

PARLIAMENT OF VICTORIA

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(HANSARD)**

LEGISLATIVE COUNCIL

FIFTY-SEVENTH PARLIAMENT

FIRST SESSION

Tuesday, 7 February 2012

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

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FIFTY-SEVENTH PARLIAMENT — FIRST SESSION

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Tuesday, 7 February 2012

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

BUSHFIRES: BLACK SATURDAY ANNIVERSARY

The PRESIDENT — I wish to remind the house that 7 February 2012 marks the third anniversary of the devastating bushfires of 2009. As members would be aware, 173 people lost their lives as a result of those tragic fires and townships across the state were affected on that fateful day. We owe it to those people and townships, which are still rebuilding, to take a moment to think of those communities. Many of those communities are holding their observances today, as they did over the last weekend, and it is appropriate that the Parliament also pay its respects to the people who died and recall those tragic events.

While people continue to recover at their own pace, enormous progress has been made in the recovery effort over the last three years under both governments that have held office in that period. Today we encourage all Victorians to continue to support those affected and their resilient communities. As a mark of respect and tribute to the people who suffered, particularly those who died or lost loved ones in those tragic fires, I invite all honourable members to stand in their places and join me in a minute's silence.

Honourable members stood in their places.

CONDOLENCES

Samuel John Everett Loxton, OBE

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

That this house expresses its sincere sorrow at the death, on 3 December 2011, of Mr Samuel John Everett Loxton, OBE, and places on record its acknowledgement of the valuable services rendered by him to the Parliament and the people of Victoria as a member of the Legislative Assembly for the electoral district of Prahran from 1955 to 1979 and as Government Whip from 1961 to 1979.

Sam Loxton was born in Albert Park on 29 March 1921. He attended Armadale Primary School and later Wesley College. He clearly had great sporting prowess early on, which he demonstrated on both the Australian Rules football field and the cricket pitch. He played cricket competitively at the age of 11 for Prahran Cricket Club and started playing with the Victorian

Cricket Association Colts when he was just 16. He later represented Victoria in the Sheffield Shield. On his Sheffield Shield debut in Queensland he made 232 not out and shared a record sixth wicket partnership of 289.

He was described by many as a natural sportsman. He was a golfer and a talented footballer who played full forward for St Kilda. He played from 1942 to 1946, often swapping with Keith Miller on the forward line, which was the beginning of a lifelong friendship. But it is of course cricket for which Sam Loxton is best known.

During World War II Sam Loxton served in the Australian Army with the 13th Armoured Division of the 2nd Australian Imperial Force as a crew commander, mainly in Queensland. In 1947 he was selected for the Australian cricket team. He played 12 tests for Australia between 1948 and 1951, scoring 554 runs at an average of almost 37 runs. He also took eight wickets.

Sam Loxton was a member of the legendary Invincibles side taken to England in 1948 by Don Bradman, which, as most people would know, remained undefeated in any match — a feat that is yet to be equalled. Sam Loxton was one of the last surviving members of the Invincibles. He is survived by Neil Harvey and Arthur Morris. Neil Harvey played with Sam Loxton at the fourth test in Leeds in 1948. During that test Sam Loxton blasted an amazing 93, a performance that has gone down in history.

I also make the point that Sam Loxton was much more than a cricketer. He was a member of the Armadale branch of the Liberal Party — a branch with which many of us in this chamber are familiar — which he joined in 1950. He played 140 Sheffield Shield matches for Victoria and was captain of the side in 1955. In that same year Henry Bolte was elected Leader of the Liberal Party and he convinced Sam Loxton to stand for the seat of Prahran, without any expectation that the seat would be won.

Loxton was a great campaigner. In a seat that was comfortably held by the Labor Party he achieved 36 per cent of the vote. Democratic Labor Party preferences defeated the sitting member and Sam Loxton was elected by the very narrow margin of 14 votes. He was part of the majority that delivered the first Bolte government. He was returned at each subsequent election until he retired in 1979.

Mrs Coote, Ms Crozier and I are aware of many interesting stories in terms of Sam's campaigning prowess in the Prahran seat. One that is well known is

that he campaigned against the footballer Jack Dyer, who was the Labor candidate in 1967. They were two sportsmen campaigning against each other. Sam was well liked by his colleagues, and I am sure Ms Crozier will say something about that as her father knew him well. He also continued to play first-class cricket while serving as a member of Parliament — something that I think any of us would struggle with today.

His is a great story of an MP who contributed to his community over many years and who was very well known locally. He was a great worker for his constituents. He was available at his electorate office on Saturday mornings for many years. Sam Loxton also served Victorian cricket as a Victorian selector from 1957 to 1981 and as an Australian selector from 1970 to 1981. He was reported to have been hugely upset by the underarm bowling incident in 1981 and retired from those positions in protest. He had a lifelong commitment to supporting young cricketers. He retired to the Gold Coast, where he served as an umpire until his sight deteriorated.

As I say, Sam Loxton contributed in many areas of the community, not just as a diligent representative for Prahran and as a sportsman but also as vice-president of the Victorian School for Deaf Children and president of the council of Prahran Technical School and later of the Prahran College of Advanced Education. He was an MCG trustee from 1962 to 1982. I think Australians will remember him not only as a Victorian who served his community and the Parliament but also as a great cricketer from that legendary team.

Mr JENNINGS (South Eastern Metropolitan) — On behalf of my captain and opening partner Mr J. J. J. Lenders — John — it is my honour to represent the opposition and take strike in relation to the condolence motion for Mr S. J. E. Loxton — Sam — OBE. Indeed I am very pleased to be able to contribute to the Parliament's tribute to a life well led, a very sporting life. Like all members of the Victorian community who grew up in the era when Sam Loxton was a prominent member of the Victorian community and a very prominent member of the Australian sporting scene, I am all too mindful of his achievements, which I will run through.

In preparing for this contribution I had a look at an article written by Garry Linnell that appeared in the *Age* in 1984, and it refers to a most significant day in Mr Loxton's life in 1955. That day was the final of the district cricket where he won the toss as captain for Prahran and sent Hawthorn-East Melbourne into bat; he then triumphed by taking seven wickets for 115 and going on to make 129, which contributed in no small

part to the Two Blues winning the premiership. This article, which goes on to talk about Mr Loxton's virtues at great length, does not refer to his parliamentary career at all. In fact one of our great challenges in terms of the balance between sport and politics is to find the appropriate balance, and I will be doing my bit to acquit that responsibility during the course of my contribution.

In a sportsman's life there are lots of statistics and acronyms. According to his CV, Mr Loxton was a bank officer — not that I think he had much time to dedicate himself to that practice. He worked for the ES&A Bank at some point in time and joined the 13th Armoured Division of the 2nd Australian Imperial Force. As the Leader of the Government has indicated, he played 140 first-class matches with an extraordinary track record of scoring 3492 runs at an average of 34.57, and during the course of his first-class career he took 144 wickets at 25.57 runs apiece.

Mr Loxton did play 41 games for St Kilda, and there are a lot of people who might have thought that is enough said about that. But one of the hallmarks of Mr Loxton is that he stayed pretty close to home. He was born in Albert Park, grew up in the district, played for St Kilda at a time when the team played at Junction Oval, and he went on to play cricket for Prahran. In fact he probably never lost contact with Prahran spiritually and emotionally throughout his life. He stayed very well connected to that community until 1981, when he shifted to Queensland.

Queensland obviously had a very special place in his heart, because in his first Sheffield Shield match he scored 232 runs not out against it. If he had retired at the end of his first Sheffield Shield game, he would have had a world-beating first-class average, but he kept going whilst his average declined. He was a man of perseverance, and his career was testament to that. Mr Loxton played for Australia 12 times, and his most famous reason for being notorious in our community was that he was a member of the Invincibles. In the 1948 Australian tour of England that status was guaranteed for members of that very successful cricket team, and it is a quite extraordinary thing that Mr Loxton carried the title 'invincible' for the next 63 years. It is quite an achievement in itself and something to live up to.

During the course of the residual part of his life Mr Loxton represented the citizens of Prahran District in the Legislative Assembly. When I was preparing for this contribution I thought I should perhaps do some work on and share the statistical analysis of what Mr Loxton's contribution to public life in the Parliament of Victoria was. When I embarked upon a

search I came across a glowing reference from his friend and leader, Sir Henry Bolte, who delivered a glowing testimonial for Mr Loxton on his retirement from the Parliament which made it pretty clear that my search might have been futile had I pursued his contributions to debates in this place as a measure of Mr Loxton's political life.

Sir Henry Bolte was very proud of Mr Loxton's attributes but not necessarily of his contribution to parliamentary debates. That was reflected in an article by Bruce Wilson in the *Herald* of 15 March 1979 entitled 'Henry gives 'em that old-time religion', which refers to the event at which Mr Loxton retired. That article says:

Sir Henry started off by telling the audience — many of whom were ladies with hair of unusual colour and who were quite dewy-eyed at seeing the old boy again — why it was that his old mate Sambo was not especially famous for his stirring oratory in the house.

'Sambo did his talking in the party rooms', said Sir Henry, while old political cronies tried to remember just when Mr Loxton did last speak in the Parliament.

That might be seen as a backhander from Sir Henry — and might be seen as a backhander from me — but it is very clear from what was actually happening in Mr Loxton's life that he was no lightweight political operative. This was a man who represented the seat of Prahran from 1955 to 1979. Yes, he might have been the beneficiary of the split in the Labor Party in 1955, but he did see off Jack Dyer in 1967 — Jack Dyer who was very much a god king from *World of Sport* days. This was the year that Richmond won the flag, 1967. In fact Richmond and Jack Dyer were travelling pretty well in 1967, but Jack Dyer could not knock off Sam Loxton. Quite remarkably, during this period Sam Loxton was also a trustee of the MCG — from 1962 to 1981 — and a selector for the Australian cricket team — from 1970 to 1981. You do not get to be a selector for the Australian cricket team or a trustee of the MCG unless you are a very sophisticated and determined political operative.

For those of us who pretend that there is no nexus between politics and sport and are in fact advocates of having no sport in politics and vice versa, I say, 'Good luck to you. You obviously have no knowledge of either sphere of activity'. But from his track record it is clear that Sam Loxton would see off that challenge. His lasting commitment to public life demonstrated that he was not only very adroit at cricket but also very adroit at the fine, dark arts of politics, and I would assume that in 1981 he left our shores in Victoria and headed to Queensland because he had some benign residual

goodwill towards Queensland following his 232 in 1946.

He saw out his retirement in Queensland, and I am sure those who were near and dear to him miss him, but they can certainly celebrate his life, and to have for 63 years the reputation of being an Invincible is quite something.

Ms PENNICUIK (Southern Metropolitan) — I am pleased to speak on behalf of the Greens in support of the motion moved by Mr Davis. I obviously did not know Mr Samuel John Everett Loxton personally. I knew him by name, and I knew him as the member for Prahran. In researching to prepare for speaking today I learnt a lot about the man, and I have learnt a lot more from listening to the contributions of Mr Davis and Mr Jennings.

I note that Mr Loxton was a member of the Second World War generation. In fact I can see from his birth date that he was 11 days older than my father, who died four years ago. The people who were born in 1921 were 18 when the Second World War broke out, so for their generation the Second World War was a defining event in their lives. My father spent six years in the navy around the Pacific and in the Middle East fighting in the Second World War, and I note that Samuel Loxton was part of the 2nd Australian Imperial Force. He signed up, I think, in 1941 or 1942. Members of that generation were very much defined by their experience in the Second World War, and I have a lot of empathy with people who served during that war, including Samuel Loxton.

I note also that he was a member of the Invincibles, which probably means more to me that it does to my Greens colleagues, neither of whom follows cricket to the extent that I do. Anyone who follows cricket looks up to the Invincibles and their feat in 1948. I also note that he was an all-rounder, which is my favourite type of cricketer. I always find the all-rounders more interesting than just the straight-out batsmen or bowlers.

From my research and what I have learnt from Mr Davis and Mr Jennings, I think I could say that Sam Loxton was an all-rounder in life. He was a great sportsman, a cricketer and a footballer. He played cricket for Australia and Victoria — he was captain of the Victorian team — and district cricket for Prahran. He also played football for St Kilda. As Mr Jennings said, he was very devoted to the local community.

I noted in my research that Sam was also a very conscientious member of Parliament. My research revealed that while he was waiting to bat for Prahran he

was often found going through his parliamentary papers, signing documents and reading up on what was going on. He would have his papers with him in the dressing room as he was about to pull on his pads to go into bat.

Mr Davis mentioned Sam's dismay at the underarm bowling incident in 1981. I was at the MCG and saw that incident, and I was suitably outraged by it as well.

Mr O'Brien — Mr Barber would have been.

Ms PENNICUIK — I think I could say Mr Barber was not present, but I certainly was there with my family.

It is also interesting to note that at the time of his election Sam Loxton was the youngest member of Parliament — he was aged 34 — and he was given the honour of making the first speech on the motion for the adoption of the address-in-reply to the Governor's speech on the occasion of the opening of the new parliamentary session. He used that opportunity to advocate increased lending from the government-owned banks to promote higher levels of home ownership. That is very interesting. Somehow we seem to have lost that one along the way.

My research also revealed that at the 1961 election — and I think he stood against Jack Dyer — the Liberals may have been hindered by a how-to-vote card circulated on election day by a third party that had a pro-Liberal headline but instructed the reader to mark the ALP candidate as their first preference. Loxton managed to secure a court injunction, believed to be the first of its kind in Victoria, prohibiting further distribution of the material, but not before hundreds of misleading instructions had been disseminated. On that note I would say not a lot has changed.

They were some of the interesting things I found in my research on Mr Loxton in addition to all the cricket statistics. Mr Jennings has already put those on record, so I will not go through them again. He was obviously an interesting man and, as I said, an all-rounder. We extend our sympathies to his friends and family.

Hon. P. R. HALL (Minister for Higher Education and Skills) — On behalf of The Nationals I too want to associate my colleagues and myself with this condolence motion for Mr Sam Loxton, who passed from us on 3 December last year. The contributions to this condolence motion make it clear that Sam Loxton was held in high regard by all who knew him personally and knew of him. The tributes delivered by the speakers before me made abundantly clear the respect we all had for him. As has been said by others,

Sam Loxton, while living a full life in many respects, was most noted for his sporting prowess and for the time he served the Victorian people in this Parliament.

As Ms Pennicuik said, there have been many statistics and comments about the sporting achievements of Mr Loxton. It therefore behoves me to search deeply to come up with any new statistics or interesting facts that might add to the content of this debate. It has been said that Sam Loxton played for St Kilda Football Club between 1942 and 1946 as a full forward. He was the leading goal kicker for St Kilda in 1944 and 1946. Interestingly, one of his team mates at St Kilda was a chap called Keith Miller, who was also a team mate of Sam Loxton on that 1948 tour of England.

I can add to the statistical record by recording that Sam played his last test match for Australia against England at the Sydney Cricket Ground in 1951 when he made a modest contribution towards a very fine victory for Australia. I will not spoil the record by explaining how many runs he made, but it was a modest contribution.

But the thing which enables us to talk about Sam Loxton today is the 24 years he served as the lower house member for Prahran in the Parliament of Victoria. To have served 24 years in this place is a very fine record by any comparison, and it is indeed a very valuable contribution. He served 18 years as Government Whip, which shows he was a very strong person who needed to apply the skills he had obviously developed as a team player to the team in which he held the position of whip.

By every measure Sam Loxton was a very fine person who has been remembered fondly by all Victorians and indeed all Australians. The legacy he leaves is something that every one of us would be proud; we would be proud if we were able to leave just a fraction of that legacy. On behalf of my colleagues in The Nationals, it is my pleasure to express, along with all other members, our condolences to the friends and family of the late Sam Loxton.

Mrs COOTE (Southern Metropolitan) — I have great pleasure in speaking about Sam Loxton, who was not just invincible on the sporting field but very much so in the Assembly electorate of Prahran. When I was first elected in 1999 my electorate was a province, and Prahran was part of that province. The legend of Sam Loxton was very prominent then. He was larger than life in our branches, in the seat itself and among all groups within Prahran, as he continues to be today. He really did leave a huge legacy in his political life and was really loved in Prahran.

In 1950, one year after Sir Robert Menzies became Prime Minister, Sam Loxton joined the Armadale branch of the Liberal Party. He also went to Wesley College, which is where Sir Robert Menzies went to school and which is in the Prahran electorate. After five years in the Liberal Party Sam Loxton decided to contest the seat of Prahran and put himself up for preselection for the Liberal Party. The seat of Prahran has been in existence since 1889 and has returned 16 members to the Victorian Legislative Assembly. Throughout its 123-year history the seat has changed hands frequently between the parties. It is significant that Sam Loxton's 24 years as the member for Prahran makes him its longest serving member — until the current member, who I am certain will do the same. I believe it is testament to his dedication to his constituents and focus on local issues within his electorate.

Prior to his election in 1955 Prahran was a safe Labor seat, with Labor taking 61.59 per cent of the two-party preferred vote in the 1953 election. It was also the seat that acted as a stepping stone for Frank Crean before he contested the federal seat of Melbourne Ports, so Loxton's victory demonstrates his personal popularity in the area at the time. In those days Prahran was a much smaller area than represented by the boundaries of the current seat. The electorate had an east–west orientation between Kooyong Road in the east and St Kilda Road in the west and between Malvern and Commercial roads in the north and Dandenong Road and Alma Road in the south. In 1955 there were just five polling booths — that is, in Orrong, Hawksburn South, Prahran, Prahran East and Windsor. It was the southern half of the federal electorate of Fawkner at that time.

Despite the Labor Party winning the seat comfortably in 1953, and although even Sir Henry Bolte dismissed his chances of picking up the seat in the 1955 election, Sam Loxton campaigned vigorously. He trailed Labor on primary votes — 5487 to 7738; however, strong preference flows from the Democratic Labor Party, as Mr Jennings so rightly alluded to before, resulted in Sam Loxton being elected member for Prahran by, as Mr Davis said, 14 votes.

Sam Loxton's career in test cricket proved to be a great opportunity for the media and people alike. The *Age* reported on 8 June 1955:

Mr Loxton, as 'baby' of the house, will open the government's innings in the Legislative Assembly by moving the address-in-reply. Can we hope for a sixer or two?

Mr Loxton's inaugural speech on 15 June 1955 is still relevant today and reveals his compassion for the less

fortunate in the community. It was his belief that the government was meant to improve people's lives. He said:

By all means at its disposal, the government intends to improve the living standards of the people.

While discussing the problems of overcrowding caused by housing pressures in his electorate, Loxton mentioned an example of a house in his electorate that was rented for £1 a week, but the tenant sublet the veranda to a man, his wife and four children for £5 a week, which he described as 'scandalous'. He described his lifelong interest in the welfare of children and said that he appreciated 'proposals designed to improve their education'. He went on to say:

In my electorate I am already planning to ensure that more schoolchildren participate in sport after school. I offer that as a suggestion to other members because there is an urgent need in congested areas to see that schoolchildren are kept off the streets as much as possible.

He likewise discussed his concern for people with mental illness:

For a long time, I have thought that persons suffering mental disorders should be cared for in the same way as are the physically sick.

He also revealed his concern for the elderly and his belief that going into aged-care facilities, rather than being hospitalised, would improve their lifestyles. He said:

... I am certain that these elderly people would be much happier and better cared for in special homes, preferably in the districts in which they have always lived.

That was 1955 — how far-sighted he was.

Unlike Mr Jennings, who quoted something from then Premier Bolte, I did my own research today in our very own Knight Kerr Room and came up with the parliamentary debates for the 1961–62 session, volume 264. In his contribution, on page 970, Mr Loxton talked about breathalysers. I will read it out because it is extremely interesting given how far we have come on this issue. He was talking about blood alcohol levels and was asked a question, to which he replied:

I am prepared to answer that question and to submit my views. To give some idea of the alcohol content of some of the people who were blood tested between 1954 and 1956, Dr Bowden goes on to say that of the 694 persons who were blood tested, the average alcohol content was 0.227 per cent. I submit that this is a fairly high percentage. I doubt whether I would be prepared to travel in a motor vehicle driven by a person whose alcohol content was 0.227 per cent.

Talking about the breathalyser, he said:

We have heard about the 'gadget from Indiana', but by way of interjection I said earlier this evening that there are 66 'gadgets' in this house, or there should be, with one standing at the moment. Even now there are attempts to improve on us; we all want to live longer. We are all gadgets — believe it or not.

Sam Loxton will certainly be missed. His legacy lives on in Prahran. It has been lovely to have a moment to share some memories of Sam Loxton here today.

Ms CROZIER (Southern Metropolitan) —

Although I did not have the privilege of knowing the late Sam Loxton, OBE, I am pleased to add my short contribution to this condolence motion debate. We have already heard from some members who have spoken this afternoon about some of his great achievements and the great legacy he left to the seat of Prahran and also to the Liberal Party.

As we have heard, Sam not only had an extraordinary sporting career as a first class all-round sportsman, but he also served for three years, from 1942–45, in the Australian Imperial Force, and was a well-respected member of the Victorian Parliament. As we have heard, his sporting prowess showed when he was at Wesley College. He rose to prominence playing Australian Rules football for St Kilda soon after he left school. In 1942 he debuted with St Kilda, kicking 114 goals before he retired from that sport in 1946 to concentrate his efforts on the game of cricket. Sam's natural sporting talents enabled him to again rise to prominence in the game of cricket. He was a member of Don Bradman's Invincibles, which went through the 1948 tour of England undefeated, as we have heard. It is well known that that tour was an unprecedented achievement that has never been matched.

Much has been written about Sam Loxton's cricket ability, the Invincibles tour and his years as a cricket administrator at club, state and international level. I am told that for Sam it was a great source of conversation with his constituents, his colleagues and the general public. Apparently he had a wonderful sense of humour and a truly larger-than-life personality, a trait that made him so popular in this place and probably one of the most genuinely popular members ever elected to the Victorian Parliament.

As has been said, Sam Loxton joined the Liberal Party in 1950. Henry Bolte, who was at the time the leader of the Victorian Liberal Party and the state opposition leader, actively encouraged Sam to enter politics after hearing about his involvement and argumentative performance in a debate at a cricket club meeting. That encouragement paid off. In September 1954 Sam

Loxton won preselection for the Legislative Assembly seat of Prahran. At the time the seat was held comfortably by the Labor Party and his chances of winning were deemed to be slim. That did not apparently deter Sam, who was not going to just fly the flag for the party. Instead Sam worked very hard to ensure that he had a significant profile going into the election. That profile was assisted when the election campaign coincided with a state cricket final where Sam was playing for Prahran. Mr Jennings made reference to that in his contribution. Sam not only took seven wickets in that game but also scored 129 runs. Needless to say, Prahran won and Sam was hailed a local hero.

In a close-run contest at the election Sam won the seat of Prahran, which in turn helped Sir Henry Bolte to win government. At the time, as has been noted, Sam was the youngest member of the Victorian Parliament. He went on to hold the seat of Prahran for 24 years until his retirement in 1979. He was elected whip in 1961 — a position he held from 1961 until his retirement in 1979. He was not only an effective whip but also apparently a very popular one. Mr Jennings also alluded to Sam's popularity in the party room.

It is regarding Sam's position of whip that I recall a story that my father tells, demonstrating Sam's great sense of humour. At the first party meeting after the 1973 election and after Sam had yet again been elected as whip, he told members, 'You have just won an election as Hamer's dickie birds, but just remember, from now on you are Sam's roosters!'. There was much hilarity and amusement from members, and I think that is testament to Sam's great personality. He will be remembered not only for his outstanding sporting prowess and his great sense of humour but also for his meritorious service to the state of Victoria and to the Liberal Party as the member for Prahran for all those years.

The PRESIDENT — I had the opportunity to meet with Sam Loxton on a number of occasions. In those days I was in the Young Liberal Movement, and I was president for a period which coincided with Sam Loxton's service to the Parliament. I can certainly attest to the camaraderie that he engendered in the Liberal Party and his parliamentary colleagues at that time.

His sense of humour has been mentioned. Something I would reflect on in the remarks that have been made — one remark by Mr David Davis and one an errant note sounded by Mr Pakula — is that Mr Loxton might have stayed in two places a little longer. The first thing is that I cannot understand why, as Mr Davis suggested to the house, Mr Loxton retired as an umpire when his vision

deteriorated; it is not as though that has affected most other umpires. The second thing is Mr Pakula's suggestion that perhaps we should be fearful that Merv Hughes is bound for politics, if indeed the Australian cricket board selector position is a qualification. Certainly Mr Loxton might well have stayed on that selection panel for considerably longer. We might have seen a few more Victorians appointed to the Australian cricket team to the benefit of that team rather than a procession of New South Welshmen.

Having said both remarks with humour, in the context and spirit of Mr Loxton's own personality, I indicate that he was an outstanding Victorian, and it is always a loss for many people when a person of his calibre departs. As a token of respect we will have a minute's silence.

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

ROYAL ASSENT

Messages read advising royal assent to:

13 December 2011

City of Melbourne Amendment Act 2011
Domestic Animals Amendment (Puppy Farm Enforcement and Other Matters) Act 2011
Education and Training Reform Amendment (Skills) Act 2011
Road Safety Amendment (Drinking while Driving) Act 2011
Transport Legislation Amendment (Marine Safety and Other Amendments) Act 2011

21 December 2011

Business Names (Commonwealth Powers) Act 2011
Children's Services Amendment Act 2011
Criminal Procedure Amendment (Double Jeopardy and Other Matters) Act 2011
Leo Cussen Institute (Registration as a Company) Act 2011
Serious Sex Offenders (Detention and Supervision) Amendment Act 2011.

QUESTIONS WITHOUT NOTICE

Planning: freedom of information

Mr TEE (Eastern Metropolitan) — My question is to the Minister for Planning. I have put in FOI applications in relation to proposed developments at Ventnor and Moonee Valley, and in the case of Ventnor the minister's office gave those documents to the *Age* before giving them to me. In the case of the Moonee Valley documents, they were given to the *Sunday Herald Sun* about two weeks ago but have not been provided to me. When will I be given the courtesy of receiving the documents that have been provided to the *Sunday Herald Sun* in response to my FOI request?

Hon. M. J. GUY (Minister for Planning) — That is it. They have had three months, and members of the Labor Party come in on a whinge about when they are going to get documents back. In the same way Mr Tee — —

Mr Lenders — On a point of order, President, Mr Tee asked Mr Guy a question about government administration, and in his first answer this year he instantly launched into a diatribe about the opposition. I ask you to hold him to government administration, not an editorial on the opposition.

The PRESIDENT — Order! If we were to accept Mr Tee's line of questioning, then Mr Guy's actions in terms of a release to the media ahead of a release to Mr Tee may well have been considered provocative. People might argue about that. On the events in the house today, the context in which Mr Tee's question was put was provocative in that there was a fair bit of preliminary comment before the question was asked. In that sense we might have expected Mr Guy's initial remarks to have responded to that to some extent. I am sure that Mr Guy will in fairly short time get to the substance of that question.

Hon. M. J. GUY — Those of us on this side of the house are wondering when John Lenders is going to do a Rob Hulls; we are wondering when the gold watch will come out.

The PRESIDENT — Order! I advise Mr Guy that in this house it is not appropriate to refer to a member in that way. It is Mr Lenders or the Leader of the Opposition. The way in which the Christian name was combined with the surname was in fact disparaging, and it is not acceptable in the house.

Mr Jennings — You won't last 20 overs; the big bash won't work!

Hon. M. J. GUY — Goodness me, I have just been flayed with a wet lettuce.

Mr Jennings — I am trying very hard.

Hon. M. J. GUY — Clearly you are, Mr Jennings. That is the terrifying thing for your opponents — you are trying.

I will release material in a clear and transparent manner and in a way which I see as appropriate. If Labor Party members wish to sook, like the former member for Niddrie in the Assembly wished to sook, then they should spend the next three months thinking about what they have clearly thought about for the last three months.

Supplementary question

Mr TEE (Eastern Metropolitan) — I take up the minister's response that he will provide, or release, documents in a way that he deems appropriate. I wonder if in his view it is appropriate that he release the documents to the *Sunday Herald Sun*, but that he does not release them to me?

Hon. M. J. GUY (Minister for Planning) — It is an interesting tack from the Labor Party to attack the *Sunday Herald Sun*, but I simply say to the member that the documents that exist in my possession are not those of Mr Tee. If the documents belong to me, they are mine to release to whomever I choose. If Mr Tee, who has spent three months running around with a cardboard cut-out of a teenage starlet, is now running into this Parliament feigning tears and saying that he wants documents that belong to me, and he arrogantly demands them and says that somehow they belong to the Australian Labor Party, then I find that astounding. But I find that not surprising from a party that has clearly learnt nothing in 14 months.

Manufacturing: government initiatives

Mr KOCH (Western Victoria) — My question without notice is for the Minister for Manufacturing, Exports and Trade, the Honourable Richard Dalla-Riva, and I ask: can the minister outline to the house the coalition government's plans for a strong, successful and important future for the manufacturing industry in this state?

Hon. R. A. DALLA-RIVA (Minister for Manufacturing, Exports and Trade) — I am proud to reaffirm the coalition's commitment to manufacturing in Victoria, and I thank Mr Koch for his commitment. If this state's manufacturers are to continue to compete well in a tough global market, they will need to be

dynamic, innovative and world class in performance and productivity. I stand proud as a member of this government which on 19 December last year released *A More Competitive Manufacturing Industry — Securing Jobs and Boosting Investment*, in which the Victorian coalition government set down the framework in which that can and will happen.

Historically our manufacturing sector has contributed strongly to the state's overall economic growth. Today the sector remains the state's single largest full-time employer and is still a significant source of exports and investment. However, as we know, the times have been getting tougher for the sector, and if we are to strengthen and expand the contribution of manufacturing to our economy into the future, we need all our manufacturers to adopt a high-performance culture.

Manufacturers have to deal with the effects of a high Australian dollar, the growing interdependence of global supply chains, subdued consumer sentiment at home, falling productivity and rising energy costs under a carbon tax. These are the challenges for all our manufacturers. They confront an increasingly tough, some would say even hostile, equation in an intensely competitive global marketplace. As I have pointed out time and again, Victoria's growth in manufacturing has stagnated over the past decade, and that is because there was no clear, coherent strategy from the previous Labor government. There was no strategy in terms of supporting productivity and making this a competitive manufacturing sector.

Just to give a comparison, we see at the federal level that the Prime Minister has banished the important manufacturing portfolio to the outer ministry. This is unfortunate. Manufacturing should not and cannot be a second-tier priority for government — it is too important in creating wealth, employment and investment in this country. With a million jobs at risk in this industry, it is too important for Australia and Victoria. For that reason it has become doubly important for this government to take on the necessary leadership in terms of revitalising Victorian manufacturing.

Our key task is to boost productivity through innovation and smarter production processes. In many cases 'business as usual', which Labor would like to do, will not be good enough. To guide this strategy we commissioned VCEC (Victorian Competition and Efficiency Commission) to conduct a comprehensive inquiry into the sector. This has been the most rigorous, detailed study of the manufacturing sector undertaken anywhere in Australia. The commission's

report *Victorian Manufacturing — Meeting the Challenges* forms the template for the government's new manufacturing strategy.

I say at the outset that VCEC found an unwieldy maze of industry assistance programs which did not deliver effective outcomes for businesses or for taxpayers. That is why we made it very clear that we would reduce the number of programs supporting manufacturers from the unwieldy maze of 32 to 5. We will focus on productivity, achieving new markets, generating innovation and ensuring that manufacturers have the skills they need to compete. As a government we stand proud of our achievements in this sector.

Planning: freedom of information

Mr TEE (Eastern Metropolitan) — My question is again to the Minister for Planning. I refer to the Ventnor documents — which are indeed government documents, not the minister's documents — that have been provided to me pursuant to my FOI request. The documents include a briefing from the department recommending that the minister approve the rezoning, but the documents do not include two earlier briefs from the department. I ask the minister: did the earlier departmental briefs recommend against the rezoning?

Hon. M. J. GUY (Minister for Planning) — I find it astounding that the Australian Labor Party is whingeing about process. The process in relation to FOI is dealt with by the department.

Hon. M. P. Pakula interjected.

Hon. M. J. GUY — Mr Pakula has asked me about his FOI request. What his FOI request has revealed is what the department has given him. The member may not like what the department has given him, but that is not within my prerogative; it is for the department to undertake a proper FOI process. I understand that everything that should have been provided to the member has been, and that has come from the department.

Supplementary question

Mr TEE (Eastern Metropolitan) — It is not a question about process or FOI. The question is about the two briefs that the department provided to Mr Guy which recommended against rezoning the Ventnor land. My question is: will the minister clear this issue and provide the public with the documents so we can all see what information he had at his disposal?

Hon. M. J. GUY (Minister for Planning) — I am sorry, but Mr Tee's question asked about an FOI

process at the very start. His supplementary question relates to his substantive question. Everything the member sought under his FOI request is in the material the member got. I am sorry to say to Mr Tee that he can have his wild conspiracy theories on life, but the truth is that he made a freedom of information request that went through a proper process, which is removed from me, through the department. The department made an assessment of it and provided the member with material. That is the process that the member administered and is the one that I administer.

Higher education: TAFE funding

Mr P. DAVIS (Eastern Victoria) — I direct a question without notice to the Minister for Higher Education and Skills, who is also the Minister responsible for the Teaching Profession. I ask the minister: is it true that Victorian TAFE institutes are facing a funding cut of \$230 million, as was recently claimed by the Victorian TAFE Association?

Hon. P. R. HALL (Minister for Higher Education and Skills) — I thank my colleague Mr Davis for the question because it gives me an opportunity to respond to what I described as mischievous and misleading comments from the Victorian TAFE Association. Currently that association is running around Victoria claiming that the government is about to make substantial cuts to TAFE funding in this state. It is relying on a single recommendation from the report on the fees and funding review conducted by the Essential Services Commission, which has been tabled in this Parliament.

That report made 43 recommendations. One of those recommendations, recommendation 6.9, suggested that the government should consider phasing out the differential paid to TAFE institutes as opposed to non-TAFE providers in this state. It made that particular recommendation on the basis of getting greater transparency in the way training is funded. It would mean that wherever a training program is being funded, whether it is delivered by a TAFE institute, a community provider or a private provider, the cost of the training should be the same. However, the association need look no further than recommendation 6.10, the very next recommendation, which says clearly that the cost of delivery by a public provider should be clearly identified and institutions appropriately recompensed for being public providers where there are identified additional costs. In some cases being a public provider carries additional costs. The cost of labour, for example, is the biggest component of the differential in costs.

I have said they are mischievous comments because the association is choosing to quote in isolation just 1 of the 43 recommendations. The report must be looked at in its entirety rather than picking and choosing recommendations; it contains a suite of recommendations that should be considered simultaneously.

In responding to this question I might add something I have said before. In the 2011–12 financial year we expect to spend \$1.2 billion on training in this state. Never before has that amount of money been spent on training. It has increased from \$800 million in 2008 to \$1.2 billion currently, and we expect it to be closer to \$1.3 billion in the next financial year. Training in this state is receiving record amounts of funding from this government. The commentary from the TAFE association does a big disservice to its membership. Painting a gloomy picture of TAFE provision in this state will do nothing to enhance the reputation of its member organisations.

In my role as the Minister for Higher Education and Skills I am proud of the work and the relationship I have with each of our 18 TAFE institutes. I intend to continue that close association, working with them to ensure that our TAFE institutes thrive in the competitive, demand-driven system introduced by the previous government. The comments from the association certainly do not help in that regard.

Planning: public consultation

Mr TEE (Eastern Metropolitan) — My question is to the Minister for Planning. It relates to the metropolitan planning strategy, which is being developed and which I understand will be called ‘Our State Our Capital’. The Liberal Party’s election commitment was that the strategy was to be based on community engagement. I ask: why has the government abandoned the public consultation process that was due to be announced in December last year?

The PRESIDENT — Order! Did Mr Tee not ask the same question last year?

Mr TEE — No.

The PRESIDENT — Order! Is he sure?

Mr TEE — I am very positive, President. I have not asked a question in relation to the metropolitan planning strategy.

The PRESIDENT — Order! I thank the member for his advice.

Hon. M. J. GUY (Minister for Planning) — It gives me great pleasure to answer this question. Mr Tee has talked about the name ‘Our State Our Capital’. It is interesting because it fits a pattern where Mr Tee comes into the Parliament with material that is utterly — —

Mrs Peulich — He is trying to sound statesman-like.

Hon. M. J. GUY — The material is utterly factually incorrect, Mrs Peulich.

Mr Finn — And not for the first time.

Hon. M. J. GUY — It is not for the first time. Last year Mr Tee called Places Victoria ‘Better Places’. He said the Cape Patterson project was a call-in when it was not. He asked Ms Tierney to speak on a planning scheme revocation that was the wrong one, and he has been protesting at the front of 8 Nicholson Street when I am at 1 Spring Street. The first time I had heard the name ‘Our State Our Capital’ was when Mr Tee mentioned it. I welcome the Labor Party’s suggestion, which Mr Tee is now saying is government policy but which I put on the record as being a figment of the Labor Party’s imagination. It is interesting to note that after three months of trying to devise a question the third question it has come in with is utterly factually incorrect on two fronts; not just on the name but also on the fact that we have somehow ceased public consultation.

The Minister for Public Transport and I together have consulted with nearly 50 councils around Victoria on the metropolitan planning policy, and we are about to commence that consultation again. To come into the Parliament with a name that does not exist and say the government has ended consultation despite it having met with 50 councils says a lot about the Labor Party’s ability to do basic factual research over the last three months.

Supplementary question

Mr TEE (Eastern Metropolitan) — Again the minister has chosen not to answer the question, which was around the important issue of public consultation — not consultation with the councils that the minister necessarily meets with but giving the community an opportunity to engage and provide its views. I ask the minister to take this opportunity to provide an assurance to the Victorian public and to this Parliament that there will be a detailed and genuine public consultation process, not just meetings with those who happen to get into his office — and there are many who complain they cannot do that — or

consultation on the web. Will the minister give the community that assurance today?

Hon. M. J. GUY (Minister for Planning) — I am just starting to think that with Mr Madden, the former Minister for Planning and now member for Essendon in the Assembly, having been involved, it is Tweedledum and Tweedle-Tea.

Mr Tee — On a point of order, President, I object to that reference and I ask that it be withdrawn.

The PRESIDENT — Order! I ask the minister for a withdrawal.

Hon. M. J. GUY — I withdraw.

The PRESIDENT — Order! Thank you. The minister, to continue with his answer.

Hon. M. J. GUY — I find it astounding that Mr Tee said I did not answer his question. He put a name to me that does not exist. I have just told him the answer to that: it does not exist. He has come into the Parliament with false information. That is fact.

In relation to public consultation, we have met nearly four dozen councils, and we have always said we were going to go out this year for public consultation. By the way, I launched this by way of a press release, I launched it by way of a question in this Parliament and I launched it on the website last year. It is not my fault if the member does not read basic government information.

Health: regional and rural infrastructure

Mrs PETROVICH (Northern Victoria) — My question is for the Minister for Health, who is also the Minister for Ageing. Will the minister inform the house of the number of construction and related jobs created in country Victoria by the Baillieu government's announcement in the state budget of a series of local projects around country Victoria?

Hon. D. M. DAVIS (Minister for Health) — I thank the member for her question. Health projects around the state and other government infrastructure projects are important not only in and of themselves — because of the services they will ultimately deliver, in this case to country communities — but also in terms of the economic activity they generate, the jobs they generate and the local activity they provide in communities. This government is very proud to be delivering on its election promises one by one. I will just name a few. This is not the complete list or a comprehensive list; it is just the start. I refer to a number of the key projects in

country Victoria where health projects are delivering and delivering on jobs.

In relation to the Echuca Regional Health expansion, \$40 million will be spent, creating a very significant number of new jobs. The state component of that project will create 120 new jobs. The commonwealth will also contribute to an expanded project there — the redevelopment of the hospital — and there will be more jobs with the commonwealth contribution. The upgrade and enabling works at Geelong Hospital have begun, and the \$8.3 million involved will also create jobs. It is estimated that at Kerang the government's election commitment of \$17.85 million will generate 53.5 full-time equivalent jobs over the period involved. The upgrade of rural ambulance stations — the commitment of \$16 million for that — will create 48 full-time equivalent jobs spread across the state in the various locations involved. The \$2 million for Warragul hospital will contribute to significant activity in that town.

All these projects are moving forward and will begin to create work as they do so. They are projects the government is very keen to have activity associated with. That small list of projects will create well over 230 jobs in the period ahead, jobs that are quite important. As I said, this is not a comprehensive list; it is a list that just gives the community some understanding of the significance of projects such as health projects in country Victoria and the importance of the jobs they will create, both locally and in the supply chain.

Planning: ministerial interventions

Mr TEE (Eastern Metropolitan) — My question is to the Minister for Planning. I refer to the Liberal Party's election commitment requiring an annual statement to Parliament on the use of ministerial interventions. After nearly 15 months there have been 137 ministerial interventions but no statement to Parliament. I ask the minister: what is the reason for the delay?

Hon. M. J. GUY (Minister for Planning) — There was a public statement last year; that was certainly public. Mr Tee might want to look on the website; he might find some material. Mr Tee mentioned the Liberal Party's election policy on planning. It was not lost on a lot of people here that despite 11 years in government, Labor did not even have a policy on planning. The party that was trying to seek re-election after 11 years in government could not even be bothered to issue a policy on planning.

There is a lot for me to read in terms of previous metropolitan planning policies and other planning material that we are going through in order to get planning right in the state of Victoria and the city of Melbourne. Releasing details on call-ins and on council information and other things is something to which we committed and something that we will be doing. The reason we will be doing this is that the Baillieu government, which released a comprehensive planning policy, will get planning right. We will release that information, as stated in the election policy documentation, so that, unlike the situation with the Brumby and Bracks governments, Victorians will know the details of what is happening in planning, and they will know it for all the right reasons.

Honourable members interjecting.

The PRESIDENT — Order! I am finding it a bit tiresome to hear the name of a federal member being bandied about by way of interjection. I do not understand the relevance to the matters that are before the house, and I think the way in which the name has been bandied about is fairly disrespectful. I have already pulled up the minister on that issue, and I do not expect to hear the federal member's name bandied about again.

Supplementary question

Mr TEE (Eastern Metropolitan) — The papers office has confirmed that there has been no annual statement to Parliament, as per the government's election commitment, to provide a detailed list of external lobbyists, meetings with the minister and so on. That information has not been provided to Parliament. Was the minister's answer that that information is out there; and if it is not, when will the minister provide the annual statement to Parliament as promised in his election commitment?

Hon. M. J. GUY (Minister for Planning) — That is a fair question. I noted your point before, President, about federal MPs' names being bandied about in this chamber. I happen to have one on my desk as well — a Kevin07 symbol, which I wondered — —

The PRESIDENT — Order! The minister knows my attitude on that and is within an inch of being thrown out. My attitude on this is crystal clear: I simply will not accept it. The minister, to continue on his answer with a little bit more respect for the house.

Hon. M. J. GUY — Thank you, President. If I can return to what was asked of me, it should be remembered that this government has three years to implement its election documentation. That was quite a

specific election pledge; one that was not made by our political opponents. It is one that obviously will be implemented by this government and one that I would say sets a new benchmark for planning in Victoria. It sets a new benchmark for how planning will be put forward as a public policy and where information will be given to the public so that we are accountable to the Parliament. It is a commitment that this government will honour very soon, and it is one that I will have unique satisfaction in presiding over, given the mess of the planning system that I inherited.

Technology sector: investment

Mr RAMSAY (Western Victoria) — My question is directed to the Minister for Technology, the Honourable Gordon Rich-Phillips, and I ask: can the minister report on progress in the technology sector during 2011, especially in creating jobs and attracting local and international investment to the state?

Hon. G. K. RICH-PHILLIPS (Minister for Technology) — I thank Mr Ramsay for his question and his interest in the development of the technology sector in Victoria. Notwithstanding the challenges of the global economic environment and the Australian economic environment, the technology sector in Victoria remains buoyant. It is a sector in which companies are continuing to invest. The technology sector in Victoria, which incorporates ICT, biotechnology and small technologies, contributes more than \$40 billion in turnover to the economy, generates more than \$3 billion in exports and employs more than 100 000 Victorians directly and many more in downstream jobs.

We have continued to have great success in attracting investment in the sector over the past 12 months. Some of the companies that have announced or set up operations here in Victoria over the course of 2011 include Attachmate, which announced that its Asia-Pacific headquarters will be based here in Victoria, creating 40 jobs; Ascent Pharmahealth, which announced a \$20 million investment creating 100 jobs; Zendesk, which announced its Asia-Pacific headquarters will be here in Victoria, generating 20 jobs; Juniper Networks with 50 jobs; VanceInfo with an Australian and New Zealand headquarters here in Victoria and 100 jobs; DB Results with an Australian headquarters here in Victoria and 100 jobs; NBNC Co, which announced an additional 200 jobs on top of previous jobs announcements in Victoria; and there are more to come.

Last year the Victorian government was very pleased to work with Victorian ICT and life sciences companies to

attract more than 800 new jobs to the technology sector, and we expect that trend to continue this year. It highlights the fact that Victoria remains a good destination for investment from the technology sector, that the Victorian economy remains buoyant and that Victoria remains open for business.

Housing: rent increases

Ms HARTLAND (Western Metropolitan) — My question today is to the Minister for Housing, Minister Lovell. In the 2010 election the coalition government promised to reduce the cost of living, so I was quite shocked to hear that pensioners who have received an increase from the federal government will now have their Office of Housing rents increased from \$76.35 a week to \$86.10. This is for single aged pensioners on an income of less than \$360 a week and is an increase of some \$500 a year. For the government I understand this will mean an extra \$26 million. I do not understand why the government is doing this. We are talking about vulnerable older people. Will the government reconsider this decision and reverse its rent increase for aged pensioners?

Hon. W. A. LOVELL (Minister for Housing) — I thank the member for her question. In Victoria we conduct two rent reviews each year as part of the normal calculation of public housing rents, particularly for rebated tenants, who get a subsidy for their rent. We have announced that from 12 February the \$30 pension increase that occurred in 2009 will be included in rent calculations for pensioners. We have done that because this is about restoring fairness and equity to the system. Only some single pensioners had actually received that \$30 increase; it did not go to pensioner couples or many other pensioners who were still paying a full 25 per cent of their income in rent. Rent remains at 25 per cent of income, and the change is not going to be backdated. However, it is about restoring equity to the system because, as I said, only some pensioners received that \$30.

Victoria is the fifth state to include this \$30 increase in rent calculations, following Tasmania, South Australia, Western Australia and New South Wales. If we go through the history, we can see that in September 2009 the federal government granted a \$30 pension increase to single pensioners, admitting it did not think that increase was enough and asking state governments to subsidise the amount by excluding that \$30 from the calculations of public housing rents. Unfortunately that was not extended to community housing organisations for single pensioners in community housing or to those in private rental housing. While some public housing tenants were getting a greater subsidy than other public

housing tenants, they were also getting a greater pension increase from the federal government than those pensioners in private rental or community rental housing.

Let us look at the history of including the \$30 in rent calculations. As I said, we are the fifth state to do this. The first was South Australia; a Labor government included it in March 2011.

Hon. M. P. Pakula — How is that relevant?

Hon. W. A. LOVELL — Mr Pakula asks how that is relevant. I am just going through the history. The federal government asked the states not to include the amount in rental income in perpetuity. The states agreed to a 12-month quarantining but not to continuing the arrangement in perpetuity. South Australia included it in March 2011.

The second state government to include it was a coalition government in Western Australia. The third state government to do so was also a coalition government but not in Victoria or New South Wales; it was the coalition in Tasmania. The coalition between Labor and the Greens included the \$30 in rent calculations.

If we go back in history, we see that when the states were asked to exclude this increase from rent calculations the then Labor government in Tasmania said it would exclude it indefinitely. It said that in October 2009, but what happened in March 2010? There was an election, and a coalition between Labor and the Greens was formed. Then in July 2011 who was the minister responsible for housing in Tasmania who imposed this heinous thing on Tasmanians? It was the leader of the Greens, Nick McKim, who included this amount in rent calculations. He not only included the \$30 in rent calculations from 1 August 2011 but in October 2011 upped the percentage.

The PRESIDENT — Time!

Supplementary question

Ms HARTLAND (Western Metropolitan) — I thank the minister. The question I was asking was actually about her government, not every other government in Australia. Having worked in an Office of Housing high-rise block with single, older pensioners, I know how vulnerable they are to rent increases. I still do not understand how it is that this government can say it wants to cut the cost of living but is prepared to increase elderly people's rents. Can the minister tell me how many households across the state will be affected by this?

Hon. W. A. LOVELL (Minister for Housing) — The coalition is very aware of the impact that any increase in cost has on pensioners in this state. We considered this carefully. In fact we contacted the federal government and asked it to compensate Victoria for the additional cost to the state that this represented, but the federal government declined to do that. We extended the quarantine period for a further 12 months in respect of the \$30, but in the interests of fairness and equity we decided to include it in rent calculations from 12 February this year. The money will be reinvested in the acquisition and maintenance of public housing to ensure that we can supply public housing for people in Victoria, and maintain the properties that people are living in.

Planning: bulky goods outlets

Mr ONDARCHIE (Northern Metropolitan) — My question is to the Minister for Planning, the Honourable Matthew Guy, and I ask the minister: what action has the Baillieu government taken to reform planning around bulky goods retailers, and what impact will any changes in that area have on jobs in Victoria?

Hon. M. J. GUY (Minister for Planning) — It is with great pleasure that I inform the house about a recent reform that this government has made to the planning system in Victoria which will aid jobs growth in this state inexorably. I recently signed VC 88, as you, President, as a member of the vanguard of change in the area of jobs growth would be aware, for the new format retail reforms, bulky goods reforms, which will see hundreds of new retail jobs and construction jobs come to Victoria as a result. The VC 88 reforms will remove floor space caps, they will expand the definition within the planning system to give greater clarity and to provide for more users and flexibility, confirming that this government will not shut out bulky goods retailers from industrial zones.

This is good news. It is about jobs growth for Victoria. Officeworks has said that as a result of the Baillieu government reforms there will be 10 new stores and 525 new jobs. Associated Retailers Ltd, which manages Toyworld, Compleat Angler, Camping World, Sports Power and SportsScene, has said it will open 40 new stores, creating up to 880 jobs. PETstock has said that 18 of 26 new stores nationwide will now be earmarked for Victoria, which will mean 200 new jobs. Beacon Lighting and Baby Bunting are also positive around the same thing: jobs growth for Victoria as a result of Baillieu government reforms. These are not the only new jobs that are being created, as we know, in this state.

Hon. M. P. Pakula — Here we go; this will be hilarious!

Hon. M. J. GUY — I notice Mr Pakula interjects, and I would like to take him up on it, because he now has a shadow parliamentary secretary — a new job. We have two Labor scrutiny-of-government people, both living in Bayside representing the western suburbs, talking about the proletariat revolution while having a cafe latte in Hampton and trying to work out how they are going to bring down the government from Bay Street in Brighton. We on this side welcome the two new jobs the opposition has created: one for Mr McGuire, the member for Broadmeadows in the other place, and of course one for the intellectual giant, John Eren, the member for Lara in the Assembly. We would like to welcome him — —

The PRESIDENT — Order! I have two problems with this. The first is that I think it does a disservice to the minister's substantive answer to the question, which is about what is probably very good news from a government perspective. For the minister to be discussing the opposition generally for such a length of time does him a disservice and is certainly not within my expectations for responses to the Parliament. More importantly, to then reflect disparagingly on a member in another place — in this case, Mr Eren, the member for Lara — is from my point of view unparliamentary. I ask the minister to withdraw that reference.

Hon. M. J. GUY — I withdraw that. President, as you would know, this is good news — and I am excited about job growth in Victoria. I am very excited about the job growth that the Baillieu government is bringing forward through the planning system. It is important to use the planning system proactively as a measure for job growth. As I said, removing those floor-space caps frees up what has been a very constricted industry in Victoria to provide the most liberal interpretation of bulky goods site zoning in Australia, which will be a conduit to job growth.

Confirming that we will not shut out these operators from industrial zones is very important. The opposition said that this would lead to the end of manufacturing in those zones. That is very interesting and another factual mistake — because they are already allowed in that current zone, and they were allowed in it under the previous government. The opposition clearly did not know its facts, yet again. The expanded definition will allow new stores to open in these locations. We will see hundreds of jobs being created, and we will see them as a direct result of the Baillieu government reforming planning in Victoria, providing a proactive solution and

a proactive method of getting job growth for this state for the future.

QUESTIONS ON NOTICE

Answers

Hon. D. M. DAVIS (Minister for Health) — I have answers to the following questions on notice: 636–7, 670, 677, 791, 2429–31, 2444, 2462, 2485–7, 2542, 2623, 2659, 2680, 3050–145, 3243, 3372–467, 4021, 4024, 4026–7, 4057, 4060, 5304–495, 5592–687, 6168–647, 6744–7031, 7128–319, 7608–703, 7992–8087, 8090, 8139, 8141–2, 8148–9, 8157–8, 8160, 8170–5, 8177, 8189–92, 8194–5.

PRODUCTION OF DOCUMENTS

Mr BARBER (Northern Metropolitan) — I desire to move, by leave:

That there be laid before this house a copy of the —

- (a) agreement between the state of Victoria and HRL Developments (IDGCC) Pty Ltd for Victorian government funding for the large-scale integrated drying gasification and combined cycle demonstration project; and
- (b) deed of amendment to the large-scale integrated drying gasification and combined cycle demonstration project funding agreement.

Leave refused.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 1

Mr O'DONOHUE (Eastern Victoria) presented *Alert Digest No. 1 of 2012, including appendices.*

Laid on table.

Ordered to be printed.

PAPERS

Environment Protection Act 1970 — Sustainability Fund Guidelines, February 2012, pursuant to section 70C(2).

Interpretation of Legislation Act 1984 — Notice pursuant to section 32(3)(a)(iii) in relation to Statutory Rule Nos. 128 and 134/2011.

Legal Profession Act 2004 — Practitioner Remuneration Order 2012.

Parliamentary Contributory Superannuation Fund — Actuarial Investigation as at 30 June 2011.

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

Banyule Planning Scheme — Amendment C79.

Bass Coast Planning Scheme — Amendments C93, C100 and C123.

Baw Baw Planning Scheme — Amendments C44 Part 2A and C65.

Boroondara Planning Scheme — Amendments C112, C130 and C141.

Brimbank Planning Scheme — Amendment C124.

Campaspe Planning Scheme — Amendment C82 Part 1.

Cardinia Planning Scheme — Amendments C149 and C166.

Casey Planning Scheme — Amendment C156.

Darebin Planning Scheme — Amendment C115.

East Gippsland Planning Scheme — Amendments C94, C97 and C102.

Frankston Planning Scheme — Amendment C81.

Glen Eira Planning Scheme — Amendments C94 and C97.

Glenelg Planning Scheme — Amendment C64.

Golden Plains Planning Scheme — Amendments C40 Part 2 and C51.

Greater Dandenong Planning Scheme — Amendments C125, C129 and C146.

Greater Geelong Planning Scheme — Amendments C222 and C244.

Greater Shepparton Planning Scheme — Amendments C122, C137 and C153.

Horsham Planning Scheme — Amendment C51.

Kingston Planning Scheme — Amendment C120.

Latrobe Planning Scheme — Amendments C12 and C58.

Macedon Ranges Planning Scheme — Amendments C73 and C77.

Manningham Planning Scheme — Amendment C86.

Maribymong Planning Scheme — Amendments C43 and C97.

Mitchell Planning Scheme — Amendment C64.

Moira Planning Scheme — Amendments C61 and C65.

- Monash Planning Scheme — Amendment C109.
- Moonee Valley Planning Scheme — Amendments C99 Part 1 and C107.
- Moreland Planning Scheme — Amendments C112 Part 2, C121 and C127.
- Mornington Peninsula Planning Scheme — Amendments C91, C100, C109, C126 Part 1, C126 Part 2 and C164.
- Nillumbik Planning Scheme — Amendment C64.
- Port Phillip Planning Scheme — Amendment C72.
- South Gippsland Planning Scheme — Amendments C56 and C60.
- Southern Grampians Planning Scheme — Amendment C18.
- Stonnington Planning Scheme — Amendments C117, C118, C127, C142 and C159.
- Strathbogie Planning Scheme — Amendment C44.
- Surf Coast Planning Scheme — Amendments C67 and C69.
- Towong Planning Scheme — Amendment C19.
- Victoria Planning Provisions — Amendment VC88.
- Wangaratta Planning Scheme — Amendments C4 and C35.
- Wellington Planning Scheme — Amendment C64.
- Whitehorse Planning Scheme — Amendment C144.
- Whittlesea Planning Scheme — Amendments C138 and C145.
- Wodonga Planning Scheme — Amendments C80, C81 and C90.
- Wyndham Planning Scheme — Amendment C153.
- Yarra Ranges Planning Scheme — Amendment C116.
- Racing Act 1958 — Amendments to the Constitution of Racing Victoria Limited.
- Special Investigations Monitor —
- Report 2010–11, pursuant to section 39 of the Crimes (Controlled Operations) Act 2004 in relation to the Office of Police Integrity.
- Report 2010–11, pursuant to section 39 of the Crimes (Controlled Operations) Act 2004 in relation to Victoria Police.
- Statutory Rules under the following Acts of Parliament:
- Chattel Securities Act 1987 — No. 166/2011.
- Children, Youth and Families Act 2005 — No. 152/2011.
- Children’s Services Act 1996 — No. 162/2011.
- County Court Act 1958 — No. 156/2011.
- Crown Proceedings Act 1958 — No. 151/2011.
- Education and Care Services National Law Act 2010 — No. 161/2011.
- Education and Training Reform Act 2006 — No. 165/2011.
- Essential Services Commission Act 2001 — No. 155/2011.
- Estate Agents Act 1980 — No. 163/2011.
- Flora and Fauna Guarantee Act 1988 — No. 147/2011.
- Infringements Act 2006 — No. 160/2011.
- Livestock Management Act 2010 — No. 158/2011.
- Magistrates’ Court Act 1989 — Nos. 149, 150/2011 and 2/2012.
- Mineral Resources (Sustainable Development) Act 1990 — No. 154/2011.
- National Parks Act 1975 — No. 148.
- Offshore Petroleum and Greenhouse Gas Storage Act 2010 — No. 153/2011.
- Prevention of Cruelty to Animals Act 1986 — No. 157/2011.
- Residential Tenancies Act 1997 — No. 164/2011.
- Sentencing Act 1991 — No. 159/2011.
- Subordinate Legislation Act 1994 — Nos. 142, 143 and 144/2011.
- Victims of Crime Assistance Act 1996 — No. 145/2011.
- Victorian Civil and Administrative Tribunal Act 1998 — No. 1/2012.
- Victorian Energy Efficiency Target Act 2007 — No. 146/2011.
- Subordinate Legislation Act 1994 —
- Documents under section 15 in respect of Statutory Rule Nos. 136, 138, 139, 140, 142 to 151, 153, 154, 156 to 160 and 163 to 165/2011 and 1 and 2/2012.
- Legislative Instruments and related documents under section 16B in respect of —
- A Declaration of 20 December 2011 of the Declared Scheme Capacity Day made under section 40FE of the Electricity Industry Act 2000.
- A Declaration of 21 December 2011 of a Discount Factor made under section 19 of the Victorian Energy Efficiency Act 2007.

A Declaration of 14 January 2012 of a Variation to the Road Safety (Vehicles) Regulations 2009 made under section 96A of the Road Safety Act 1986.

A Determination of 20 December 2011 of Premises Not Constituting Retail Premises made under the Retail Leases Act 2003.

Instruments of Revocation of 20 December 2011 and 21 December 2011 made under section 5.2.1(2)(b) of the Education and Training Reform Act 2006.

Ministerial Order No. 514 made under the Education and Training Reform Act 2006.

16 Varied Permanent Water Saving Plans made under section 170B of the Water Act 1989 and section 78K of the Water Industry Act 1994.

2012 Fares Amending Conditions (General) and (Myki) made under section 220D of the Transport (Compliance and Miscellaneous) Act 1983.

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

Children's Services Amendment Act 2011 — Remaining provisions — 1 January 2012 (*Gazette No. S423, 21 December 2011*).

Consumer Affairs Legislation Amendment (Reform) Act 2010 — Remaining provisions of Part 7 (except section 57(2)) — 1 March 2012; section 64 — 1 January 2012 (*Gazette No. S423, 21 December 2011*).

Domestic Animals Amendment (Puppy Farm Enforcement and Other Matters) Act 2011 — Whole Act — 1 January 2012 (*Gazette No. S423, 21 December 2011*).

Education and Care Services National Law Act 2010 — Remaining provisions of part 2 and sections 17 and 19 and the remaining provisions of the Schedule to that Act (except sections 70(d), 152, 153(2) to (4), 154 to 159, Division 6 of part 5, sections 172(d), 266 to 268 and 270(1)(d), (2), (3) and (4)) — 1 January 2012 (*Gazette No. S423, 21 December 2011*).

Electricity Industry Amendment (Transitional Feed-in Tariff Scheme) Act 2011 — 1 January 2012 (*Gazette No. S407, 13 December 2011*).

Energy Legislation Amendment (Bushfire Mitigation and Other Matters) Act 2011 — 1 January 2012 (*Gazette No. S407, 13 December 2011*).

Gambling Regulation Amendment (Licensing) Act 2011 — Sections 4 to 7, 9 to 12, 19, 21, 22, 25 to 29, 33 to 37, 39, 40, Division 2 of Part 2 and Part 5 — 22 December 2011 (*Gazette No. S423, 21 December 2011*).

Liquor Control Reform Further Amendment Act 2011 — Part 1 and sections 8, 9(1), 9(2) and 31 — 13 December 2011 (*Gazette No. S407, 13 December 2011*).

Personal Property Securities (Statute Law Revision and Implementation) Act 2010 — Sections 8 and 12 to 14 — 1 January 2012; remaining provisions — 30 January 2012 (*Gazette No. S423, 21 December 2011*).

Road Safety Amendment (Hoon Driving and Other Matters) Act 2011 — Sections 11, 13 to 17 and 22 — 30 January 2012 (*Gazette No. S423, 21 December 2011*).

Sentencing Amendment (Community Correction Reform) Act 2011 — Part 2 (except section 49), section 68, Part 5 (except sections 96 and 101 to 106) and Parts 6 and 7 — 16 January 2012 (*Gazette No. S423, 21 December 2011*).

Sentencing Legislation Amendment (Abolition of Home Detention) Act 2011 — 16 January 2012 (*Gazette No. S423, 21 December 2011*).

Transport Legislation Amendment (Marine Safety and Other Amendments) Act 2011 — 1 January 2012 (*Gazette No. S423, 21 December 2011*).

Transport Legislation Amendment (Public Transport Development Authority) Act 2011 — Parts 2 and 3 and sections 5(1) to (3), 6 to 8, 10 to 20, 22, 23(5), 24(2) and (3), 25 and 31 — 15 December 2011 (*Gazette No. S407, 13 December 2011*).

Victorian Commission for Gambling and Liquor Regulation Act 2011 — 6 February 2012 (*Gazette No. S423, 21 December 2011*).

BUDGET UPDATE

Report 2011–12

The Clerk, pursuant to Financial Management Act 1994, presented budget update for 2011–12.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Budget estimates 2011–12 (part 2)

The Clerk, pursuant to Parliamentary Committees Act 2003, presented government's response.

PRODUCTION OF DOCUMENTS

The Clerk — I have received a letter dated 6 February 2012 from the Minister for Innovation, Services and Small Business, who is also the Minister for Tourism and Major Events.

Letter at page 43.

Ordered that letter be considered next day on motion of Ms PENNICUIK (Southern Metropolitan).

BUSINESS OF THE HOUSE**General business**

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

That precedence be given to the following general business on Wednesday, 8 February 2012:

- (1) notice of motion 239 standing in the name of Mr Tee to revoke amendment C86 to the Hobsons Bay planning scheme;
- (2) notice of motion given this day by Mr Barber relating to the introduction of the Road Safety Amendment (Car Doors) Bill 2012;
- (3) notice of motion given this day by Mr Barber relating to the production of certain documents in relation to the Northern Victoria Irrigation Renewal Project;
- (4) notice of motion given this day by Mr Lenders relating to government maladministration;
- (5) notice of motion given this day by Ms Pennicuik to take note of documents relating to the Australian Grand Prix Corporation.

Motion agreed to.

MEMBERS STATEMENTS**Bushfires: Black Saturday anniversary**

Ms BROAD (Northern Victoria) — Today is the third anniversary of the 2009 bushfires. On behalf of all of the communities I represent across Northern Victoria Region, I wish to acknowledge the lives of the 173 people who perished in our worst ever natural disaster and the families and communities who survived and are rebuilding.

Today is a difficult time for communities affected by bushfires and those who lost loved ones in the disaster. Many communities have events planned for today, and some have already held events so people can gather, remember and reflect on the events that took place. It is indeed fitting that this Parliament remembers and reflects and that we renew our commitment to providing support for families and communities who are rebuilding and whose lives are forever changed. In the case of the Baillieu government, it is important that it renews its commitment to implement all the recommendations of the 2009 Victorian Bushfires Royal Commission.

Bushfires: Black Saturday anniversary

Hon. W. A. LOVELL (Minister for Housing) — I also rise to pay my respects on the third anniversary of the horrific bushfires that ravaged Victoria on 7 February 2009. A well-quoted phrase is that ‘time heals all wounds’. Perhaps it will with the passing of generations, but for now the third anniversary of the Black Saturday bushfires will hit hard for those who lost family, friends and neighbours on that horrific day.

My electorate was at the forefront of the crisis and, like many, I mourn the loss of friends. Allan and Carolyn O’Gorman of Humevale lost their lives in the fires, along with their 18-year-old son Stuart. They left behind twins, Patrick and Bronwyn, who will forever live with the memory of the day on which those intense fires claimed the lives of 173 Victorians, including their parents and brother. My thoughts today are with Pat and Bron and all others who lost loved ones in the fires.

Three years on many communities are still working hard to return to normal. In my electorate alone there is Bendigo, Redesdale, Kilmore, Wandong, Kinglake, Healesville, Narbethong, Buxton, Murrindindi, Flowerdale and Mudgegonga. The list is long, and it is almost a rollcall of all of regional Victoria.

I will never forget the devastation of the once beautiful town of Marysville, which was scarred beyond recognition, or how proud I was of the people who vowed to stay and return this special place to its former glory. While time may dull the pain, it will not erase it. It is essential that we remember not only those who were lost but also those who bravely fought the fires and those who survived. We will live with the memory of 7 February 2009 for the rest of our lives.

Bushfires: Black Saturday anniversary

Mr BARBER (Northern Metropolitan) — I would also like to speak on the third anniversary of the 2009 Black Saturday tragedy, which we appropriately recognised when we commenced parliamentary proceedings today. This was the worst fire tragedy in Australia’s history. We can only hope and pray there will never be another like it.

While we can measure the passage of time back from this third anniversary, it is a lot harder to measure, in some ways, the recovery from the fires. We have measured the amount of bricks and mortar that have been replaced since the fire. We can observe the recovery of the environment, but in terms of many human factors it is a lot harder to measure the progress of recovery. I know from my experience of talking to

friends and acquaintances who were affected by the fires that in many cases it is like yesterday for them. They still live in flight mode because small events in their daily lives can trigger those same feelings and dramatic experiences they hold. We should all do our best to help them as the years go by.

Australia Day: South Eastern Metropolitan Region

Mr TARLAMIS (South Eastern Metropolitan) — Most municipalities across Australia recognise and honour local groups and residents who have made significant contributions to their communities by awarding Australia Day awards each year. I take this opportunity to congratulate those in my region who received awards this year.

The City of Casey Citizen of the Year award went to Therese Howell; the Young Citizen of the Year award went to Thomas Niazmand; the Senior Citizen of the Year award went to Bette Clydesdale; the Sportsperson of the Year award went to Juan Carlos Loyola, OAM; the Non-resident of the Year award went to Brenda Chessum; the 2011 Community Event/Activity of the Year Award went to Narre Warren North Christmas carols; and the 2011 Community Fundraising Event/Activity of the Year Award went to Casey Cardinia Relay for Life.

The City of Kingston Citizen of the Year award went to Thelma Mansfield; Brian Lowe received the Outstanding Citizen of the Year award; Jack Styles received the Young Citizen of the Year award; Matt's Place, a project initiated by Bayside community church and St Mathew's and St Chad's churches, received the Community Group of the Year award; *KYSS Magazine*, which stands for Kingston youth services supplement, received the Young Community Group of the Year award. I also acknowledge central ward councillor Ron Brownlees, who was awarded an Order of Australia medal for his service to local government and countless community groups and health-care organisations.

The Frankston City Council award for Citizen of the Year went to Gwen Dearsley and the Young Citizen of the Year award went to Kimberley Pellosis. The City of Greater Dandenong Citizen of the Year award went to Joe Rechichi; the Good Neighbour of the Year award went to Carma Keast; the Young Achiever of the Year award went to Victor Victor; the Non-resident of the Year award went to John Crichton; and Ken Grenda, AM, of Grenda Transit Management corporation won the Corporate Citizen of the Year award.

There are many unsung heroes in our communities who do not receive official recognition for their extraordinary contributions, so I take this opportunity to thank them also.

Bushfires: Black Saturday anniversary

Mr O'DONOHUE (Eastern Victoria) — Today is the third anniversary of Black Saturday, which was a human and environmental tragedy that claimed 173 lives, destroyed over 2000 homes and sadly continues to haunt many people throughout bushfire-affected communities to this day.

In my electorate of Eastern Victoria Region there were multiple fires during that period. The central Gippsland fire claimed 11 lives and burnt over 25 000 hectares and in excess of 140 homes. The Bunyip State Park fire — also referred to as the Bunyip Ridge fire — burnt over 26 000 hectares and destroyed 31 homes. At one stage that fire threatened towns such as Drouin and Longwarry and burnt much of Jindivick, Labertouche and Tonimbuk. Other areas such as Upper Ferntree Gully and Warburton suffered from fire or the threat of fire.

Crisis or natural disaster can bring out the best in people, and I pay tribute to all those who risked their lives fighting fires and who helped in the aftermath and reconstruction. Some of the stories of heroism and generosity I have been told or have seen firsthand are truly remarkable. Sadly, many people continue to struggle with the impact of the fires and the individual circumstances the fires have created. Relationships have been stretched and some have not been able to withstand the stress and pressure. Some businesses and families have struggled to rebuild.

The third anniversary of Black Saturday is an opportunity to reflect on the tragic human loss, to give thanks for the generosity and bravery of the community in the face of adversity, and to acknowledge the ongoing challenges faced by many as a result of that horrific series of events.

Planning: public consultation

Mr TEE (Eastern Metropolitan) — Over the last two weeks I have visited a number of communities where people are increasingly fearful that their neighbourhood and their way of life are under threat. These communities are situated close to green wedges and the threat comes from a secret Logical Inclusions Advisory Committee report which has been on the desk of the Minister for Planning since November last year. The communities include Attwood where there is a

proposal to turn the green wedge into an industrial park with trucks, noise, pollution, congestion and so on. At Doreen there is a concern that trees that have survived 200 years of European settlement are under threat. In Sunbury valuable green space is under threat. These communities are some of many that are concerned that the lungs of Melbourne are under threat and that once they are gone, they are gone forever.

Of particular concern is the report which is with the Minister for Planning and which he has refused to make available, despite many requests. Instead, he will release his response without any community consultation. Those communities have asked me to urge the Minister for Planning to stop and think, to come and visit their communities and talk to them before he makes a decision that will change the character of their neighbourhoods and their way of life.

Bushfires: Black Saturday anniversary

Mr ONDARCHIE (Northern Metropolitan) — Today, as others have indicated, is the third anniversary of the tragic Black Saturday bushfires. Part of the area that was affected in my electorate is near where I live. I still remember the very first moment on that Saturday afternoon. Tonight there are events right around Victoria, particularly in Whittlesea and at Whittlesea Secondary College and Plenty Valley Christian College. People involved with both those schools were affected by the fires and they lost friends and loved ones. The traumas, the emotions and the rawness is still there for them, and they will be paying tribute today. My children spent time after the fires farewelling their friends; try explaining to teenagers that their friends have died in a fire.

On a recent Sunday, smoke appeared in both Strathewen and Doreen. My heart skipped a beat and I stopped and held my breath for a moment as I experienced an all-too-familiar feeling. It provided a time for me to reflect, though, on those 173 lives lost, those that have been lost since and those who survived. I also reflected on the emergency services personnel who helped and those volunteers who came out to help locally, nationally and internationally. Whilst the physical rebuild is under way, members should note that the emotional rebuild has a long way to go. Tragically there are people on the mountain who, because of depression, are still taking their own lives.

I pay tribute to those still serving those fire-affected communities — members of the Country Fire Authority, our councils and our emergency services. I pay particular tribute to John Graham at the Diamond

Valley Baptist Church who gave up his career and still works today for the benefit of those communities.

Bushfires: Black Saturday anniversary

Ms MIKAKOS (Northern Metropolitan) — I too wish to place on record my sympathy for the victims of the Black Saturday bushfires, today being the third anniversary of those fires. I assure them that their pain and continuing suffering is not forgotten.

Rob Hulls

Ms MIKAKOS — I also wish to pay tribute to the former Deputy Leader of the Opposition in the Assembly, Rob Hulls. Through 16 years of parliamentary service and through the various portfolios he managed, including as Attorney-General and Deputy Premier, Rob Hulls leaves behind an enormous record of achievement, which has included the establishment of the Koori Court; greater support for victims, including victims of domestic violence; eliminating discrimination and the introduction of the Victorian Charter of Human Rights and Responsibilities.

I believe he was Victoria's best Attorney-General, and I was proud to work as his parliamentary secretary for five years. His hard work and passion for helping others has made Victoria a better and fairer place. I wish Rob, Carolyn and their children all the very best for the future.

Courts: legal year opening

Ms MIKAKOS — On another matter, over the years I have attended many observances of the opening of the legal year. This year on 30 January I had the pleasure of attending the International Commission of Jurists (Victoria) community observance at the County Court. Master of ceremonies was the Honourable Justice Lex Lasry, president of the ICJ. Speakers included Professor Carolyn Evans from Melbourne University and Father Frank Brennan, SJ, as well as students from MacRobertson Girls High School.

The observance of the opening of the legal year is a longstanding tradition, and I thank the organisers of the various observances for their work. It allows us to reflect on the partnership of the community and the legal profession in working towards a just society.

Bushfires: Black Saturday anniversary

Mr KOCH (Western Victoria) — In marking the third anniversary of the devastating Black Saturday bushfires we remember all 173 people who lost their

lives and all those who continue to suffer as a result of that dreadful day. We also remember with grateful thanks the tireless effort of essential services personnel and the many thousands of volunteers who fought the fires and helped in the recovery.

Although no loss of life occurred in Western Victoria, a local Coleraine man suffered burns to 50 per cent of his body while moving livestock. This fire destroyed 770 hectares of farming land, housing, farm buildings, machinery, livestock and in excess of 200 kilometres of fences. It also devastated Coleraine's Avenue of Honour. The Pomborneit fire burnt 1300 hectares, destroying livestock, fencing, outbuildings and over 3000 sleepers on the rail line between Geelong and Warrnambool. Fire swept through 5700 hectares at Horsham affecting 350 properties while consuming eight homes and destroying facilities at the Horsham Golf Club.

In many affected areas across the state the recovery process continues with ongoing planning and reconstruction. A sod-turning ceremony was held recently to mark the beginning of the rebuilding of the Horsham golf course clubhouse, which was destroyed on Black Saturday. New facilities are now under construction with a significant contribution of \$1 million from the state government to assist in its restoration. The Black Saturday tragedy will not be forgotten. Community resilience and the generosity of Victorians in the face of adversity are hallmarks of our state.

Bushfires: Black Saturday anniversary

Mr ELASMAR (Northern Metropolitan) — It is always sad to remember something like a bushfire, because you have to think about the people who lost their lives and the loved ones who were there but could not help them. The only thing you can do is add your voice to those of your colleagues and send your condolences again to those people who lost their loved ones.

Australia Day: City of Darebin

Mr ELASMAR — On another matter, along with several of my parliamentary colleagues I attended the Australia Day citizenship ceremony hosted by Darebin City Council. The mayor, Cr Steven Tsitas, and his fellow councillors made us all most welcome, and later we were able to talk with our new Australian citizens over refreshments. I congratulate the mayor, his fellow councillors and the officers of Darebin council for making the day so pleasurable. There were many important dignitaries present, but to my mind the most

important of all were the citizenship recipients — men, women and children — who I am sure will make splendid contributions to the future of Victoria.

Egypt: revolution anniversary

Mr ELASMAR — On another matter, I attended a reception to celebrate the first anniversary of the 25 January revolution of the Arab Republic of Egypt. The Consul General, His Excellency Mohamed Khairat, officiated at the ceremony, which was held at the official residence of the Egyptian consulate.

Bushfires: Black Saturday anniversary

Mr P. DAVIS (Eastern Victoria) — Like members before me I would like to make some brief remarks about the third anniversary of Black Saturday. As has been said on many previous occasions, it is with heartfelt regret that observe this tragic event when 173 lives and more than 2000 homes were lost, thousands of lives were traumatically impacted upon in relation to grieving for the deceased and the injury and stress associated with the events of Black Saturday. It is not enough to say a few words; it is more relevant for there to be action.

I regret bitterly that it appears the lessons of Black Saturday, and the lessons of the fires over the preceding decade, have already been forgotten. They have been forgotten particularly by, frankly, my urban cousins who do not have any empathy with the need for us to invest continuously and heavily in the removal of fuel loads in the bush. Indeed we are already hearing campaigns by lobbyists opposing what is a necessary fuel reduction burning program by the Department of Sustainability and Environment. I urge the DSE to persist and to ensure that Victorian lives are protected.

Automotive industry: government performance

Ms TIERNEY (Western Victoria) — This afternoon I raise the Baillieu government's decision to increase the price of car registration and stamp duty for non-luxury cars from December 2011. When Australian manufacturers, and in particular those in the automotive industry, are facing difficult times this decision is indicative of a government that lacks the knowledge to support manufacturing in Victoria and a plan to create jobs. Figures released by the Australian Bureau of Statistics show that for the month of December last year car sales in Victoria dropped by 1.5 per cent, resulting in an overall decline in car sales for 2011 of 4.3 per cent when the national average was 3 per cent.

But what did the Baillieu government turn around and do? It announced a 0.5 per cent increase in stamp duty for non-luxury cars, taking the total stamp duty cost to 3 per cent, as well as a \$35 increase in the price of car registration. This decision does nothing to protect Victorian manufacturing and demonstrates that this government is not interested in manufacturing or providing new jobs for Victorians. What the Baillieu government is interested in doing is increasing the price of cars typically purchased by everyday Victorian families, the very cars that are made here in Australia. It does this instead of supporting automotive industry jobs and general manufacturing jobs that flow from this important industry.

I ask, and I will continue to demand of this government, where is its plan for jobs, its genuine plan for manufacturing and its plan for infrastructure in this state? Shame on the Baillieu government!

Bushfires: Black Saturday anniversary

Mrs PETROVICH (Northern Victoria) — Today, 7 February, marks the third anniversary of Black Saturday. I would like to acknowledge the 173 lives lost on that day, those that have been lost since and the many whose lives will never be the same again. My sympathy, but also my admiration, goes out to those who face each day with dignity and bravery and to those who lost friends, family, loved pets, livestock, businesses and property. My gratitude goes to those who fought the fires and put their bodies on the line — the Country Fire Authority, the Department of Sustainability and Environment and police — in many acts of bravery that will never be fully understood. To those community members who led, battled and worked tirelessly filling the gaps, helping, supporting and just being there for others, your work was invaluable.

In recent visits to these areas, I have been pleased to see the reason people choose to live in our beautiful bush environment, which was destroyed by bushfire, coming back to life. Trees, tree ferns, charred trunks and endomorphic growth are all real signs of recovery. Another great sign of recovery is that of the 1500 properties destroyed by fire, 70 per cent of the permits required to rebuild have been issued and many homes completed. Our hearts go out to the towns of Marysville, Narbethong, Kinglake, Kilmore, Wandong, Alexandra, Flowerdale, Yarra Glen, Strathewen, Maiden Gully, Long Gully, Mia Mia, Mudgegonga and many others in my region. Victoria should not forget that recovery will take time and that our support for that recovery is ongoing. We also need to remember that the

only real way to prevent bushfires such as these is fuel reduction.

Bushfires: Black Saturday anniversary

Ms DARVENIZA (Northern Victoria) — I, too, wish to mark the third anniversary of the Black Saturday bushfires. The tragic fires and the tragedy they left behind will not be forgotten. Our thoughts are very much with those who lost loved ones. I want to acknowledge, as all here have, that the rebuilding of lives and communities will take time and continued support.

Ovarian Cancer Awareness Month

Ms DARVENIZA — On another matter, I want to remind the chamber that February is Ovarian Cancer Awareness Month. Currently one Australian woman dies every 11 hours from ovarian cancer. There is no test to detect this deadly disease. One in 77 Australian women will develop ovarian cancer every year; it is the sixth most common cause of cancer death in Australia. Australian women should be aware of the symptoms: abdominal and pelvic pain; increased abdominal size; persistent bloating; needing to urinate often or urgently; difficulty eating; or feeling full quickly. Women who experience the symptoms for two or more weeks should consult their general practitioner to find out the cause. We can all help women recognise these symptoms by spreading the word. By raising awareness we hope to encourage women to get their symptoms diagnosed early, get treatment and improve their chance of recovery. It is a very important message to get out to women in this month of February.

Bushfires: Black Saturday anniversary

Mr DRUM (Northern Victoria) — It is with sadness that I rise today to mark the third anniversary of what we now refer to as Black Saturday. We all know that over the 10 days of the fires the material loss was extreme and the human toll came in at around 173 lives. Whether we are talking about the fires that burnt through Gippsland or around Horsham, or around Beechworth or around my home town of Bendigo — where we lost over 60 houses and also the life of Mick Kane — and no matter whether it is bushfire, wildfire or grassfire, which it was at Bendigo, we have come to the stark realisation that in these days of extreme conditions no-one is really safe.

For most of us when we recall Black Saturday most of our thoughts go to the Victorians in the path of the Kilmore East fire — the communities of Kinglake, Kinglake West, Marysville, Flowerdale and many

others. The ferocity of that fire put many of our established firefighting practices to the test. Unfortunately many of the people who decided to stay and fight — using all the experience and data available to them at the time — were overwhelmed by the radiant heat, the smoke and the extreme and unprecedented ferocity of the fires. We now have to turn our attention to supporting the people who lived through this ordeal and making sure that we all have the patience to help them in any way we can.

I am proud to be part of the Victorian coalition government, which has taken on board each and every one of the recommendations of the 2009 Victorian Bushfires Royal Commission. It is a pity the previous government did not have the courage to accept every responsibility.

Planning: Western Victoria Region

Mr RAMSAY (Western Victoria) — I would like to acknowledge the importance of a recent trip undertaken by me and the Minister for Planning, Matthew Guy. Over four days in the middle of January we visited eight municipalities in Western Victoria Region. The significance of this tour was that for the first time in over a decade these eight councils and their representatives had a planning minister on their home turf talking with them face to face about planning issues of concern to councils.

One major issue raised was the lack of flexibility in the native vegetation framework, which is causing significant problems for councils and land-holders and creating heavy fuel loads throughout our public and private lands. Today we are commemorating the horrible loss of life three years ago in the inferno known as Black Saturday. We have a duty as members of Parliament to learn from the misery, including the ongoing misery, that day caused. The Baillieu government responded promptly by accepting the recommendations of the 2009 Victorian Bushfires Royal Commission. The ongoing policy work of reforming the native vegetation framework must be done to protect our most vulnerable communities from heavy fuel load while allowing a balance for both productivity and environmental outcomes.

This work is being done by the Baillieu government. I commend the Minister for Environment and Climate Change, Ryan Smith, for his courage in reviewing and amending as he sees fit the native vegetation framework to provide safety and comfort for those communities.

PUBLIC PROSECUTIONS AMENDMENT BILL 2011

Second reading

Debate resumed from 8 December 2011; motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).

Hon. M. P. PAKULA (Western Metropolitan) — Welcome back, everyone. I am delighted to be back, as I am sure are all my colleagues. I am equally pleased to indicate to the chamber that the opposition will not be opposing the Public Prosecutions Amendment Bill 2011. However, we do that because it is our view — and this view was confirmed by the departmental briefing process — that the changes made by the bill are mainly cosmetic.

That analysis of the bill is supported by the media release put out by the solicitor for public prosecutions specifically and the Office of Public Prosecutions (OPP) more generally in the immediate aftermath of the introduction of this bill. It described the impact of the bill as being business as usual. Given these circumstances, Labor does not oppose the bill. Members would appreciate that the bill arises out of the well-publicised controversy surrounding the Office of Public Prosecutions in 2010–11 and the undertakings made by the now Attorney-General as a consequence of that controversy.

To go to the substance of the bill, it does a number of things. It confirms the Director of Public Prosecutions as the head of the public prosecutions service. That is not a change in fact; it is simply a change in form. It retains the Director of Public Prosecutions (DPP) as a Governor in Council appointment. It provides, for the first time, a definition of the public prosecutions service. It defines the public prosecutions service as the DPP; the chief Crown prosecutor; Crown prosecutors, including the senior Crown prosecutor; associate Crown prosecutors; the solicitor for public prosecutions; and the Office of Public Prosecutions. Most practitioners who have to interact with the Office of Public Prosecutions would probably have taken it as read that that is the public prosecutions service, but the bill — I suppose helpfully — now provides that definition.

The bill provides that the functions of the chief Crown prosecutor, the solicitor for public prosecutions, Crown prosecutors and associate Crown prosecutors are subject to the general control of the Director of Public Prosecutions. However, the bill retains the prosecutorial discretion of the Crown prosecutors and the chief Crown prosecutor. In terms of the day-to-day running

of the office this has once again been described as fundamentally business as usual, but I suppose it provides a degree of clarity.

The bill reinforces the normal situation where the chief Crown prosecutor is effectively the deputy DPP and acts as the DPP when the DPP is unavailable. Prior to the passage of this bill into law the chief Crown prosecutor acts as the DPP unless there is a Governor in Council appointment to the contrary. At the moment the normal situation is that the chief Crown prosecutor fills in most of the time, but a Governor in Council process is required to formalise it, which was described as meaning time and paperwork. That Governor in Council process will no longer be required under this bill.

The bill also allows for a situation where a senior Crown prosecutor who has reached a pensionable age can be reappointed for a period of less than 10 years. At the moment there is a minimum appointment period. The change will mean that some senior Crown prosecutors who might not be able to be encouraged to stay on for 10 years but might be able to be encouraged to stay on for, say, two, three or four years will be able to be retained by the office for a period of time. It will allow the office to continue to receive the benefit of that individual's wisdom and experience. We think it is a common-sense change from a senior Crown prosecutor who has reached an age where they would otherwise retire needing to be reappointed for 10 years, which might be too long in those circumstances.

The bill changes the process for the removal of the Crown prosecutor. The current situation is that there is a recommendation to the Attorney-General from the Committee for Public Prosecutions. The new situation will be a recommendation from the Director of Public Prosecutions following consultation with the Director's Committee. Again, we would describe that as a change in form rather than as any kind of substantive change. Formerly there was a recommendation to the Attorney-General from a committee, and now there will be a recommendation from the Director of Public Prosecutions after consulting with a committee. We think the outcome of those processes will fundamentally be very similar, but a change in form is provided for in the bill.

The bill, again by way of clarification, also ensures the chief Crown prosecutor can manage Crown prosecutors and associate Crown prosecutors as individuals rather than simply being able to manage all those prosecutors as a group. I am not sure what mischief that seeks to remedy. It appears to be another point of clarification

that the drafters of the bill seemed to have believed was necessary.

The bill will change the way that associate Crown prosecutors are appointed. Rather than being Governor in Council appointments as they are at the moment, they will become appointments by the Director of Public Prosecutions after consulting the Director's Committee. Associate Crown prosecutors will then in effect be grade 6 Victorian public service employees, and the solicitor for public prosecutions will act as a public service body head in regard to those employees.

I will come back to this, but it seems to be a direct response to what was perceived to be a less than optimal process for the appointment of assistant Crown prosecutors previously — a process that was the subject of an inquiry. I should remind the house the inquiry made no findings of any improper behaviour by the former Director of Public Prosecutions. Regarding the campaign that was waged against the former Director of Public Prosecutions, I do not think anything in this bill will change the likelihood of such a campaign being waged again.

The bill also changes the appointment of the solicitor for public prosecutions from a Governor in Council appointment to an appointment by the DPP. You would normally say this provision would put some restriction on the prior autonomy of the solicitor for public prosecutions, but in fact a media release by Mr Hyland described the impact of this bill as in effect being business as usual. This causes the opposition to say that these are primarily changes of form rather than of substance.

The view of the opposition about the bill is that the changes are in large part cosmetic. We do not just rely on the fact that the solicitor for public prosecutions has described the changes as in effect being business as usual. There was also a departmental briefing process that confirmed, for instance, that the chief Crown prosecutor almost always acts as the Director of Public Prosecutions if the director is absent in any case. In the words of the department, the change was about time and paperwork. The briefing also confirmed that there would be no change to the day-to-day operations of Crown prosecutors and senior Crown prosecutors. The public prosecution service is unchanged, but the bill helpfully adds a definition of what the public prosecution service is — in case anyone was in any doubt. That is another change that might be described as useful, but it is hardly earth-shattering. I do not imagine that there has ever really been any doubt about how the public prosecution service has been comprised.

The briefing also confirmed that despite the fact that the bill provides that the chief Crown prosecutor, the solicitor for public prosecutions, Crown prosecutors and associate Crown prosecutors will be under the general direction and control of the DPP, the day-to-day functions of the chief Crown prosecutor, Crown prosecutors, associate Crown prosecutors and the solicitor for public prosecutions will not change. There will be a hierarchy which is better defined. A line of authority will be better defined, but the day-to-day functioning of all those staff of the OPP will not change.

The changes of substance include moving associate Crown prosecutors from being Governor in Council appointments to being public service employees. This change will mean those people will receive a slightly lower rate of pay, but I am told by the department that the lower rate will not affect incumbents in those roles. On average the rate of pay for future employees will move down from around \$140 000 a year to \$120 000 plus superannuation, and those appointed in future will have somewhat less job security as level 5 officers in the Victorian public service than those who have been appointed by the Governor in Council. In addition, the Director of Public Prosecutions will, at least in the breach if not in the observance, have somewhat more authority in hiring.

The other change of substance appears to be making the solicitor for public prosecutions clearly subordinate to and appointed by the Director of Public Prosecutions, but again there will effectively be no change until Mr Hyland's current term expires, and I understand that will not occur until 2014.

It is also worth putting on record the view of the opposition that not one of these changes would have made the slightest bit of difference to the ugly campaign waged against Mr Rapke, the former DPP. It is also worth reflecting on the fact that, in the same way that a previous DPP, Bernard Bongiorno, was undermined by the Liberal government of the day, Mr Rapke was the subject of an unrelenting campaign — —

Hon. G. K. Rich-Phillips interjected.

Hon. M. P. PAKULA — As Mr Rich-Phillips well knows, that campaign was egged on by the opposition of the time — an opposition that when in government continued to undermine Mr Bongiorno. When that opposition moved into government, its members organised a report to be prepared by a former judge, Frank Vincent, and that report has been kept secret to this day. Witnesses were told that they could give

evidence in camera against Mr Rapke in the knowledge that their evidence would never be made public. It is a report which, by the government's own admission, found no impropriety on the part of Mr Rapke but which then led to Mr Rapke's resignation in circumstances that this government has not explained properly to this day.

The government wants to pretend that this was somehow an isolated incident, but one only need look at the similarities between the relentless campaign waged against the former Chief Commissioner of Police, Simon Overland, and the relentless campaign waged against Mr Rapke. We still do not know why Mr Rapke resigned — whether he jumped or was pushed. We still have not seen the Vincent report. We know that those who complained to former judge Frank Vincent did so safe in the knowledge that their evidence would be anonymous and would not be tested. We do not know whether Mr Rapke was given any chance to respond to the claims that were made against him. We believe he was not given a proper chance to respond. We also believe he was not told the detail of the suggestions that were made, and we know that he was not provided with any genuine support from his minister or from the government. That campaign bears a striking resemblance and a striking parallel to the campaign waged against the former Chief Commissioner of Police, Mr Overland.

For those who are students of history and who want to understand what works and what does not work if you want to undermine a public official, the sad fact is that both campaigns worked. The former chief commissioner, Mr Overland, has gone, and Mr Rapke has gone. As benign as this bill is, no legislative change will make a jot of difference for as long as it is the case that staff of ministers believe it is okay to wage media campaigns against incumbent office-holders with the purpose of making their positions untenable.

It is probably also worth making the point that it is at least conceivable that the removal of the Attorney-General from the process of appointing associate Crown prosecutors might make a future circumstance worse and not better. We will not know that until the situation emerges, but it is by no means clear that the removal of the Attorney-General from any say in the appointment of associate Crown prosecutors will necessarily make that process any better. I understand the department's advice — which was to make associate Crown prosecutors level 6 positions in the Victorian public service — will mean that appointees will have to go through a proper public service selection panel process. On the face of it there might be some merit in that, but equally there is merit

in the fact that recommendations about the appointment of associate Crown prosecutors in the past needed to go through a process which involved the consideration of the Attorney-General and, by extension, the department.

We will wait and see whether that change actually makes the situation better or worse, but whilst the opposition will not be opposing the bill, let me say again that nothing in this legislation will make a jot of difference whilst the prevailing attitude amongst government members is that running sneaky and underhanded media campaigns against public office-holders is a process that is both desirable and one that bears fruit.

Ms PENNICUIK (Southern Metropolitan) — I am pleased to make some remarks about the Public Prosecutions Amendment Bill 2011, which the Greens will not be opposing either.

This bill amends the Public Prosecutions Act 1994 to change some of the functions and processes of the Office of Public Prosecutions, but these are relatively minor changes. In effect the Director of Public Prosecutions (DPP) will be given greater directional powers under this bill, but the functional separation of the administration of prosecution services will endure, and the roles of the solicitor for public prosecutions and the Crown prosecutor will stay the same.

The major changes are that under this bill the performance and functions of the chief Crown prosecutor (CCP), the solicitor for public prosecutions, associate Crown prosecutors and Crown prosecutors will be subject to the general direction and control of the Director of Public Prosecutions. The bill also abolishes the Committee for Public Prosecutions and makes the existing Director's Committee a standing consultative committee.

Regarding the committees, the only difference I can see is that the existing Committee for Public Prosecutions has the same membership as the Director's Committee except for an independent person, so the Director's Committee will lack that independent person. I am not sure whether or not that is an improvement; that remains to be seen. As the Attorney-General said in his second-reading speech, this bill has resulted from tensions at the Office of Public Prosecutions in recent times, which led to the Vincent inquiry and report, which has never been made public, and to the resignation in May 2011 of the former Director of Public Prosecutions, Jeremy Rapke.

Clause 5 of the bill makes minor changes to the definitions section, including a definition of 'public prosecutions service', which is defined as consisting of the Director of Public Prosecutions, the chief Crown prosecutor, Crown prosecutors (CPs), associate Crown prosecutors (ACPs), the solicitor for public prosecutions (SPP) and the Office of Public Prosecutions. The bill makes clear that those components constitute the public prosecutions service.

Clause 6 of the bill inserts a note in part 2 that the DPP is appointed under the Constitution Act 1975. This is to emphasise that the appointment process for the DPP is that he or she is appointed by the Governor in Council and has the same pay and pension as judges.

Clause 7 provides that the CCP may be an acting DPP, as is currently the practice.

Clause 9 amends section 14 regarding the role of the chief Crown prosecutor. Instead of the chief Crown prosecutor being responsible for ensuring that Crown prosecutors and associate Crown prosecutors function as a group in an effective and efficient manner, under this bill the chief Crown prosecutor is responsible for ensuring that they perform their functions and duties in an effective, economic and efficient manner. Mr Pakula, a member for Western Metropolitan Region, referred to that essentially meaning that the CCP can manage the Crown prosecutors and associate Crown prosecutors as individuals and not just as a group, and this will now be specified in the act.

I wonder whether that will make much difference on the ground to the way that the chief Crown prosecutor would carry out his or her role. However, I note the issue that was raised in the lower house and by Mr Pakula — that is, the phrase 'effective, economic and efficient'. I have some concerns about the inclusion of that phrase and particularly of the word economic.

The words 'effective' and 'efficient' are already contained in the act, so including them again to suggest that each of those individuals performs their functions and duties in an effective and efficient manner does not actually change anything; but including the word 'economic' does concern me. As said by Ms Hennessy, the member for Altona in the other place, it really is up to the chief Crown prosecutor and the staff to operate in the public interest — that is their first job. To do so in an effective and efficient manner is almost to state the obvious; but, given that it was already in the act, I have no objection to it being repeated again.

However, inclusion of the word 'economic' does concern me. I am not sure how the Crown prosecutors,

associate Crown prosecutors and chief Crown prosecutor are meant to judge whether they are performing in an economic manner, whether that is a contradiction or a clash with the public interest and whether they need to be concerned more with the public interest rather than whether they are performing in an economic manner.

I am also concerned about who is going to make that judgement and about what would happen if a judgement were made by another person — whether that be the DPP, the Attorney-General or anyone else — if the functions were not being carried out in an economic manner. I think it is not helpful to have that included in this bill and for it to therefore end up in the Public Prosecutions Act 1994. Also, as I said, this gives effect to the intention that the chief Crown prosecutor be able to manage the individual performance of the CPs and ACPs, but I do not know whether that would make any difference to what already occurs in the day-to-day operation of the office.

New section 23 inserted by clause 13 provides for the functions of the DPP in the public prosecutions service, which include being the head of the public prosecution service. This is to ensure that it functions in an efficient, economic and effective manner. Perhaps the inclusion of the word ‘economic’ in terms of the functions of the DPP might be more appropriate than applying that adjective to the Crown prosecutors and associate Crown prosecutors and for them to be worrying about it. It says also that after consulting with the director’s committee — and remembering that the director’s committee is essentially the same as the consultative committee, but minus the independent person — the DPP is to recommend to the Attorney-General the reappointment or removal from office of Crown prosecutors and to appoint associate Crown prosecutors in accordance with part 6; to appoint or remove a solicitor for public prosecutions in accordance with the new part 7; and to give directions to the CCP, CPs, ACPs and SPP in accordance with the Public Prosecutions Act 1994.

In relation to clause 13 the explanatory memorandum says:

These amendments give effect to the intention that the Director of Public Prosecutions be the head of the public prosecutions service and that the Director of Public Prosecutions has the functions and powers necessary to support him or her in the performance of this role.

There is nothing to object to so much in that, but, as Mr Pakula has said, and as has been raised in the lower house, I do not know that these changes would make any difference, particularly with the recommendation of

a new process — a different process — for the appointment of associate Crown prosecutors. If the problem that is meant to be solved by this bill is a problem that was caused, or seen to be caused, by the appointment of associate Crown prosecutors two years ago by the former Director of Public Prosecutions and if that is the problem this bill is meant to be fixing, I do not think this bill will fix it. In fact it could be seen to worsen the problem, because it actually means the appointment of the associate Crown prosecutors is more under the control of the Director of Public Prosecutions, and the only requirement is that the DPP has to consult with a committee of which he or she is one member, along with two other people — the chief Crown prosecutor and the solicitor for public prosecutions — and on which there is no independent person. So in fact, if that is the problem that is meant to be fixed, I am not sure it is going to fix the problem.

We are not quite sure what the problems are that are meant to be fixed because we do not have access to the recommendations of the Vincent inquiry report. Mr Pakula said Justice Vincent found that Mr Rapke had engaged in ‘no conscious wrongdoing’, but the report also stated:

... Mr Rapke adopted a course that gave rise to a perception of the presence of a conflict of interest.

He made that statement but also said Mr Rapke had engaged in no conscious wrongdoing. I can only go by what is on the public record, and that statement is from a media release issued by the Attorney-General in which he tells us what is in the report. That is about all we know about what is in the report.

The Office of Public Prosecutions is a very important office in the state of Victoria, because it oversees and implements prosecutions on behalf of the people of Victoria. I think it would be helpful to everybody who is watching this process and has an interest in how the Office of Public Prosecutions operates to know why the recommendations that refer to the two broad terms of reference given to Justice Vincent could not be released publicly. I understand why certain parts of that report may not be appropriate for release, and members will remember that we discussed this in a motion in general business last year, so I will not repeat all of that now — people can go back and look at it if they wish. I find it difficult to understand why these recommendations were not released, because it leaves us unsure of why particular provisions are in this bill and what the bill is actually trying to improve or fix.

Clause 21, which is the main clause of the bill, substitutes new parts 6, 7 and 8 for existing parts 5A, 6, 7 and 8. Part 6 relates to associate Crown prosecutors

and increases the DPP's power to appoint, control and direct them. New part 7 has two divisions: 'Division 1 — Office of Public Prosecutions', which has no substantive change but adds the words 'conduct effectively, economically and efficiently'; 'Division 2 — Solicitor for Public Prosecutions', replaces the existing part 6 to increase the DPP's power over the solicitor for public prosecutions. It changes the SPP from a Governor in Council appointment to an appointment by the Director of Public Prosecutions without the need to consult with the director's committee. That seems obvious, because you would not be consulting with a committee of which the SPP is a member on that particular issue. It specifies that the solicitor for public prosecutions is responsible to and under the general direction and control of the DPP.

New part 8 abolishes the Committee for Public Prosecutions and increases the role and status of the Director's Committee, which I have already commented on. It also specifies that the director has a continuing role in special decisions. I will not go into the details of that, because nothing has really changed. There are some minor changes made to the structure of the Office of Public Prosecutions and more clarity around the direction, control and lines of reporting in that office. That follows on from ongoing criticisms of the structure that was introduced in 1994 by former Attorney-General Jan Wade. I note that the Attorney-General, Robert Clark, suggests in his second-reading speech and in his statement that the structure has been working well, but I have understood that many people have said over the years it has not worked very well and should be put back together. I think this bill goes some way towards that, although I am not sure whether it goes far enough. That remains to be seen.

I do not get much guidance from any of the stakeholders that have made comments. Mr Pakula mentioned a comment made by the solicitor for public prosecutions, who said this was business as usual. That is pretty well the only comment. The Law Institute of Victoria is hoping this will restore confidence in the office, but as far as particular comments on the actual bill and how it will or will not improve the Office of Public Prosecutions there is little guidance to be found in the public statements made by stakeholders, so I must take it on faith that this will improve the Office of Public Prosecutions. I certainly hope it is not detrimental towards it and that the Office of Public Prosecutions will continue to operate in an efficient and effective manner.

Mr O'BRIEN (Western Victoria) — I rise to speak on the Public Prosecutions Amendment Bill 2011. It

gives me great pleasure to provide this contribution in relation to a very important bill that is not just cosmetic but structural in its changes and will provide proper independence and structure to the very important prosecution service of the state. The bill amends the Public Prosecutions Act 1994 in the following ways: it confers new functions on the Director of Public Prosecutions (DPP) as the head of the public prosecutions service; it improves the organisational structure of the public prosecutions service, providing clear delineations of hierarchy and responsibility; it allows the Director of Public Prosecutions to appoint a solicitor for public prosecutions and associate Crown prosecutors; and it establishes a new standing Director's Committee, which will set out its functions and powers and abolish the Committee for Public Prosecutions.

I thank the opposition and the Greens for not opposing the bill, but I take up the suggestion that the changes are only cosmetic. Whilst I note the comment of the solicitor for public prosecutions, Mr Craig Hyland, that it will be business as usual, that does not mean the changes are only cosmetic. Rather, the transitional arrangements will ensure that there will be no disruption to the valuable occupants of the present statutory and constitutional roles.

In relation to conflicts, delineation of responsibility, hierarchy and the efficient operation of the prosecutorial service, this bill will make substantial changes to the process but will confirm the role of the Director of Public Prosecutions as set out in section 87AB of the Victorian constitution. Beneath the director will sit a structured arrangement that respects the independence of the important positions of Crown prosecutors, associate Crown prosecutors, chief Crown prosecutors and, on the executive side, the solicitor for public prosecutions and the staff of the Office of Public Prosecutions. They will be there to assist in reaching better resolutions than may have occurred in the past in relation to conflicts. They are not merely cosmetic changes; they will make a difference.

Mr Pakula was not sure whether the change from the associate Crown prosecutors being Governor in Council appointments to members of the Victorian public service will make a difference, although he seemed to concede it will. It will involve a better merit consideration in the process of appointment, and we would say that that change will be for the better.

One change that has been significant in the administration of justice in Victoria is the change from the former administration that lasted 11 years with the election of the Baillieu-Ryan coalition government. On

the same day that the other place has accepted the resignation of the former Attorney-General, the member for Niddrie in the Assembly, we note the change of administration that has occurred under the present Attorney-General, who has been proactive in relation to important law and order reforms, restoring integrity and independence to our important criminal justice and other legal institutions and restoring truth in sentencing and faith in our judicial institutions as well as in our police.

The prosecution's role — its independence and its ability to make tough decisions in relation to whether prosecutions should proceed, how they should proceed and who should be appointed in relation to briefs both inside and outside the service — is an integral part of the independence of our judicial system under the separation of powers. This bill will preserve that independence while making important structural reforms to ensure that there is not — as much as these things can be avoided — unclear delineation of responsibility between the various players in the prosecutorial service.

I pick up another point from Mr Pakula's contribution. The circumstances of the Vincent report have been well documented, and I do not wish to add anything further to what was said by the Attorney-General in the 15 May statement. That inquiry was headed by Mr Frank Vincent, who was a judge of the highest calibre in Victoria and performed an outstanding public service prior to his appointment and during his long tenure as a judge. I was present when he made his retirement speech and noted the great attendance and the packed-out courtroom. He is held in high regard by many ex-lawyers and current lawyers in this state.

As has been stated by the Attorney, his inquiry received submissions in confidence so it is not appropriate that the report be released. Nevertheless, the recommendations on the role of the prosecutorial service have been considered and the government has responded to the structures that are defined in this bill and the revisions that are being made. The important thing to consider at all times is that the independence of the Crown prosecutors and the administrative efficiencies are maintained and that the structures are clearly delineated under the bill.

The current Committee for Public Prosecutions is governed by part 8 of the Public Prosecutions Act 1994. The new Director's Committee will consist of the director, who is the chairperson, the chief Crown prosecutor (CCP) and the new appointment implemented under the bill, the solicitor for public

prosecutions, who will establish the role of the committee.

New section 45A in part 8 of the bill provides the committee with the power to give directions to members of the police force and others in relation to offences or classes of offences which are to be referred to the Director of Public Prosecutions to institute and conduct proceedings, the power to establish the circumstances in which members of staff of the Office of Public Prosecutions may appear in court, the ability to consult with the DPP on the appointment or reappointment of a Crown prosecutor or associate Crown prosecutor, the ability to consult with the DPP on the removal of a Crown prosecutor from office and the ability to provide advice to the DPP on the public prosecution service and the functions in relation to special decisions.

Division 2 of new part 8 sets out the process to be followed before the DPP makes a special decision. Section 3 of the principal act defines a 'special decision' as being a decision to file a direct indictment or direct presentation against a person for an offence, a decision to discontinue a prosecution or enter a *nolle prosequi* or a decision to issue an appeal or guidelines. Division 2 substantially reproduces the content of existing section 23 of the principal act. However, new section 45C provides that before making a special decision the DPP must hold a meeting of the Director's Committee to consider the special decision. Section 45C(2) provides that the purpose of the meeting is to provide advice to the DPP on the special decision in relation to which the meeting is held.

Further, new section 45D sets out the membership of the Director's Committee for a meeting on special decisions of the DPP and the CCP, so the solicitor for public prosecutions will not be involved in those special decisions. The bill provides that the Crown prosecutor or associate Crown prosecutor or other lawyer responsible for providing advice to the DPP will be a member of the director's committee for the purpose of a meeting on special decisions. As I have said, for the purpose of a special decision, the solicitor for public prosecutions will not be a member of the Director's Committee.

I pick up a further point made by Ms Pennicuk in her contribution. She was not sure about the changes to the committee. Presently the solicitor for public prosecutions is not a member of the Director's Committee under section 23. This bill will ensure that members of the Director's Committee making special decisions, which are important prosecutorial decisions, carry out their roles while preserving their important

independence. I am advised that the new Director's Committee will have a different status to that of the former director's committee, which was a consultative committee that would meet from time to time — and I am advised it had not met for some time prior to these changes. It will be a more executive committee, handling day-to-day operations. This bill will ensure that — apart from the special decisions not involving the solicitor for public prosecutions — the committee will undertake day-to-day operations in an efficient and economic manner.

In relation to that, this is something that is very important for the economic and efficient operation of the office and the prosecutorial service. This picks up on another point made by the Greens — namely, they were not sure why the introduction of the term 'economic' went into the functions of the associate Crown prosecutors and the Crown prosecutors. Firstly, this was done for consistency; however, we would also say in relation to the Greens — and the same point was made by the member for Altona in the other place — that it is often the case that members of the opposition fail to have regard to economic considerations in many of their government policy interventions. We have seen that most notably in the commonwealth field with the Greens-Labor alliance. Therefore it is quite obvious why they would be pondering the need for economic consideration in relation to a bill such as this.

We are not suggesting that there are necessarily present instances of the Office of Public Prosecutions operating in an uneconomic manner, but that in order to have consistency across the service in relation to the factors that must be considered it is important to have a consistent set of criteria. We would also add that in these times where jobs are precious, where economic times are tight internationally, where Victoria is doing its best to power ahead of the country and to lead the nation, it is important that economic considerations are not forgotten by speakers in this house. Therefore, I will commend the bill to the house and I commend the Attorney-General in relation to the second-reading speech.

Finally, just before I close, I would like to add my voice to those of members of both sides in sympathy and commemoration of the 173 victims of the Black Saturday bushfires. In relation to this bill I note that there is an existing problem that continues in this state with the serious offence of arson. I had the honour and privilege to be at the launch of a very important campaign by Crime Stoppers Victoria held at the Balyang Sanctuary in Newtown, Geelong. The campaign slogan is 'If you see something, say something', which recognises that the consequences of

what may seem to be an immature or stupid act can be devastating and deadly and a continuing risk to this state. In lending my voice to the victims along with my support for the bill I would like to remind all members of the importance of vigilance. I commend the Attorney-General on his work on this bill and that of others who have spoken today in relation to the victims of Black Saturday.

Mr SCHEFFER (Eastern Victoria) — As we have heard, this bill makes organisational changes to the Office of Public Prosecutions or, as the second-reading speech puts it, refines the existing arrangements as set out in the Public Prosecutions Act 1994 and clarifies the roles and working relationships amongst the Director of Public Prosecutions (DPP), the chief Crown prosecutor and the solicitor for public prosecutions.

Mr Pakula, on behalf of the opposition, has already set out the details of the changes contained in the bill and I will not repeat what he and others have said in the debate thus far. Both Mr Pakula and Ms Hennessy, the member for Altona in the other place, have described the changes contained in this bill as cosmetic rather than reforming, and Mr Pakula has already indicated on behalf of the opposition that it will not be opposing the bill.

The amendments to the Public Prosecutions Act 1994 need to be understood against the background of the controversial events that occurred within the office of the Director of Public Prosecutions in 2010 and led the Attorney-General in January 2011 to appoint former Supreme Court judge the Honourable Frank Vincent to inquire into what the terms of reference called 'the claims of recent months' and into the functioning of the offices of the Director of Public Prosecutions, the chief Crown prosecutor, Crown prosecutors and the Office of Public Prosecutions.

In May last year journalists had clearly been briefed by the government and were reporting that there would be a wave of reform arising from what was touted as a scandal within the public prosecutions system. Media reports indicated that the Victorian Public Prosecutions Act 1994 faced heavy amendment and a shake-up for a flawed office, and that there would be sweeping changes to the system. Ahead of receiving the Vincent report the government was clearly preparing the media and the public for some major changes arising from what it expected the report to find.

But in the end, when the report was completed and presented to the government, the Attorney-General suppressed it and its recommendations on the basis that it contained extremely sensitive, private and personal

information. The government did not even feel obliged to have a summary prepared with the so-called 'sensitive' and 'personal' sections removed so that the Victorian public could form a view of what Frank Vincent had found, what had gone wrong and what he thought should be done to make improvements.

If the report is never released, the public will never know what went wrong within the Victorian public prosecutions system and, more importantly, no-one will ever know how well the amendments contained in this bill effectively deal with the real issues. It is bizarre, in my view, that the second-reading speech makes only one passing reference to the events that led to the Vincent inquiry; that is the quote about 'the difficulties of recent times'.

However, in his January 2011 media release announcing that retired Supreme Court judge Frank Vincent would conduct the inquiry the Attorney-General was very clear that his action was consistent with the strident calls from the opposition for a top-level inquiry into a major scandal. The Attorney-General said in the media release that prior to the election, the coalition had called for an inquiry that should be conducted by no less a figure than a retired Supreme Court judge of the highest reputation. The Attorney-General was very clear that guaranteeing the standing and independence of the offices of the Director of Public Prosecutions, the chief Crown prosecutor and the solicitor for public prosecutions was critically important to the government and the state. The implication of all this — and something that the media and the public quite clearly took on board — was that, in the usual way, government policy and the associated legislative and administrative changes would follow from the inquiry, the report and recommendations of which would be made publicly available.

The second-reading speech, however, characterises the amendments as simply further developments in a long tradition of constructive change that goes all the way back to Jan Wade. The policy from which the changes originate is the general commitment to enhance Victoria's public prosecutions service after 'the difficulties of recent times'. According to the second-reading speech the amendments simply refine, clarify, revise, enhance and ensure continuation of existing powers and functions, strengthen the position of the DPP and so on and so forth. These are hardly words that match the gravity of a situation that the Attorney-General thought warranted the appointment of Frank Vincent to undertake an inquiry, the undisclosed findings of which led to the unprecedented resignation

of the former Director of Public Prosecutions, Jeremy Rapke, in May last year.

Without knowing what the Vincent report found and recommended, it is difficult to know how to assess the merits of the provisions contained in this bill. The government has denied the people of this state any information whatsoever that links the investigations undertaken by Frank Vincent to the changes proposed by the bill that it has put before the Parliament. This is hardly the open and transparent government that the coalition promised to be when it was in opposition and when public administration seemed to be a much simpler thing than it has in fact turned out to be for it. This is another example of the increasing contempt in which the government holds the Victorian public. The problem for us here, as I said, is that in the absence of the Vincent report it is very difficult to know what exactly one can say about the provisions in the bill.

Every piece of legislation that relates to justice that this government brings to the Parliament is assessed in the context of a government that has botched its much-touted law and order agenda. We need only call to mind the disaster of the move against the former Chief Commissioner of Police, Simon Overland, and the devastating Office of Police Integrity report into the unseemly involvement in it of the office of the Deputy Premier, Peter Ryan, along with other ministers and the Premier himself through his now departed chief of staff, Michael Kapel.

The government was also mired in the events surrounding the departure of the former Director of Public Prosecutions, Jeremy Rapke, and, as Mr Pakula said earlier in this debate, unless that report is released, we will never know whether he did in fact resign or was pushed. Of course, despite questioning by the opposition in this Parliament, the government has been tight-lipped on this matter, and the suppression of the report is part and parcel of the cloak of secrecy that has been thrown over this whole sorry affair.

The provisions contained in this bill, so far as I can see, bear no relationship to the errors of judgement made by the former Director of Public Prosecutions, and I cannot for the life of me see how the amendments would prevent a future DPP from making similar errors of judgement. I suspect that the coalition, so strident when it was in opposition, found the matters with which the Vincent report dealt to be more complex and potentially more compromising than it had reckoned and decided to bury the whole thing as soon as possible.

The government hopes that the superficial changes contained in this bill will act as a kind of a fig leaf to

enable it to move on. Indeed on 25 October last year — as has been quoted by other speakers in this debate — the solicitor for public prosecutions, Craig Hyland, issued a media release in which he said in effect that this piece of legislation would enable the work of the office to continue as usual. He said:

... the bill enables us to continue business as usual.

Mr O'Brien raised this in the opening remarks of his contribution. He said that 'business as usual' did not at all imply that the bill was cosmetic but rather that it denoted continuity. I think that was the term he used. It is nice spin I guess, but in normal, common language when we use the expression 'business as usual' what we mean is, 'Let us just go straight ahead; there is not going to be any change'. It does not mean lines of continuity going all the way back to Jan Wade. I think Mr Hyland's remarks authoritatively attest to the superficiality of the amendments before us today. That is exactly what Mr Hyland said, and I would not put any spin on it.

The opposition believes that in themselves the provisions contained in this bill will do no harm, and therefore, as we have indicated, we will not oppose its passage.

Mr ONDARCHIE (Northern Metropolitan) — I rise today to speak on the Public Prosecutions Amendment Bill 2011. I must start by commending my colleague Mr O'Brien, who in his contribution today talked about efficiency and decision making and the consideration of economics in any decision. Mr Scheffer will be pleased to know that because it is his birthday I am going to be kind to him today. I could spend some time absolutely taking apart his contribution to the house today — as meaningful as he might think it was — but I will be kind because it is his birthday. I wish him a happy birthday.

An honourable member interjected.

Mr ONDARCHIE — No, I will not be singing.

The bill amends the Public Prosecutions Act 1994 to refine the existing arrangements, particularly refining the role relationships between the Director of Public Prosecutions (DPP), the chief Crown prosecutor (CCP) and the solicitor for public prosecutions (SPP). It delivers a key component of this government's commitment to enhance Victoria's prosecution services after recent difficulties in the state.

The bill builds on the strength of the current act. This includes the separation of prosecution and support functions that was a key innovation introduced by a

former Attorney-General, the Honourable Jan Wade, MP. This worked well to free up the DPP to focus on its key role as the chief prosecutorial decision-making service for the state of Victoria, and the bill will refine existing arrangements to support a responsive and effective prosecutorial service for the state of Victoria. The opposition would be well advised to note those words: effective and responsive. Those are qualities that were unfamiliar to the state of Victoria for 11 years.

The overall effect of this bill will be to unify the existing public prosecution offices into an integrated public prosecution service under the direction of the DPP. It will ensure that the DPP and the Crown prosecutors have the necessary support to enable them to focus on the core function of the DPP — that is, the prosecution of offences on behalf of the Crown. The bill strengthens the position of the DPP as the person with overall responsibility for the conduct of public prosecutions and with accountabilities for ensuring that the proper exercise of that responsibility is undertaken. The bill continues all of the existing powers and functions of the DPP and gives the DPP new functions in relation to Victoria's public prosecutions service. Mr O'Brien very eloquently outlined those to the house not long ago.

The public prosecutions service is defined for the first time in this bill. It includes the DPP; the chief Crown prosecutor; the Crown prosecutors, including the senior Crown prosecutors and associate Crown prosecutors; the solicitor for public prosecutions; and the Office of Public Prosecutions. The bill makes it clear that the DPP is the head of the public prosecutions service in this state and provides that the performance of the functions of the CCP, the SPP, the Crown prosecutors and associate Crown prosecutors are subject to the general direction and control of the DPP. This is efficiency in government.

The independent prosecutorial discretions of the CCP and the Crown prosecutors are continued in this bill. The prosecutorial decision-making independence of the CCP is balanced with the need to ensure that the public prosecutions service functions as an integrated and cohesive organisation. The bill ensures accountability for the performance of the functions and duties which have been undertaken on behalf of the DPP. Those provisions, which provide for the independence of the DPP and define the relationship between the DPP and the Attorney-General, continue unchanged.

The bill provides that the CCP is the standing deputy for the DPP and will act as the DPP when the office is vacant or the DPP is absent from duty or is otherwise unable to carry out the duties of office. Currently there

is no provision in the act for a standing deputy to act as the DPP when the DPP is on leave or during vacancy in the office. The current provision relating to the appointment of an acting DPP by the Governor in Council will be retained so as to continue to allow for flexibility in the acting arrangements, particularly for long absences from that post.

The bill will update the CCP's functions in relation to Crown prosecutors and associate Crown prosecutors. The performance of those functions will be aligned with the need to conduct prosecutions in an effective, efficient and economic manner — words well worth being heard by the opposition. Effective, efficient and economic manner — something that Victoria has been looking forward to since the election of the Baillieu coalition government —

Mr O'Brien interjected.

Mr ONDARCHIE — As my colleague Mr O'Brien says to me, after 11 years of waste.

The bill will amend the act to remove the reference to Crown prosecutors and associate Crown prosecutors functioning as a group, and it will remove any doubt as to whether the CCP may manage the performance, functions and duties of the individual Crown prosecutor or associate Crown prosecutor. The bill will also preserve the qualification, retirement, pension and resignation requirements for Crown prosecutors, and I am sure they are happy about that. The bill will alter the current process for making recommendations to the Attorney-General for the removal from office of a Crown prosecutor. This function will transfer from the Committee for Public Prosecutions to the DPP.

Let me turn now to the comments made by Mr Scheffer and Mr Pakula. I did say I would be kind to Mr Scheffer because it is his birthday; I will be somewhat kind. They said that the bill is reasonably cosmetic in restructuring the OPP. I think the term 'cosmetic' is better applied to the 11 years of spin of the Bracks and Brumby Labor governments, such as a sham planning consultation. If they want to talk about 'cosmetic', they should reflect upon their own performance after 11 years. They also quoted the solicitor for public prosecutions, Craig Hyland, who described this bill as business as usual. In his explanation of business as usual, Mr Scheffer said it meant more of the same. For someone who comes from a business background, 'business as usual' means continuous improvement. That may be an unfamiliar phrase to those opposite; I notice that Ms Pennicuk laughs incredulously. Maybe continuous improvement is not something that the Greens are seeking in this

house. In fact some would suggest the Greens are looking to take us backwards when this bill looks to move us forward. As a result, I commend the bill to the house.

Mrs PETROVICH (Northern Victoria) — I rise to speak in the debate on the Public Prosecutions Amendment Bill 2011. In May 2011 the Attorney-General announced a revision of the structure, operations and management of the public prosecutions process. The previous government failed in its obligation to the Victorian people and Labor did not do this work — in fact it probably suited Labor not to do this work — but this government has taken just under 15 months, not 11 years, with a proactive Attorney-General to deliver a legislative response to amend the Public Prosecutions Act 1994. It also delivers on another election commitment — this by an Attorney-General who understands his responsibilities, and I hear from many in the legal profession that he is a breath of fresh air and stands in stark contrast to his predecessor.

The bill delivers a key component of that commitment by amending the Public Prosecutions Act 1994 to refine the existing arrangements, including in particular refining the role relationships between the Director of Public Prosecutions (DPP), the chief Crown prosecutor (CCP) and the solicitor for public prosecutions (SPP). It strengthens the current act; it is not business as usual, as has been suggested. The bill will enable a much more efficient service provision of the public prosecutions service.

The bill retains the key roles and functions established by the current act, which is one of its strengths, including the separation of prosecution and support functions. The bill will refine the existing arrangements in the act to support a responsive and effective prosecutorial service for the state of Victoria. It will realign the existing role relationships to assist the DPP in the performance of his or her functions and powers under the act, and is another way of demonstrating that we are committed to ensuring the betterment of Victoria's public prosecutions service. The existing public prosecution offices will be unified into an integrated public prosecutions service under the DPP, while ensuring that the DPP and the Crown prosecutors have the required support to enable them to perform their role and to focus on what is the core function of the DPP, that is, the prosecution of offences on behalf of the Crown. We know that is needed because of an increasing workload and, in some cases, a bogging down of the system.

Recent events around the resignation of the former Director of Public Prosecutions, Mr Rapke, further serve to highlight some of the difficulties around this most important service. As I said earlier in my contribution, the bill refines the role relationships between the Director of Public Prosecutions, the chief Crown prosecutor and the solicitor for public prosecutions.

This bill strengthens the position of the DPP as the person with overall responsibility for the conduct of public prosecutions and with the accountabilities to ensure the proper exercise of that responsibility. Interestingly, the Victorian public prosecutions service is defined for the first time by this bill to include the DPP; the CCP; Crown prosecutors, which includes senior Crown prosecutors (SCPs) and associate Crown prosecutors; the SPP and the Office of Public Prosecutions (OPP). The bill makes it clear that the DPP is the head of the public prosecutions service and redefines this very important role. It provides that the performance and functions of the CCP, SPP, Crown prosecutors and associate Crown prosecutors are subject to the general direction, control and guidance of the DPP, while continuing the independent prosecutorial discretions of the CCP and the Crown prosecutors. As it is, there is no provision in the act for a standing deputy to act as the DPP. The bill provides for the CCP to assist in filling in when the DPP is on leave or during a vacancy.

The bill updates the description of the CCP's functions, and the performance of these functions will now be aligned with the need to conduct prosecutions in an effective, efficient and economic manner, as has been discussed previously by Ms Pennicuik. It is important and part of the role and responsibility of this government to look at the functioning of government departments and how they are responsive to their core business, roles and responsibilities. As discussed by Mr O'Brien, it is very important that there is economy and efficiency in the running of all departments. This should not be at the expense of service, but, as Mr Ondarchie says, continuous improvement is something we have all worked on in our previous lives, and we know that that is very important to the operation of an effective government and an effective business.

The bill will alter an existing process around making recommendations to the Attorney-General for the removal from office of a Crown prosecutor. I think this is one of the important aspects of the bill. It will increase openness and transparency, and once again that will be a nice contrast to what we have had previously.

The bill also removes the minimum term of reappointment for SCPs in certain circumstances. That is an important point as well. If we are to look at removing the existing minimum term, which is also an important part of the adaptation of the existing arrangements, the act will allow for greater flexibility and encourage SCPs to remain in the public prosecutions service for a period of up to 10 years. This services is valuable to our community, and it is very good to know that those roles have some longevity.

We will be able to retain administrative responsibility through the SPP for the OPP, which will enable the DPP to focus on its role of being the chief prosecutorial decision-maker. The bill provides that the SPP manages the OPP on behalf of the DPP, and an important aspect of this bill is that it establishes and refocuses the role of the SPP as the executive which is both appointed and removed by the DPP under part 3 of the Public Administration Act 2004.

I will conclude on that basis, but I think it is important to mention that the bill contains transitional arrangements to ensure that we have a seamless operation of the public prosecutions service. Whilst we have made some significant changes, we have ensured that, through the transitional arrangements, they are not too disruptive. The changes proposed will further enhance the principal act and support the core business of the prosecutorial role of the DPP and the OPP as a responsive and effective public prosecutions service which will serve us, I believe, even better into the future.

Mrs COOTE (Southern Metropolitan) — It gives me great pleasure to follow my colleagues and the excellent contributions from Mr O'Brien, Mr Ondarchie and Mrs Petrovich in the debate on this bill, the Public Prosecutions Amendment Bill 2011.

Some time today in one of the contributions that was made in this place — and I suspect it was one of the coalition ministers — someone said that one of the criticisms being levelled against the government by the opposition was that this legislation was about as effective as a hit on the face with a wet lettuce leaf. I suggest that that is what we have had today from the opposition on this bill.

The problem here, from the contributions made by the opposition today, is that it is sticking with the same tired story its members used in the Assembly, and I suggest the word 'cosmetic', which was used by both speakers on the opposition side — Mr Pakula and Mr Scheffer — is directly aligned with what the member for Altona in the other place said. She said that

there is not a great deal in this bill and that this is a bill that is reasonably cosmetic in nature in respect of restructuring the Office of Public Prosecutions. As to this idea and issue of this being 'cosmetic', opposition members have had a significant amount of time to think about this bill, so it is a great pity they were not able to be a bit more imaginative rather than coming up with the same old phrases and issues.

This is an important reformation of the manner in which Victoria's public prosecutions service operates. As the speakers on the government side have said, the public prosecutions service is structured in a manner that separates the prosecution and support functions, and this bill will not change that separation. However, it will integrate the existing offices into a single public prosecutions service, which will make it a much more straightforward exercise.

The main purposes of this bill are neatly summarised in clause 1, but just to reiterate, it will confer new functions on the Director of Public Prosecutions (DPP) as the head of the public prosecutions service; it will improve the organisational structure of the public prosecutions service; it will provide for the Director of Public Prosecutions to appoint the solicitor for public prosecutions and associate Crown prosecutors; and finally it will abolish the Committee for Public Prosecutions.

It is interesting to note also that clause 5 of the bill inserts into the principal act a definition of the 'public prosecutions service'. This is the first time the public prosecutions service has been defined in legislation. This is an important point to understand and note, and although the member for Altona said there was not a great deal in the bill, this is a particularly important element of this bill.

The definition includes the Director of Public Prosecutions, the chief Crown prosecutor, Crown prosecutors, associate Crown prosecutors, the solicitor for public prosecutions and the Office of Public Prosecutions. It is important to define the public prosecutions service because different elements of the service are specifically accountable to the Director of Public Prosecutions. This ties in with the first purpose of the bill, and that is conferring new functions on the Director of Public Prosecutions. It follows that definition and clarification is an important element of this bill. I note that our lead speaker, Mr O'Brien, is nodding in agreement, because he knows how important this element of the bill is for clarity into the future.

New functions will be conferred on the DPP, and it is important to highlight those. Not only is the public prosecutions service defined in the bill but the bill ensures that the DPP is the head of the public prosecutions service. Spelling this out clearly ensures that the performance of all Crown prosecutors, including the chief Crown prosecutor, the solicitor for public prosecutions and the Office of Public Prosecutions are subject to the DPP. The independence of the DPP is enshrined in the original act, and this bill does not change the sections of that act which provide for this independence. Although elements of the public prosecutions service will be accountable to the DPP, the chief Crown prosecutor and the Crown prosecutors will be able to continue to have independent prosecutorial discretion. It is important to get this information on the record, to understand what the inherent direction of this bill is and to have the clarity that is inherent within this bill.

I know we are running out of time, but there are a couple of points I would like to make before my time to speak in this debate expires. One is that the organisational structure of the public prosecutions service will be improved. The bill draws together the Crown prosecutors, the solicitor for public prosecutions and the Office of Public Prosecutions and defines them as all being part of the public prosecutions service and accountable to the DPP. This integration of the various prosecutorial offices will allow the entire service to continue to act cooperatively and to operate even more cohesively, ensuring maximum prosecutorial success. We have listened to the community and the legal fraternity, and this integration is something that has been called for. That is why it is being incorporated in this bill.

Another change to the organisational structure of the public prosecutions service is the reappointment of senior Crown prosecutors. Currently a senior Crown prosecutor may be reappointed for a term; however, the minimum term length is designated as 10 years. The existing act is inflexible in this regard and does not provide any reason for the term of reappointment to be a period of less than 10 years. Some senior Crown prosecutors are eligible to receive a pension, and a term of 10 years discourages them from remaining in the service. By removing this minimum term for reappointment, it is hoped that these experienced and dedicated prosecutors will be prepared to continue in their roles, rather than retiring. It is important to make certain that we keep the expertise of these prosecutors within the system, and that has been recognised in this bill.

One of the amendments this bill makes is the establishment of the Director's Committee. Under the current act the Director's Committee exists in the form of the Committee for Public Prosecutions, which is an advisory body convened by the DPP, prior to making certain decisions, such as the removal of a Crown prosecutor from office. The bill builds upon that advisory role by abolishing the Committee for Public Prosecutions and creating a new committee comprised of the Director of Public Prosecutions, the chief Crown prosecutor and the solicitor for public prosecutions. The new Director's Committee will retain all the previous functions of the Committee for Public Prosecutions but will provide additional roles relating to the operation and management of the service. This will allow the director, the chief Crown prosecutor and the solicitor for public prosecutions to work more closely together in a managerial capacity. Once again this is streamlining on the understanding that there is a necessity for cooperation and sharing of knowledge. That is inherent in this bill and is welcomed.

The bill provides for the appointment of a solicitor for public prosecutions and associate Crown prosecutors. As I have mentioned, the DPP is the head of the public prosecutions service, and this bill will provide for the appointment of the solicitor for public prosecutions and associate Crown prosecutors by the DPP, following consultation with the Director's Committee. It is a fairly substantial change to the method of appointment and is more in keeping with the DPP's role as the head of the public prosecutions service. Crown prosecutors, however, will continue to be appointed by the Governor in Council, but this will apply only to those who hold a position which has the responsibility of making independent prosecutorial decisions.

That is a lot of information about the DPP. The changes in the bill are certainly welcome, as the government has said. We are pleased that the opposition is not opposing the bill. I have just been given the opportunity to reiterate the importance of the bill and remind the chamber what it will do. I have explained the background of the bill and will round up so that people are very clear about what it is going to do. The bill is an important affirmation of the manner in which Victoria's public prosecutions service operates. I have gone into some detail about how the relationships are going to work. The role of the service is going to be more clear cut. People will be able to better understand the system, and the legal services involved will be mindful of how the whole sector works.

As I said before, it was a pity the Labor Party did not do something when it was in government for all those years. It was breathtaking to hear its members refer to

some of the issues that have been in the press over the last little while, because frankly a lot of what has happened, which was quite controversial, was happening under their watch. It was remiss of both Mr Scheffer and Mr Pakula not to mention some of those issues in detail; they were ready to jump on board and to reiterate the words of the member for Altona in another place. They could not even think of a new word; they had to draw upon the word that she had used, which was 'cosmetic'. As I said before, this is a bit like a slap on the wrist with a wet lettuce, and the reality is that it did not have any punch in it at all. But they missed a very good opportunity to talk about the technical details of the bill.

The member for Altona thought there was not a lot in the bill, but it is important to clarify matters, and that is exactly what this bill does. It clarifies the different relationships with all the people who are involved with the bill. I will reiterate who those people are. They include the Director of Public Prosecutions, the chief Crown prosecutor, the Crown prosecutors, the associate Crown prosecutor, the solicitor for public prosecutions and the Office of Public Prosecutions.

Ms Pennicuik — And the public prosecutions service.

Mrs COOTE — And, as Ms Pennicuik says, the public prosecutions service.

Mr O'Brien — Including senior Crown prosecutors.

Mrs COOTE — And, as Mr O'Brien says rightly, we have senior Crown prosecutors. It is important to read the definitions in the bill because they clarify it. With the passing of the bill today, I encourage people to look at it. I know the legal profession will be very keen to look at this bill so they know exactly what the directions are. The thrust of the bill is to clarify and enable smooth managerial processes and to provide an understanding of what is an important role in the legal system in this state.

This is an important bill. Mr O'Brien succinctly and clearly outlined the bill for the coalition. With his excellent knowledge of the law, he was able to explain it in great detail. As he said quite rightly, this is something that has been called for by the legal profession. Mr Ondarchie and Mrs Petrovich reiterated all those issues. We are looking forward to this being welcomed by the sector. It will be just what the Victorian people want. It is another example of improving Victoria's law and order, and these substantial reforms to the public prosecutions service will do precisely that.

Let me remind the chamber that we went to the election on law and order issues. That is what the people of Victoria were asking us to improve. We listened to and took note of what the people of Victoria asked us to do. We are simplifying a lot of issues; we have defined those issues and clearly outlined them. We have made managerial decisions, and they are reflected in this bill. The people of Victoria will welcome this. They will know that we are putting in place all the building blocks that we said we would, because Victorians want to feel safe and to be safe. They want to know that they are going to be protected out there in the community. They want to know that there is law and order to support and protect them.

This bill, and bills such as this, will ensure that our Crown prosecutors can continue to perform their tasks admirably. The public is going to welcome this bill. It is another step in the coalition government's excellent direction of improving law and order in Victoria after 11 years of absolute inactivity. I commend the bill to the house.

Motion agreed to.

Read second time.

Third reading

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

That the bill be now read a third time.

In doing so, I thank all members for their comments and contributions to the debate and for facilitating the passage of the bill through the house this afternoon.

Motion agreed to.

Read third time.

CITY OF GREATER GEELONG AMENDMENT BILL 2011

Second reading

Debate resumed from 8 December 2011; motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).

Mr TEE (Eastern Metropolitan) — I welcome the opportunity to make a contribution to the City of Greater Geelong Amendment Bill 2011, and I say at the outset that the opposition will not oppose the bill. We recognise that this is an election commitment of the government.

In terms of the contents of the bill, it provides that from the next election in October 2012, the Greater Geelong City Council will consist of a directly elected mayor with 12 councillors representing 12 wards and that following the election in 2016, it will consist of a directly elected mayor and between 4 and 11 councillors who will be elected either at large or through a ward structure. This is to be determined through a Victorian Electoral Commission review. The bill provides that a candidate for mayor will be precluded from standing for the position of councillor and, if both nominations are lodged, the second nomination is rejected. There is as part of the bill an effort to impart or increase the powers of the mayor by giving the mayor authority to appoint council representatives to outside organisations and committees so long as they are not remunerated for those positions.

As I indicated, the opposition does not oppose the bill. However, there are a number of concerns that we wish to identify — that is, markers that we wish to put out there — in terms of the issues that we will be monitoring to ensure that the bill and the model contained within it are successful. I suppose the first concern we have is that the directly elected mayor model might preclude a number of candidates from running because there would be a significant financial impost if you had a campaign which covered a large electorate.

The issue we will be monitoring is whether or not the cost impost of running a modern campaign for mayor in this day and age will disenfranchise many in the community from standing and contributing. We would be very concerned if, in the name of increasing democracy, it was stifled because individuals were precluded from standing, from being elected and from making a contribution to public life because of cost.

Another issue that concerns us is in the way the model is presented — that is, it appears, and this is unlike the City of Melbourne model, that you might get a circumstance where a mayor is elected but does not have the support of other councillors in the chamber. You might have a mayor who does not share the support of the other councillors who have been independently elected. Our concern with that is the stability of the council and its capacity to run effectively when there might be a degree of gridlock, indecision and frustration. We hope that situation will not occur because we support a stable and effective representative model, but it is a concern with the way the model has been constructed that you might get that outcome.

Our other question is about what will flow on from this decision in terms of a consistent policy approach. What are the implications for other councils or communities which may feel they want the same type of governance? If other councils or communities say they want what Geelong has, what will the government's policy response be? Where is the consistency in an approach that determines that one council can get this model but another council cannot? We would probably prefer to see a degree of rigour in terms of the government's approach rather than a one-off outcome. For example, what is the policy position for other regional cities like Bendigo or Ballarat? What would the government say to those communities should they wish to use the same model?

As I said, the opposition does not oppose the bill. We accept the government's mandate as a result of the election. We are concerned about a number of issues, which we have flagged. We have put them on the record, and we will continue to monitor them as time goes by. With those few remarks, we will not oppose the bill.

Debate adjourned on motion of Mr BARBER (Northern Metropolitan).

Debate adjourned until next day.

ADJOURNMENT

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

That the house do now adjourn.

Wangaratta: livestock theft

Mr LENDERS (Southern Metropolitan) — I am delighted to see that Mr Hall is in the chamber tonight, because my adjournment matter is for the attention of the Minister for Agriculture and Food Security, Mr Walsh, and Mr Hall is someone who diligently represents the minister's interests.

For the information of the house, my colleague Robin Scott, the member for Preston in the Assembly, received a document from the Minister for Finance under freedom of information. The document is a report of actual and suspected thefts, arson, irregularity or fraud for the period ending 30 June 2011. One of the incidents listed occurred at the Wangaratta wastewater treatment plant. I will paint a picture for Mr Hall: many sheep are run there to keep the grass down. On 21 March 2011, under Mr Walsh's stewardship, 69 sheep disappeared. On 30 June 2011, still under

Mr Walsh's stewardship, a further 137 sheep disappeared. These things happen, but for many members of the farming community who are not keen on sheep rustling — and Mr Ramsay may have some views on this — the issue has become what has happened to these sheep.

The response back to the Minister for Finance was that the incident had been reported to police and investigations were undertaken but the person or persons who took the sheep had not been identified. Mr Walsh reported back to the finance minister that the action that would be taken was to more frequently count the sheep. I appreciate that Mr Walsh wants to go to Wangaratta and count the sheep — that might be a bean counter's form of action — but I suggest that a better form of action would be for Mr Walsh to go to Wangaratta and close the gate.

Two lots of sheep disappeared. The second disappearance was far more difficult, in that it was to do with floods and a range of other things. However, for the first disappearance — the 69 sheep that went missing — the document refers to 'review of relevant internal controls including locks, gates and frequency of stocktakes' et cetera. I suggest to Mr Walsh that rather than counting the sheep periodically, he do something about the sheep so they do not escape. It is not just an idle matter regarding farmers being anxious about sheep being nicked; we would rather not have added to our water bills the \$11 000 paid in compensation for the 69 sheep lost.

Nurses: enterprise bargaining

Ms HARTLAND (Western Metropolitan) — My adjournment matter tonight is for the Minister for Health. In a 2006 document titled *A Liberal Government Plan for Victoria's Public Hospital System* the Ted Baillieu-led then opposition promised to support nurses in the workplace and retain nurse-to-patient ratios. The election document also acknowledged that:

Nurse-to-patient ratios in Victorian hospitals have proven to be a success — preserving high-quality patient care and protection for nurses.

It is also interesting to see that the Liberal Party recognised that:

Nurse-to-patient ratios ensure safe workloads and provide nurses certainty and regularity in the workplace.

It is true that nurse-to-patient ratios are critical to providing adequate care to hospital patients and protecting the safety of nurses and midwives in their workplaces.

In negotiations with the Australian Nursing Federation the Baillieu government has refused to provide a log of claims and has now walked away from negotiations. It is clear that it is seeking to remove nurse-to-patient ratios. The ratio flexibility spin is fooling nobody. The commitment of our nurses to quality care is not flexible, and the government's commitment to safe workplaces for nurses and midwives should not be flexible either. Where is the election commitment to the ratio flexibility that the Baillieu government now promotes? It promised to retain nurse-to-patient ratios, and it must keep that promise.

The Baillieu government also promised to deliver 800 additional hospital beds in its first term. Delivering that commitment will require hundreds of new nurses and midwives to care for patients utilising the new beds. The Baillieu government has also promised more nurses, so I was shocked to discover that in the 2011–12 budget it has cut the number of early graduate nursing positions in the public system from 1330 full-time equivalent places in 2009–10 to 1305 in the current year. How on earth does the government propose to increase hospital beds while cutting the number of graduate nursing positions? The only answer can be that, as we suspected, the government plans to cut nurse-to-patient ratios — another promise broken.

My request of the minister is that he keep his promise and ensure that nurse-to-patient ratios remain, as the Australian Nursing Federation is requesting. I ask that he acknowledge the promise to retain the ratios and act on that promise.

Port Melbourne Primary School: enrolments

Mrs COOTE (Southern Metropolitan) — My adjournment matter this evening is for the Minister for Education. It is to do with the catchment area around Port Melbourne Primary School, which I want to get on the record is an excellent school but a victim of its own success. The school has a huge enrolment. I remind the chamber that there is a large development in and around Beacon Cove. Port Melbourne, which is where my office is located, is such a fabulous area that we have a lot of people coming into the area and staying, and they all have small children. The school is becoming very well populated. I congratulate the school council and the principal because they do a great job. However, the school is a victim of its own success and is under enormous pressure, as I am certain the minister knows.

The action I ask of the minister is that he direct his department to do a detailed investigation into the potential enrolments in and around Port Melbourne

Primary School, what the impact will be of the impending population increases when Fishermans Bend and E-gate are developed and what the implications will be for the school.

Croydon and Maroondah secondary colleges: merger

Mr LEANE (Eastern Metropolitan) — My adjournment matter is directed to the Minister for Education, Minister Dixon. It concerns the agreed merger between two secondary schools, Croydon Secondary College and Maroondah Secondary College. As I said, this merger has been agreed to after long discussions with the two school communities. The new school that will be the result of this merger was going to be located at an empty site next to the Maroondah Secondary College, but apparently that is now not going to be the case. The merged school will now be located either at the current Croydon secondary school site or at the current Maroondah Secondary College site. The decision as to which school will be the site of the new merged school seems to lie with the minister.

The action I seek from the minister is that he give a clear indication to the current school communities at both Croydon and Maroondah secondary schools as to what criteria he will be using to decide which site will be used as the new location.

State Emergency Service: volunteers

Mr FINN (Western Metropolitan) — I wish to raise a matter for the attention of the Minister for Police and Emergency Services. As I know the minister is aware, on Christmas Day 2011 the western, and particularly the north-western, suburbs of Melbourne were hit by a severe hailstorm that caused significant damage to homes, cars and just about anything in its path. It was an extraordinary storm; one that left people reeling in its wake. One thing that stood out to me as a result of this storm was the extraordinary effort of the State Emergency Service volunteers who were called up after the storm hit in the late afternoon of Christmas Day. These SES volunteers went without blinking. Without thought for their own Christmas with their families they went to help their fellow man. It is extraordinarily impressive that these people sacrificed their own Christmas — and not just Christmas Day but also some days and weeks after Christmas — to help their fellow human beings who were going through such difficulty.

I know the minister is aware of this, because in his role as Acting Premier he joined me in visiting the SES headquarters at the Brimbank Anglican Church in East Keilor a couple of days after the Christmas storms and

announced significant assistance for those who had been severely affected by the storms. Sadly, one member, the member for Keilor in the other place, has sought to make some political capital out of this. I believe she has debased the efforts of the SES and attempted in a very cruel manner to gain political capital out of the suffering of many of her constituents. That is very sad.

I would like the minister to ensure that the government recognises in an appropriate way the sacrifices and hard work that so many men and women from the SES have put in to help those who were affected by the Christmas storms. The SES volunteers were not just those who were in the immediate area of the north-western and western suburbs. SES volunteers also came from all over Victoria and Australia. I was deeply touched by the number of people who came, even from interstate, to help out. I ask the minister to examine and put in place an appropriate way of recognising their tremendous service to the community.

Police: Geelong region

Ms TIERNEY (Western Victoria) — My adjournment matter is directed to the Minister for Police and Emergency Services, and it is in relation to the government's promise to deliver extra police officers to the Geelong and Surf Coast region. I have raised this matter in a number of forums over recent months, but I feel compelled to raise it again tonight.

A month before the last state election the Premier was quoted in the *Geelong Advertiser* as saying:

There's still very much a law and order issue in Geelong and there's a shortage of police ...

...

We need more of them in the street.

At a community forum in Geelong in 2007 he also said, and it was recently repeated in the *Geelong Advertiser*:

You would have to have your head in the sand not to know that Geelong needed more police ...

...

We identified a shortfall of over 70. We have committed to provide that.

However, in the last 14 months Geelong has only received 14 of the extra 1000 police officers to be placed around Victoria. Furthermore, in recent weeks the Baillieu government announced that Geelong would receive just four new police officers out of a statewide allocation of 275. This is in stark comparison to other areas, such as Frankston, which will receive an

additional 29 officers even though, according to data obtained from the Victoria Police 'My place' website, Frankston recorded more than 3000 fewer offences than Geelong during the period October 2010–September 2011. According to Police Association Victoria assistant secretary, Inspector Bruce McKenzie, the shortage of police is placing an incredible strain on the current officers in Geelong. He was recently quoted in the *Geelong Advertiser* as saying:

We are, quite frankly, worried about the health and wellbeing of our members in Geelong and we wonder how much longer they can actually do the job.

Up to five police stations in the Geelong region, including those at Ocean Grove, Drysdale, Portarlington, Queenscliff and Lara, constantly face the threat of temporary closures due to critical staff shortages in the area. However, when the issue of staff shortages has been raised, the best we can get from the member for South Barwon in the Assembly, Andrew Katos, is that he will look into the matter.

This government also promised a new police station in Waurin Ponds, and the community is concerned about how that station, if it is built, will be staffed. Will police officers be ripped out of other local stations? The people of Geelong, along with the police officers who tirelessly serve the Geelong community, have a right to feel safe on the streets and in their homes. Consequently I ask the minister to come clean now with the people of Geelong and the Surf Coast and inform our communities of when the new police officers will be delivered to our region.

Horsham College: redevelopment

Ms PULFORD (Western Victoria) — I raise a matter for the attention of the Minister for Education, Martin Dixon. I imagine the minister is quite familiar with the vigorous community debate about the need to redevelop Horsham College, which is in my electorate of Western Victoria Region.

Horsham College is a significant secondary education provider servicing Horsham and numerous smaller surrounding communities, and the college is in urgent need of repairs. Some of the facilities at the college date back in part to the 1940s, and the classrooms and facilities need renewal to such an extent that there are health and safety risks to students, staff and parents involved with the college. All young people deserve a first-class education, and any government's obligation in that respect is clear. One of the major contributors — not the only contributor, but a significant one — to obtaining good quality education is ensuring that the educational facilities that house our students are of a

high standard. We all know the benefits that come from being in a lovely learning environment.

Horsham College is disadvantaged in terms of the declining quality of its infrastructure, and an upgrade is needed, has been discussed by the school community and has been discussed with people at the Horsham special school, which is on an adjacent site. As members would know, the previous Labor government had committed to upgrading or modernising every school in the state. Horsham College would certainly have received funding.

Mr Koch interjected.

Ms PULFORD — An election commitment was made by Labor during the 2010 state election for the special school, and those familiar with the site — including, I assume, Mr Koch — would know that the development of the two sites cannot be separated in any practical sense.

It is important to note that the member for Lowan in the Assembly, Mr Delahunty, has been campaigning for funding for Horsham College for at least five years, and other members from both the Labor and Liberal parties have also given bipartisan support to urge that this redevelopment should occur. The planning stages for the redevelopment have been completed, but the government is yet to make an ironclad commitment, and that is what I seek urgent action from the minister on.

Victorian Commission for Gambling and Liquor Regulation: independence

Hon. M. P. PAKULA (Western Metropolitan) — I raise a matter for the attention of the Minister for Gaming concerning the independence of the Victorian Commission for Gambling and Liquor Regulation (VCGLR). In March 2010 during a debate on the Justice Legislation Amendment Bill 2010, Mr O'Brien, the now minister, talked about the creation of a CEO's position being a clear attempt to undermine the independence of Victoria's gambling regulator. In May that year he said it would be a retrograde step to try to diminish the independence of the gambling regulator. Those were noble sentiments indeed, but they make me wonder what has changed.

Late last year I sought to organise a meeting with Ms Jane Brockington, the new CEO of the VCGLR. That meeting was agreed to, and it was in my diary and that of Ms Brockington and scheduled for 25 January. On 24 January I received a call from Ms Brockington's office to say that the meeting could not go ahead for

two reasons. The first reason was because Mr Mark Brennan was about to be appointed chair, taking office on 6 February, and the meeting should wait until that had occurred so he could come to the meeting, which I thought was reasonable. The other reason given was that there was a new whole-of-government edict, and before the VCGLR, the independent gambling regulator, would meet with me I had to seek written approval from the Minister for Gaming. The minister needs to agree to Ms Brockington and Mr Brennan meeting with me, and that agreement needs to be provided in writing.

To put that in some context, when Mr O'Brien was the shadow Minister for Gaming I am reliably informed that he met with the chair and the CEO of the Victorian Commission for Gambling Regulation on numerous occasions and that he never sought the approval of the then minister, Mr Robinson, or his predecessor, Mr Andrews. Mr Robinson and Mr Andrews did not seek from Mr O'Brien any notification and they did not try to impose a regime where they needed to approve the meeting.

Nevertheless, because that was the advice I had been given, I spoke to one of Mr O'Brien's advisers. Mr O'Brien's adviser confirmed that I needed to seek agreement in writing to meet with the independent Victorian gambling regulator, and I did so. That was on 24 January, but I have still not received a reply.

The action I seek from the minister is that he respond to my written request of 24 January, that he do so without delay and that in his response he confirm that the independent gambling regulator will not need his approval to meet with me or indeed with anybody else.

Responses

Hon. P. R. HALL (Minister for Higher Education and Skills) — First of all, I have written responses to matters raised on adjournment debates by many members — two pages worth. Is it in order that I read each of these out?

The PRESIDENT — Order! I seek leave of the house to have the responses tabled on this occasion, given the number and that it is the first day of sitting.

Leave granted.

Hon. P. R. HALL — There are a number of them. In terms of the matters raised tonight, the first was raised by Mr Lenders, who was in good form. He raised a matter about some missing sheep at the Wangaratta wastewater treatment plant. When he raised this matter I was reminded of the problem of sheep rustling, which

is embedded in Australian folklore to some extent and which relates to billabongs. When we talk about missing sheep around a wastewater treatment plant it is really a modern-day equivalent of something that we have all sung about. Nevertheless the matter he has raised is very serious — —

An honourable member interjected.

Hon. P. R. HALL — No, *Waltzing Matilda* is not my forte. The matter Mr Lenders raised is one of importance in terms of sheep missing from the Wangaratta wastewater treatment plant. I thank Mr Lenders for the advice, which I will convey to the Minister for Agriculture and Food Security, that in terms of providing for their future security a lock may be more effective than a means for counting the sheep. I will pass this matter and Mr Lenders's comments on to my colleague Mr Walsh, and I am sure Mr Lenders will be interested in the minister's response to this matter.

Ms Hartland raised a matter for the Minister for Health imploring the minister to keep election promises relating to nurse-to-patient ratios. I suspect that matter is part of the current enterprise bargaining agreement negotiations, but I will certainly pass on that request and Ms Hartland's views in relation to that matter.

The Minister for Education was popular this evening, with three matters raised for Mr Dixon. Mrs Coote asked for some forward planning to be undertaken around schools in the Port Melbourne area, and I will convey that to the Minister for Education.

Mr Leane sought some clarification from Mr Dixon with regard to the site of a new school in an agreed merger, whether that be at Croydon, Maroondah Secondary College or wherever. I will pass that request for some advice on that matter to Minister Dixon.

Ms Pulford also raised a matter for the Minister for Education. She was seeking a commitment as to when there might be a facility upgrade for Horsham College. I will also convey that request for clarification to Minister Dixon.

There were two requests tonight for the Minister for Police and Emergency Services. The first was from Mr Finn and concerned giving due recognition to those fine volunteer people who provide assistance, and in particular he highlighted storm damage on Christmas Day. No doubt there are many other occasions during which the efforts of the fine people who represent our emergency services need to be recognised; however, in relation to that particular occasion, I will pass on that request to the Minister for Police and Emergency Services.

Ms Tierney also raised a matter for that minister. She was seeking information about when new extra police who have been promised for the Geelong and Surf Coast area will be appointed. I will pass on that request to Mr Ryan.

The final matter tonight was raised by Mr Pakula, and it was to the Minister for Gaming. Mr Pakula was seeking an assurance that he would not have to go and seek special permission each time he wished to speak to the independent gambling regulator in Victoria. I certainly will pass on that request to Mr O'Brien, and I will try to expedite a response to Mr Pakula's letter of 24 January. That concludes the eight adjournment items that were raised tonight.

The PRESIDENT — Order! The house stands adjourned.

House adjourned 6.19 p.m.



Minister for Innovation, Services and Small Business
Minister for Tourism and Major Events

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FEB 2012

Clerk of the
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Mr Wayne Tunnecliffe
Clerk of the Legislative Council
Parliament House
EAST MELBOURNE VIC 3002

Dear Mr Tunnecliffe

**LEGISLATIVE COUNCIL REQUEST FOR AUSTRALIAN GRAND PRIX
CORPORATION (AGPC) DOCUMENTS**

I refer to your Legislative Council order of 7 December 2011 again seeking the production of the:

- *financial arrangements/current contract between the government of Victoria and the Australian Grand Prix Corporation (AGPC) regarding the staging of the 2010 Formula One grand prix event and, if not included in the above document: the rent paid by the AGPC to Parks Victoria for the use of Albert Park Reserve for the 2010 event; any subsidies in the form of sponsorships, advertising or corporate entertainment or for other services relating to the 2010 event paid by government departments or agencies to the AGPC; and any services provided to the AGPC by other government departments (for example Victoria Police) relating to the 2010 event; and*
- *economic study performed as the basis of the five-year contract extension to 2015.*

As you are aware, these documents were subject to previous orders of the Legislative Council made on 2 March and 1 June 2011, to which I responded in June 2011. In that response I noted that the documents identified in the order of 7 December 2011 were not being produced on the basis that their release would damage the State's financial and commercial interests.

I am advised that the economic study performed as the basis of the five-year contract extension to 2015 does not exist.

However, in accordance with Mr Edward O'Donohue's statements in the Legislative Council in the debate on the order on 7 December, the government has reconsidered the documents referred to in the 7 December order. The Government has again determined that it is not appropriate for the withheld information to be produced as its release would damage the State's financial and commercial interests.

I respectfully request that the Council not insist on production of this information.

Yours sincerely

THE HON LOUISE ASHER MP
Minister for Innovation, Services and Small Business
Minister for Tourism and Major Events



06 FEB 2012

