the emotion. That is what life is about: prosecuting issues on which you feel passionate and emotional. Mr Ramsay went on to say there is a bag limit of 10 and it is enforced. I do not know that it is enforced. By whom is it enforced? There are only 15 DSE officers out there enforcing it. Sometimes it is monitored by the Coalition Against Duck Shooting when there are no DSE or police officers around. The coalition can see something is happening and report it, which it has done in the past. The limit is not being enforced when there is no-one there enforcing it. To say this is a highly regulated, highly enforced area is just not true.

**Mr Ramsay** — Yes, it is.

**Ms PENNICUIK** — I think Mr Ramsay mentioned that he has wetlands on his property.

**Mr Ramsay** — Swamps all over the place.

**Ms PENNICUIK** — It is a good place for waterbirds. He mentioned that he allows duck shooters on his property. I am reliably informed that fewer and fewer land-holders are prepared to let duck shooters on their properties during the season and that there are more land-holders who are not prepared to allow shooters onto their land than there have been in the past. More and more land-holders are moving towards the ecotourism, conservation and animal welfare side of things and are not letting duck shooters onto their properties. I have reliable information to say that is

what is happening. I could say the regulations are honoured more in the breach than in the observance.

Mr Ramsay made a point too that duck shooters love the environment. I am happy to concede that in many ways, yes, they do. They may be involved in tree planting, in waterway conservation et cetera, but from my point of view shooting ducks is not a good thing for the environment. It is a better thing for the environment if no ducks are shot and if no birds are accidentally wounded and traumatised as a by-product and if the wetlands are conserved for the enjoyment of all the waterbirds and other fauna without their having to be assaulted by shotguns for 3 months out of 12.

I return to the incident in which we have established that perhaps it was not a 14-year-old boy who discharged a shotgun that wounded someone. But the incident raises the issue of young people being in charge of shotguns. I personally do not think people of 12 or 14 years of age should be using shotguns — or any guns whatsoever — in a public place. That is an issue I intend to pursue further in this Parliament. Mr Ramsay said that many people would argue that there are people engaged in duck shooting who are too young, and I would agree.

**Mr Ramsay** interjected.

**Ms PENNICUIK** — Mr Ramsay said that some people would argue that point.

I did not agree with his description of our native waterfowl as ‘vermin’; I think it was ill-advised. They are our native waterbirds and are protected for 9 months out of 12. They are not seen as vermin, and they should be protected for 12 months out of 12. Duck shooting is not ‘a sustainable use of renewable resources’ as Mr Ramsay so delicately put it at the end of his contribution.

I have brought this motion to the house based on a concern for animal welfare and my passionate belief that duck shooting should be brought to an end in Victoria. I know there are members in this chamber who fully support what I am saying. The Labor Party is not flagging its intentions, but it has been indicated to me today that the Labor Party is not going to support my motion. It has also been strongly put to me that the government will not support my motion. That does not mean I will give up or that other members of the community will give up. I urge those members in this chamber and the other chamber who do not support duck shooting to keep working in their parties, because I will bring this back in another form within four years. I urge those members to keep agitating within their

parties so that we can become the next state in Australia to get rid of duck shooting.

**House divided on motion:**

*Ayes, 3*

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

*Noes, 35*

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

**Motion negatived.**

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

*Correction of second-reading speech*

**The PRESIDENT** — Order! I am advised that there was a problem associated with the second-reading speech earlier in the day on the Environment Protection Amendment (Beverage Container Deposit and Recovery Scheme) Bill 2011. In order to address that issue I call on Ms Hartland to move, by leave, a motion that will rectify that problem.

**Ms HARTLAND** (Western Metropolitan) — By leave, I move:

That due to the inadvertent omission of part of the second-reading speech given verbally in this house on 15 June 2011 on the Environment Protection Amendment (Beverage Container Deposit and Recovery Scheme) Bill 2011, so much of the standing orders be suspended as to now allow the complete version of the second-reading speech to be incorporated in *Hansard*.

**Motion agreed to.**

**STATEMENTS ON REPORTS AND PAPERS**

**South West TAFE: report 2010**

**Ms TIERNEY** (Western Victoria) — I rise to make a contribution on the South West TAFE annual report for 2010. I would like to begin with a short profile of South West TAFE to get a sense of the service area that this important training and education institution covers in south-western Victoria. Its catchment area covers a huge expanse, approximately 23 300 square kilometres, and it has campuses at Glenormiston, Portland, Hamilton and of course Warrnambool.

The TAFE provides embedded training to industry clients within south-western Victoria and also across the border into the south-east of South Australia. South West TAFE services a population in excess of 125 000 people through partnerships between industry, individuals and communities. It is the south-west's largest provider of vocational education and training services, with over 400 accredited courses and approximately 12 500 students per year. Almost one-third of training is for apprentices and trainees.

The year 2010 was significant for South West TAFE in terms of infrastructure building. I know for a fact that the complex in Timor Street in Warrnambool was opened in early June last year. Indeed I was representing the then Minister for Education and opened that facility myself. There was much acclaim for that facility in the town because it marked a huge step forward for the institution. For those who can recall what the institution looked like four years ago, it is quite remarkable to see the dramatic change that has occurred, not just in Timor Street but also at the new site in Portland. The structure in Timor Street was awarded the Victorian Architecture Awards regional prize for 2010.

For people who are not familiar with Warrnambool but get the opportunity to visit that great city, the building stands out in Timor Street. It is colloquially called the 'beehive building', but a lot of people have grown to accept that choices needed to be made about appropriate styles of buildings. I think a mock Victorian or mock colonial building would actually have detracted from the heritage buildings in that area.

The other important aspect of the work that was undertaken by South West TAFE during 2010 was its extended partnership arrangements, particularly with every single secondary school in south-western Victoria, which includes 42 schools. It also continued its partnership with Deakin University as well as RMIT

and Charles Sturt University. In respect of its involvement in the local community South West TAFE also, along with Deakin, plays a huge role. In particular it plays a role with the Fun4Kids program, which I know Ms Pulford and her children are quite familiar with, as well as with the industry workforce development strategy for the Great South Coast.

The TAFE is also represented on approximately 200 committees, boards and networks in south-western Victoria. It is absolutely embedded in the whole area in which it is located. It is clear that the area is blessed with abundant natural resources as well as in terms of renewable energy. This institution is very well placed to train and retrain adults to ensure that we have a strong, vibrant local community, with skills and training that match the employment that is available.

I take this opportunity to thank Joe Piper, the CEO, and also Wayne Krause, the president of the board, for all the hard work they have done over the many years that I have been involved with the TAFE and also the outgoing and current members of the board for their persistence and commitment and for the flexibility that they, the staff and the students demonstrated over the reporting period, particularly when a variety of courses and classes had to change locations. I commend the report to the house.

**Drugs and Crime Prevention Committee:  
impact of drug-related offending on female  
prisoner numbers**

**Mrs COOTE** (Southern Metropolitan) — Members will be pleased to hear that this is the last time I will speak on the Drugs and Crime Prevention Committee inquiry into the impact of drug-related offending on female prisoner numbers, and today I will speak about the Victorian government response to the inquiry's final report. I thank the members of this chamber who have said how interesting they have found this particular issue, which deals with women prisoners in this state. As I have said on another occasion, the government has supported a number of the report's recommendations, but the final one I wish to speak about is recommendation 10, which is:

That the Victorian government provide funding so social network and recreational programs can continue to be provided to women.

Currently Corrections Victoria works collaboratively with a whole range of community service providers to look into various programs that women may find interesting and attractive. There are also various programs in men's prisons, and I suggest that the programs in men's prisons are probably more relevant

to the programs that men are wishing to develop. The programs women are offered include art and craft, Gamblers Help, quit smoking and Alcoholics Anonymous — which I agree with — structured gym classes, bingo, yoga and other relaxation programs, music and dance programs, sports such as volleyball and netball, and library. One program that is very good is the mothers and children's program, such as supported playgroups.

The groups that have been responsible for carrying out these programs have been groups such as the Women's Integrated Support Program. A rumour was circulating recently that funding for WISP would not continue, but I take this opportunity to put that rumour to rest: WISP will continue to be funded. Through WISP women are offered pre and post-release support for periods of up to three months pre-release and continuing up to 12-months post release. It is the post-release aspect that is important for continuity and understanding. Women exiting prison have a number of challenges to deal with, and continuity is very important.

The indigenous area has a pre and post-release program called Konnect, which supports up to 15 indigenous women who exit custody each year. The program provides a whole-of-life intensive case management framework, inclusive of all needs, which is presented to women who are exiting prison. I think the program for indigenous women and this whole-of-life intensive care is a very important aspect to be looked into further and to be developed further.

Other programs include the Pip Wisdom community corrections grants, which are advertised every three years and offer funding for three-year periods. Other programs offered include craft and cooking programs, 'Fun with Mum' — a facilitated children's visit program which provides transport for children and family members to facilitate visits and the maintenance of contact — and individualised pre and post-release support for women exiting custody.

I have spoken in this place on another occasion about a woman I came across who had been in foster care all her life. She had been expelled from 17 schools and had an 18-month-old child. When I asked her what she would like to do she said, 'I would like to be a good mother'. She did not have the skills to be a good mother in the way that perhaps people in this chamber would expect, and I believe that there are many women who are currently in our prison system who would like to have some decent parenting skills. This is a great opportunity for women to learn in-depth skills with the opportunity of post-release follow-up to help women

get reacquainted with their children and to move forward. There are some good opportunities.

As members will know, I have been appointed chair of the Women's Correctional Services Advisory Committee. The committee is looking into education programs that are currently available with a view to revising them and looking in the future at what we can do to have better and more pertinent programs for these women. We will consult the women and ask them for their opinions, but my personal opinion is that craft is probably a very nice entertainment that keeps people occupied, but I am not so certain it is a life skill that will be beneficial.

***Implementing the Government's Response to the 2009 Victorian Bushfires Royal Commission — May 2011***

**Ms PULFORD** (Western Victoria) — At the beginning of 2009 Victoria looked very different to how it looks now. At the beginning of 2009 the state was still enjoying a prolonged period of drought, and it suffered through weeks of high temperatures. In early February 2009 weather forecasters were predicting horrific conditions with high winds and high temperatures. This report states that Victoria's climate, vegetation and topography make it one of the most bushfire-prone areas in the world. With this and the voices of forecasters in mind, in February 2009 Victoria was in a high state of fire readiness. The report also says that the state has a tragic history of fast-moving bushfires of ferocious intensity. Almost once in a generation such fires have claimed lives and had destructive and devastating impacts on communities.

On Saturday, 7 February 2009, Victorians' worst fears were realised. The day we now know as Black Saturday will live on in the history of this state. Many people lost their lives and some 5000 people were injured, including a number quite seriously. Some 2133 homes were burnt out, countless animals were killed or injured, and some 4500 square kilometres of land was burnt.

In the aftermath of the fires, as members would be well aware, the then Premier, John Brumby, announced a royal commission. The royal commission's final report contained 67 recommendations, and the then opposition announced it would implement each and every one of those recommendations. This announcement was made prior to the recommendations being made known and regardless of consequence.

The then government took a different approach and sought to consult on a handful of those

recommendations and the way they would impact upon Victorians. However, members of the Liberal-Nationals coalition were keen to press on with their commitment to implement every one of the royal commission's recommendations sight unseen. They made that commitment regardless of the cost to Victorians, such as the impact on power bills if current above-ground powerlines were all undergrounded, even though members of the Liberal-Nationals coalition spent much time during the election talking about the need to address cost of living issues for Victorians.

The response to chapter 4 of the commission's final report, which is entitled 'Electricity-caused fire', does not include the findings of the Victorian Powerline Bushfire Safety Taskforce, which show that undergrounding all powerlines in rural areas would cost \$41.5 billion. The government said it supported the undergrounding of powerlines, but this report describes it as only an 'option' and the government has only provided 0.12 per cent of the required funding.

With this in mind, although the report is entitled *Implementing the Government's Response to the 2009 Victorian Bushfires Royal Commission*, the report does not provide the community with any further details about how the government plans to honour its commitment to implement each and every one of the Victorian Bushfires Royal Commission's final report recommendations.

Many of the actions in the report were put in place by the previous Labor government. The report by the Baillieu government is a clear endorsement of the framework that Labor put in place and which is now being implemented by this government. In its haste to boast that the government is investing more than \$900 million to implement these recommendations, the Baillieu government's report failed to mention that some \$867.3 million was provided by the previous Labor government.

In this report there are still no answers on the government's land buyback program. The report also reveals that 15 of 52 high-risk bushfire areas remain without neighbourhood safer places, despite the coalition being vocal about the issue — again, when in opposition.

During the election campaign the coalition also had a lot to say about radio black spot remediation, and the report makes no mention of how it plans to address this issue. It is time the government started providing more detail on whether the funding it has allocated is enough to achieve what it has committed to and which agency is responsible for implementing each recommendation.

### **Auditor-General: *Management of Major Road Projects***

**Mrs KRONBERG** (Eastern Metropolitan) — I rise to speak on the Victorian Auditor-General's report of June 2011 pertaining to the management of major road projects. Against the background of rising urban congestion and the deteriorating public transport performance that we saw through the dark years of the Labor government, combined with population growth and the growth of the economy, the previous government's response was to develop the Victorian transport plan, the program for which it allocated \$38 billion. Half of that \$38 billion — 50 per cent — was to be applied to road projects. Under the Baillieu government, as you would expect, the Victorian transport plan is now under review.

The effectiveness of the management of six of the VicRoads major roads projects is the subject of the Victorian Auditor-General's audit and report. The Auditor-General focuses quite intensely on the concept of effective management and defines it thus:

... effective management means:

providing a sound understanding of projects' costs, benefits and risks so government can decide if, and in what form, an investment should proceed

managing the risks to deliver the intended benefits on time and within budget

demonstrating that completed projects have achieved their intended outcomes and using this experience to better manage future projects —

in other words, learn from lessons. This is one thing the Labor government was never able to do: learn from the lessons of its dark and disappointing experiences.

The following comments from the Auditor-General are really no surprise to any of us in this chamber; it is the same litany of woes that we saw divulged right throughout the Bracks and Brumby era of government:

Linking Melbourne Authority ... manages high-value projects that have the potential to be PPPs ...

These public-private partnerships involved:

long-term contracts where the private sector has financed, built and operated infrastructure in return for payments tied to the successful delivery of services.

Both VicRoads and the Linking Melbourne Authority have fallen short on the standards required to reliably forecast traffic and estimate projects' economic benefits when informing the decision to proceed or not. The Auditor-General even questions procurement decisions

of the Linking Melbourne Authority. According to the Auditor-General, the decisions made by these bodies were made without a complete understanding of the consequences — flying blind. Fortunately for Victorian taxpayers, both bodies are now finally working to effectively measure intended outcomes for current and future projects, after poor practices on past projects.

One thing in this report that is really worth stressing is that some of these actions were actually hastened by the federal government. The federal government rushing to fund projects in haste and without thinking through the consequences I am sure will sound hauntingly familiar to members today.

Regarding the Western Ring Road project, the commonwealth funded \$900 million of the \$1.2 billion cost of the project under the Nation Building program. VicRoads had to fast-track the business case so it could comply with the commonwealth's stated desire that the project should start by December 2008. Former Prime Minister Kevin Rudd's solution to the global financial crisis still resonates in our economy because of the debt burden we are currently carrying. It just beggars belief. Neither the former state government nor the federal government have had the capacity to learn by mistakes, to undertake diligence or to see ahead.

Unfortunately such shortcomings create a risk of overestimating the benefits and giving decision-makers false confidence about the capacity of any project and the surrounding road network itself to cope with future traffic. They just put down a massive road system, a road to nowhere — like the sorts of projects in Italy that are funded by the Mafia — and forget about how everything else is going to connect and link in as far as feeder roads and arterial road systems are concerned. The big problem for us in the future dealing with this mismanagement and possible more spin and nonsense on behalf of the former Labor government is that —

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

### **Office of Police Integrity: improving Victoria Police discipline and complaint handling systems**

**Mr EIDEH** (Western Metropolitan) — I rise to make a contribution on the Office of Police Integrity progress report on improving Victoria Police discipline and complaint handling systems of 2011. There is a crisis within Victoria Police, an organisation that we on this side of the house regard very highly and with sincere respect. There is a serious crisis and it appears

that in one sense or another even the Office of Police Integrity may have been drawn into it.

If the *Herald Sun* of 13 June is correct, then even fellow Council member Bernard Finn shares these concerns. That edition of the *Herald Sun* refers to large numbers of Liberal members of Parliament expressing deep concerns at the style of leadership that we have been enduring in our state since November last and how this is damaging Victoria Police. None of us would wish any damage to the highly respected Victoria Police, the very best police service in this nation.

I return to the report, and I begin with a very important quote. The executive summary states:

The Office of Police Integrity (OPI) made significant recommendations for changes to the Victoria Police discipline and complaints handling systems —

both in 2007 and again in 2008. It continues:

... OPI recommended that Victoria Police replace its traditional, punitive and militaristic police discipline system with a less adversarial, more developmental approach ...

Further, it states:

... a reform bill was introduced into Parliament in September 2008 but did not pass. The lack of legislative change has meant that Victoria Police continues to operate under the outmoded discipline provisions of the Police Regulation Act 1958 (the act).

The report goes on to state:

Unfortunately, police satisfaction with the service delivery complaint resolution process has not improved and remains low.

This is an issue which affects members of Victoria Police and the Office of Police Integrity. In reading through the report it can be seen that there are many references to the need for reform, and I do hope the Baillieu government takes the necessary steps to enact that reform. The people of Victoria take great pride in our police, and we regard them as integral to safety, to harmony and to the growth of our state in many areas. But that also requires that the police members themselves understand how highly we respect them and how much we value their commitment to us. They attend to tragedies that would horrify every one of us in this chamber — events too horrible to relate. They place their lives at risk for us again and again and, tragically, sometimes pay the ultimate, terrible price.

That is why I urge the Baillieu government to place greater effort in supporting professionalism within Victoria Police, providing better pay and whatever they need to continue their honourable service to the people

of Victoria. Failure to do so fails the people of Victoria. As their elected representatives it is our duty to ensure that the police service is improved.

I must state that I am impressed that the OPI has identified many problems that, if fixed by this government, would improve the police service and make life better for serving members of that organisation.

The conclusion to the report states:

The current Victorian Parliament has the opportunity to support the professionalisation of Victoria Police by updating the discipline provisions of the Police Regulation Act 1958. Refocusing the act away from punitive discipline and towards improving professional standards of conduct is an important step in building more productive attitudes to conduct issues.

The OPI makes this recommendation more than once, and it has many benefits for Victoria Police and the state as a whole. It is something that we must take action on within this term of Parliament.

### ***Auditor-General: Indigenous Education Strategies for Government Schools***

**Mrs PEULICH** (South Eastern Metropolitan) — The President is looking a bit weary. I will understand if he looks a little more relaxed than normal during my statement on the Victorian Auditor-General's report *Indigenous Education Strategies for Government Schools*, of June 2011, which is the last statement on a report for the day. The audit of indigenous education strategies for government schools was conducted as part of the Auditor-General's 2010–11 audit plan. The object of the audit was to determine the effectiveness of the implementation of the Wannik strategy by the Department of Education and Early Childhood Development and whether it is improving students' educational outcomes.

I must say I wanted to find out what the Wannik strategy is. The Auditor-General goes into some detail in providing some of the background information. Wannik: Learning Together — Journey to our Future, or the Wannik strategy, was launched in February 2008 as the education strategy of the Department of Education and Early Childhood Development for Koori students. It was developed in close partnership with the Victorian Aboriginal Education Association Incorporated, or VAEAI, and is the department's response to its 2007 review of education provision for indigenous students.

The Wannik strategy recognises that greater commitment and actions are required from within and outside the education sector to redress levels of

disadvantage experienced by many indigenous students. As the core education strategy under the Victorian Indigenous Affairs Framework 2010–13 it also addresses two of the six targets of the 2008 National Indigenous Reform Agreement, referred to as ‘Closing the gap’. The Wannik strategy at the time included a funding commitment of \$30.8 million over five years.

The auditor has raised some concerns. I was pleased to hear that the department was well on track to addressing those concerns. There are plans in place to address the concerns that have not been addressed. Page viii of the Auditor-General’s report’s audit summary reads in part:

The Wannik strategy had a solid planning base but this rigour was not sustained through the rollout of the program, resulting in poor implementation.

The Auditor-General’s criticisms in this report are reminiscent of virtually every other report tabled by the Auditor-General. I have had the opportunity of sitting in on meetings in regard to this, and since my return to the Parliament in 2006 I have missed meetings on only two or three of those reports. They often focus on the lack of clarity about targets, performance indicators, accountability and reviews. Further on the Auditor-General says a business-as-usual approach is not what is required for a major strategy but that a project management approach would possibly be more successful in delivering the outcomes required for a new program.

I was pleased to see that the response of the department was very positive. In particular, the department understands that the Wannik strategy was only fairly new. It is in its second year, and it is perhaps a little too early to be reviewed. I hold a different view. I think it is probably very good timing for a review.

The strategy focuses on trying to close the gap in terms of performance in literacy and numeracy, the number of students being retained in the later years of schooling and engagement and attendance. Some progress is being made. Many of the comments in the report apply to mainstream students in our schools. In particular there are issues of attendance, which I believe is a chronic problem that needs to be addressed right across the board and not just in terms of Koori education.

The government has indicated its strong commitment to addressing issues of disadvantage for indigenous people, including in education. I believe it has used the recommendations of the Auditor-General to focus more clearly on achieving the objects of the strategy, which is

a very important strategy for our indigenous community.

## ADJOURNMENT

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

That the house do now adjourn.

### **Grassland Society of Southern Australia: annual conference**

**Mr LENDERS** (Southern Metropolitan) — The matter I raise tonight is for the attention of the Minister for Agriculture and Food Security, Mr Walsh. I notice Mr Drum is sitting in the chair of the Leader of the Government. Perhaps it is now truly the Ryan-Baillieu government.

**Mr Drum** — You have got an imagination that is very strong.

**Mr LENDERS** — I think it is a horror movie, not an imagination; it is a nightmare. Following our two-week parliamentary sitting period, two Fridays ago I travelled to Hamilton to attend the Grassland Society of Southern Australia annual conference. This was a great conference. There were 150 people there who are particularly interested in various issues, including pastures, pasture renewal and the science of it, and people were talking with each other. I met with the society’s committee members, including outgoing president Rob Salmon, incoming president Tim Prance, treasurer Mary Ann Holt and executive officer Clare de Kok. I talked to them about their society, their conference, their industry and the quite significant challenges they are now facing.

When I went to the conference, which had 150 delegates, I noticed that there was no government representative there, which was interesting. This was a grassland society conference with lots of farmers and pastoralists, but there was no-one there from the government. I noticed the Minister for Agriculture and Food Security was not there, nor was the local member, the Minister for Sport and Recreation, Hugh Delahunty — nor for that matter were Mr Ramsay, Mr O’Brien or Mr Koch from this place, or Dan Tehan, the federal member for Wannon.

The action I seek is for the minister to make sure the government is represented at this important regional conference of pastoralists and pasturists, particularly at this stage in the government’s term, so that The Nationals do not forget their roots. We hear it said quite often about the Minister for Agriculture and Food

Security that people used to see him a lot when he was in opposition, but now he is always in Melbourne and they never see him. We are hearing the same in Hamilton — you do not see the local member any more. The action I seek is that the members of the government do not forget their roots and that they attend the next grasslands annual conference to get in touch with their supporters. I would be very happy to take Mr Walsh, Mr Drum or any of the government members to Hamilton, to show them where Hamilton is, to show them where some farmers are, to take them to the grasslands conference and to put them in touch with their grassroots.

### **Water: rainwater harvesting**

**Mr RAMSAY** (Western Victoria) — My adjournment matter is directed to the Minister for Water, Peter Walsh. On Thursday, 9 June, Mr Walsh officially commissioned Australia's first housing roof-water collection system, in Warrnambool, and I was very happy to accompany him to that commissioning. What is important is that this is an Australian first. While we in the country have for many generations been collecting rainwater off our roofs and using it for household water, this is the first time we have seen a new development in a regional city where water is being collected off roofs, travelling through special trunk lines into a holding storage and going through into a treatment plant. This is a Wannon Water project with Peter Wilson — and it is important that we remember that name, Peter Wilson, as he was the asset planning manager and basically the architect of what is an Australian first in a regional city — in partnership with federal, state and local governments and developers.

Roof-water catchment in new housing developments is not a new concept, as I mentioned. What is significant is that with the partners they have shown a way, by using an age-old concept, that will deliver significant additional water by the simple means of collecting water from roofs. It is and will be linked to 3000 homes. It will catch 450 megalitres of water. It will reduce carbon emissions by 505 tonnes, and homes presently connected are supplying more water than they are using.

Over the next four years the coalition government will be investing \$50 million in seed funding to get innovative ideas such as this off the ground. My question to the minister is: will other regional cities like Ballarat be able to seek support from government partnerships to incorporate roof-water catchment into new housing developments and to retrofit existing buildings to help replace the expensive and disgraceful

white elephants of water security projects introduced by the previous government?

### **Rail: level crossings**

**Ms MIKAKOS** (Northern Metropolitan) — My matter tonight is for the Minister for Public Transport. During the last election the Premier made a commitment that the coalition would fix the so-called problems and make public transport safer. One would presume that this would have included upgrades to level crossings that were independently ranked as dangerous by the Department of Transport.

Of the 10 most dangerous level crossings in metropolitan Melbourne, 9 are in Labor-held seats, 2 of which are located in my electorate. The Macaulay Road crossing in Kensington is rated 9 and the Bell Street crossing in Preston is rated 10. Despite this, only one of the crossings to receive funding from the Baillieu government in this year's budget is in a Labor-held seat.

In this year's budget the government committed funding of \$16.5 million for planning and preconstruction works at eight stations. Of the eight to be funded, only two are in the Department of Transport's top-10 list and five are in Liberal marginal seats. Despite the government identifying the railway crossings at Main Road, St Albans, and Murrumbeena Road, Murrumbeena, as coalition priority projects, neither has received funding in this year's budget, and most likely that is because they are both in Labor-held seats.

The Liberals have provided \$2 million to begin the process of reopening the 'heritage' wooden railway gates at New Street in Brighton, a level crossing that is ranked 223rd on the list of most dangerous crossings. At the Public Accounts and Estimates Committee budget estimates hearings the transport minister confirmed that the Liberal Party will go beyond its election commitment and not only open these gates but also fund a grade separation at or near this crossing, despite it only carrying 300 cars per day.

Outside of my electorate office in Spring Street, Reservoir, I often see cars and pedestrians in near misses and dicing with danger as a result of the hazards at the High Street–Spring Street railway junction. I successfully lobbied years ago to have the traffic lights coincide with the boom gates to improve traffic flow at this junction. It is rated 72 on the Department of Transport's list of dangerous crossings and it is one that I would like to see addressed, but it appears that decisions over which crossings are to be funded have

been politically motivated. I am disappointed that the Baillieu government has put politics ahead of safety considerations and turned its back on the 222 railway level crossings that are rated more dangerous than New Street crossing in Brighton.

I call on the Minister for Public Transport to urgently commit funding to upgrade Victoria's dangerous level crossings on the basis of their rating by the Department of Transport and not on the basis of political advantage and to commit funds to the Macaulay Road crossing in Kensington and the Bell Street crossing in Preston, both of which are ranked in the Department of Transport's top 10.

### **Women: eliminating violence awards**

**Mrs COOTE** (Southern Metropolitan) — My adjournment matter this evening is for the Minister for Women's Affairs, Mary Wooldridge, and it is to do with women's violence. I want to commend the minister for recently funding the EVAs, which are the eliminating violence against women media awards. These awards were held recently and are a recognition that the media has an enormous role to play in changing public attitudes towards domestic violence and in fact violence of any kind.

The awards are a really good recognition of the fact that the media occupies a front-row position and provides vision to the rest of the community. It is important that journalists understand what the issues behind domestic violence are and that they have a real role to play in helping wind back this scourge of our whole community. The minister said:

Preventing violence against women is a Victorian coalition government priority. Last year over 35 000 reports of family violence were made to Victoria Police and 77 per cent of reported family violence victims were women and girls.

We have said in this chamber before that domestic violence is unacceptable at any level at all, and it is important that we use every mechanism available to make certain that Victorians understand the depth of this problem and issue and indeed how to deal with it. Minister Wooldridge said at the launch:

As part of our broader strategy to prevent violence against women, the Victorian coalition government is proud to support the EVAs and journalists who help to change attitudes and give victims a voice.

Also launched on the night was an updated edition of *Family Violence in the News — A Media Toolkit*, produced by Child and Family Services Ballarat and Pact Community Support, which provides guidance to

the media on responsible reporting of family violence. The minister also said:

The EVAs and the media toolkit are important initiatives in our suite of measures to combat violence against women in our community and the Victorian coalition ... is proud to support both.

I am asking the minister to attempt to find out for me the names of journalists in Southern Metropolitan Region who received nominations or recommendations so that I can contact them and encourage them to participate in the EVAs next year. I also wish to spread the anti-violence message in newspapers in Southern Metropolitan Region.

### **Colac Secondary College: football and cricket oval**

**Ms TIERNEY** (Western Victoria) — My adjournment matter this evening is for the Minister for Education and is in relation to Colac Secondary College. I beg the indulgence of the house to give some background, because it is not simply about providing a football and cricket oval at the school; there is also a significant history. In April 2008 construction of Colac Secondary College, which was an amalgamation of Colac High School and Colac College, began when the then Minister for Education turned the first sod at the site. This marked the beginning of the cultural and educational shift needed in Colac to recommit to education throughout the community, to improve numeracy, literacy and school completion rates and also to help create higher educational expectations and aspirations.

Three years on, due to the unqualified and absolute commitment to first-class education for all Victorians by the previous Labor government, the school is in its third and final stage of construction. In October last year I had the great pleasure of announcing a commitment of \$11 million for the final stage, and the coalition later met that promise after originally undervaluing the project by committing just \$7 million. The \$11 million promise made in October 2010 was for new music, dance and food technology facilities, more classrooms, sports rooms, recreational areas and, in particular, sports fields, including a football and cricket oval.

Along with the first-class facilities already built in the first two stages of this project, stage 3 must deliver all of the abovementioned facilities to make this school the best possible place for our students to learn. It is our obligation to fulfil the commitment that we made to the Colac community to revitalise and reinvigorate education in this town and region. I am calling on the

minister to make sure that the last piece of the jigsaw puzzle, the cricket and football oval, is implemented and, in the scheme of things, is seen as being just as important as all the other facilities built on that site in recent times and indeed those that are being built at the moment. I urge the minister to ensure that a full-sized oval is included in the final stage of the project.

### **Rail: Altona loop service**

**Ms HARTLAND** (Western Metropolitan) — My adjournment matter tonight is for the Minister for Public Transport, Mr Mulder, and it is in regard to the Altona loop service. All members have received an invitation from me, on behalf of the Altona loop community, to a lunchtime forum to be held tomorrow at 1.00 p.m. in the Legislative Council committee room. Members with portfolio responsibilities have received an invitation direct from residents via email and into their parliamentary mailboxes. Invitees include elected representatives for the area as well as the Premier, the Minister for Public Transport, the Minister for Planning, the Minister for Ageing, the Minister for Community Services and the Minister for Youth Affairs.

The purpose of the forum is so that MPs can hear directly from community members about their experiences of using the new train timetable, which came into effect on 8 May. Altona loop residents will travel 15 kilometres on the train to get here tomorrow. Under the new train timetable this return journey requires catching six trains and often takes 1½ hours each way. That is 3 hours out of their day in travelling time to come and tell their stories.

Residents using the Altona loop have had their services significantly cut under the new timetable. We are over four weeks into the new timetable, and any claims that initial problems were just teething problems have been proven wrong. The Altona loop train service is unacceptably poor, community members are suffering greatly and the community deserves better. Obviously the Altona loop community is losing out as a result of the new timetable. As the minister has refused to attend community meetings, the community has asked me to host this meeting tomorrow. The action I ask of the minister is that he attend the meeting and listen to the community's concerns.

### **Regional and rural Victoria: electricity prices**

**Ms BROAD** (Northern Victoria) — I wish to raise an adjournment matter for the attention of the Deputy Premier, who is also the Minister for Bushfire Response, Peter Ryan. The action I seek is that he

ensure that families and businesses in rural and regional Victoria are protected from electricity price hikes caused by the Baillieu-Ryan government's decision to make rural Victorians bear all the costs of implementing the recommendations of the 2009 Victorian Bushfires Royal Commission to reduce the risk of powerline fires.

According to a report by Peter Hunt in today's *Weekly Times*, Victoria's regional electricity distributors, Powercor and SP AusNet, have told energy regulators they want to collect more than \$200 million from regional customers in the next four years to meet the cost of implementing two of the commission's 67 recommendations. According to the *Weekly Times*, electricity customers in metropolitan Melbourne will contribute none of the costs of implementing these two recommendations. In the same article the president of the Victorian Farmers Federation, Andrew Broad — no relation — asked the question 'Is that fair?'. The Deputy Premier should be asking himself the same question.

According to the *Weekly Times* report, Powercor has already lodged an application with the Australian Energy Regulator to collect \$103 million from its customers to meet the cost of these recommendations. The cost is expected to be even higher for SP AusNet customers. The report also says that the Australian Energy Regulator has adopted a policy of assessing and allowing electricity distributors to pass on the cost of implementing the royal commission's recommendations, meaning to rural customers. The report says that the Baillieu-Ryan government has failed to make any submission to the Australian Energy Regulator on Powercor's application. The Minister for Bushfire Response and the government must take action now to support rural Victorians and protect them from electricity price hikes they simply cannot afford.

### **Victoria Legal Aid: funding**

**Hon. M. P. PAKULA** (Western Metropolitan) — The matter I wish to raise is for the Attorney-General and concerns the Public Purpose Fund. The Public Purpose Fund holds the statutory interest in solicitors trust accounts, and over the years it has been used for a variety of purposes. For a period of time now the Public Purpose Fund has played a significant role in helping to fund Victoria Legal Aid. Before the November election the current Attorney-General was highly critical of the previous government for its use of the Public Purpose Fund for that purpose and said that an incoming coalition government would not rely on the Public Purpose Fund to fund core government services. In its pre-election analysis in the *Law Institute Journal*, the

Law Institute of Victoria was of the view that the import of the coalition's promise was that the reliance of legal aid on the Public Purpose Fund would certainly be reduced, if not eradicated.

The recent budget did not identify or establish any other budget line item or funding source for legal aid. The action I seek from the Attorney-General is simple: that he clarify whether the government intends to continue to use the Public Purpose Fund to fund legal aid at similar levels to the funding that it provides now, and if it does not, what alternative funding source he intends to use.

### **Timboon P-12 School: upgrade**

**Ms PULFORD** (Western Victoria) — My adjournment matter this evening is for the attention of the Minister for Education, Martin Dixon. I first visited Timboon P-12 School in my electorate of Western Victoria Region in 2008. It was a great pleasure to meet with the then principal, Bryan Ward, and chairman of the school board, Gary Langenhuizen, as well as some great kids and many members of staff, including teachers, at the school. During that visit Bryan and Gary gave me an extensive tour of the school facilities, the buildings and the grounds, and they pointed out a number of issues, including some pretty serious challenges facing them with a rather old school building.

That visit prompted me to immediately speak with the then Minister for Education, the Honourable Bronwyn Pike.

**Mr Lenders** — A very good minister.

**Ms PULFORD** — She was a fine minister, that is right. She had a comprehensive plan for rebuilding, modernising or regenerating every school in Victoria that was somewhat interrupted by the state election. I was very pleased when Minister Pike notified me that the Timboon school would be invited to take part in the then Labor government's Building Futures program. Building Futures was a Labor program that facilitated the commitment that Labor had made to renovate or rebuild each and every school in Victoria.

The Timboon school was certainly a very needy recipient of the program's support. In the intervening period the people at the Timboon school have undertaken the detailed design works required for the significant works that that school community needs. Extensive planning work has been carried out, and the school community is prepared for work to start. Now that the Liberal Party is in power, I ask the new

Minister for Education to urgently address the issues of concern to the Timboon school and to provide the funding that will enable work to commence on the much-needed upgrade of the Timboon school so that the children of Timboon can learn in a modern educational facility.

### **Responses**

**Hon. M. J. GUY** (Minister for Planning) — Mr Lenders raised an issue for the Minister for Agriculture and Food Security relating to a grasslands conference at which he would like the government to be represented. I will pass that on to the minister for his response.

I will also pass on to Mr Walsh, the Minister for Water, the matter raised by Mr Ramsay in relation to water collection from roofs in Ballarat.

Ms Mikakos raised an issue for Terry Mulder, the Minister for Public Transport, around the elimination of level crossings at Macaulay Road, Kensington, and Bell Street, Preston. I note that only two level crossings were eliminated in the past 11 years, and Ms Mikakos is now asking for another two to be eliminated in the first four years of the coalition government.

Mrs Coote raised an issue for the Minister for Community Services, Mary Wooldridge, regarding violence against women.

Ms Tierney raised an issue for the Minister for Education, Martin Dixon, in relation to Colac Secondary College.

Ms Hartland raised an issue for the Minister for Public Transport, Terry Mulder, in relation to Altona loop services.

Ms Broad raised an issue for the Deputy Premier and Minister for Bushfire Response, Peter Ryan, in relation to electricity price hikes. I will refrain from making any comment about a carbon tax.

Mr Pakula raised an issue for the Attorney-General, Robert Clark, in relation to the Public Purpose Fund.

Ms Pulford raised for the Minister for Education, Mr Dixon, an issue in relation to Timboon P-12 School.

I have a written response to the adjournment debate matter raised by Mr Scheffer on 26 May.

**Ms Broad** — On a point of order, President, I refer to standing order 4.13. On 4 May I raised an adjournment matter for the Treasurer, and I have not

received a response. I seek an explanation from the minister as to why a response has not been provided within 30 days.

**Hon. M. J. GUY** — I will take it up with the Treasurer and have the response to Ms Broad as soon as possible.

**Ordered that Council take note of explanation on motion of Ms BROAD (Northern Victoria).**

**Mr Lenders** — On a point of order, President, I also refer to standing order 4.13. On 5 May I raised with the Leader of the Government, Mr Davis, who is not here, a matter about East Gippsland in relation to his portfolio responsibility as the Minister for Health. I seek an explanation, preferably from Mr Davis, who had very strong views about all ministers being present at every adjournment debate, but in his absence by Mr Guy, as to why a minister in this place cannot respond to an adjournment matter within 30 days.

**Hon. M. J. GUY** (Minister for Planning) — Obviously I am not a mind-reader, so I will have that conversation with Mr Davis and provide a response to the query raised by the Leader of the Opposition.

**The PRESIDENT** — The house now stands adjourned.

**House adjourned 5.56 p.m.**

