



Victorian constitutional crisis unresolved

June 3, 2014 WS.NINEMSN

Balance of power: former-Liberal-now-independent MP Geoff Shaw (AAP).

Victoria has been thrust into an "unprecedented constitutional crisis" with the coalition losing the support of balance-of-power MP Geoff Shaw.

Opposition Leader Daniel Andrews has resisted seizing on Mr Shaw's offer to back Labor in a no confidence motion to bring the government down - but he also hasn't ruled it out. He instead wants Premier Denis Naphine to go with him on Wednesday to seek the advice of Governor Alex Chernov in a bid to resolve what he says is a crisis without precedent.

But it's unclear whether Mr Chernov can in fact resolve the impasse, meaning parliament's next sitting day next is shaping as the day the political tactics play out.

With former Speaker Ken Smith's support, Labor is set to push to have Mr Shaw found in contempt of parliament for misusing his parliamentary vehicle, which could lead to the Frankston MP's expulsion. In a bid to turn the tables Mr Shaw declared earlier on Tuesday he would be prepared to back a Labor no confidence motion in the government.

Dr Naphine responded by revealing Mr Shaw had demanded an absolute assurance from the government that the parliament would not seek to sanction him further after a privileges committee investigation found he breached the MP code of conduct. Dr Naphine said he had not acceded to previous demands from Mr Shaw either, including him seeking a particular judicial appointment.

"That is outrageous, that is extreme, that is ludicrous, that is not tolerated by me as premier and it would not be tolerated by the people of Victoria," he said on Tuesday night. "And we say no to Mr Shaw, we say no to his outrageous demands and we will not be held to ransom by Mr Shaw and his antics." Mr Shaw accused the government of encouraging Mr Smith to cross the floor and support Labor's move to find him in contempt of parliament.

"I have sought out assurances from the premier that this will not be allowed to happen so that I can serve out my term for the people of Frankston," Mr Shaw told ABC Radio. "This assurance hasn't been given, and really I don't trust (the coalition) any more, and I will support a no-confidence motion in the premier and the government." Mr Andrews said he will still push to have Mr Shaw found in contempt of parliament on Tuesday next week.

"There's no reason whatsoever why we should delay the parliament considering Geoff Shaw's contempt, his appalling behaviour and levying a penalty against Mr Shaw."

Mr Andrews said Labor will still pass the government's budget but sidestepped questions on whether he'll accept Mr Shaw's support on the no confidence motion or any other issues before the November 29 election. He said he wouldn't be talking to Mr Shaw. "Tonight and the coming days are not for political gamesmanship. It is not a time for partisan issues," he said.

"This is an opportunity to get the advice we so desperately need from the governor. It's an opportunity to put the interests of our state first, and that's what I intend to do."

It's believed Dr Naphthine had intended to visit Bendigo on Wednesday.

The Liberal-turned-independent Mr Shaw holds the balance of power in the Legislative Assembly, with the coalition holding 44 seats and Labor 43.

<http://news.ninemsn.com.au/national/2014/06/03/18/17/shaw-will-back-no-confidence-in-vic-govt>



Geoff Shaw 'to back' no-confidence motion against Naphthine government

RACHEL BAXENDALE THE AUSTRALIAN
JUNE 03, 2014

Victorian Labor Party leader Daniel Andrews holds a press conference at Parliament House. *Source: News Corp Australia*

OPPOSITION Leader Daniel Andrews wants he and premier Denis Naphthine to meet Victoria governor Alex Chernov to discuss a solution to the state's "constitutional crisis". Mr Andrews tonight said Labor would pass the government's budget, but refused to discuss whether his party would move a no-confidence motion against the government. That possibility arose after rogue independent MP Geoff Shaw said he would support such a move because the Naphthine government had failed to protect his position in the parliament. .

In extraordinary scenes tonight, the premier and the opposition leader faced the media separately to discuss Mr Shaw's comments. Mr Andrews made a commitment to pass the government's budget. "I'm not prepared to have any doubt whatsoever that our nurses and teachers, our police officers, our firefighters, all of those dedicated Victorians who make our state work, I'm not prepared to run the risk that they won't be paid. So I'm prepared to formally make clear to Denis Naphthine tomorrow morning that Labor will pass his budget," Mr Andrews said.

"I also intend at that meeting to make it clear to Denis Naphthine that I think the most appropriate thing for him to do in this constitutional crisis is for both he and I to visit the governor, Alex Chernov, to seek his advice on how this constitutional crisis might be resolved." Mr Andrews said he had not spoken to Mr Shaw recently and had no intention of doing so. He said he would also be reporting Dr Naphthine's revelations this evening that Mr Shaw had requested that he face no further sanctions from the privileges

committee and that a particular judicial appointment be made to the Independent Broad-based Anti-Corruption Commission tomorrow.

The Premier is due to be in Bendigo tomorrow morning. It was not known tonight whether he would rearrange his plans to meet with Mr Andrews. Dr Napthine earlier declared his government would not be held to ransom by Mr Shaw. The premier revealed the former Liberal MP who now sits as an independent had today made "ludicrous" demands to keep the government afloat, including the demand for an unnamed person to receive a judicial appointment. "Mr Shaw put what were unreasonable demands on me as premier, on the government and on the people of Victoria"

"I will not be held to ransom by those demands. I will not accede to unreasonable demands." Dr Napthine said Mr Shaw had demanded the premier provide an absolute assurance that Parliament would not seek to sanction him further following a privileges committee report which last week concluded he had breached the MP code of conduct by misusing his parliamentary vehicle. Dr Napthine said Mr Shaw also repeated a previous demand for a particular judicial appointment, to which the premier replied "no way". "That is ridiculous," Dr Napthine said.

There has been speculation tonight about whether the government could bring the election forward from November, but that appears difficult. Under the state constitution, the parliament can only be dissolved for an election under certain conditions. A no-confidence motion needs three days notice before it can be moved in the lower house, and the government is then given time to fight back with a confidence motion. Dr Napthine said he believed the constitution had been written in haste under the previous Labor administration and he would have been tempted to call an election earlier if it was possible.

"The premier cannot call an election at his or her whim," he said. Dr Napthine said it was now up to Labor leader Daniel Andrews to determine whether he would team up with Mr Shaw to bring on a no-confidence motion. "The ball is now in the court of Daniel Andrews, what deal is he going to do with Mr Shaw?" Dr Napthine said he had spoken with governor Alex Chernov this evening and assured him the government could stand. He said Mr Andrews' meeting today with the governor had been arranged two weeks ago.

Labor leader Daniel Andrews met late today with Mr Chernov, but it was revealed that this was a scheduled meeting and not related to events of today. Today's pledge by Mr Shaw, the Liberal-turned-independent who holds the balance of power in the Legislative Assembly, brings into serious question the ability of the government to survive. Mr Shaw said he was furious with the government for failing to protect his position in the parliament. It is unclear whether the government could stall any vote.

One senior source said Labor would have to seek leave to have the motion moved and the government would attempt to thwart this. A senior Labor source said the bombshell announcement was still being considered. Mr Shaw made the comments in an ABC Radio interview. On the current numbers, the motion would be successful because the Liberal Speaker would not be able to vote.

This is because the numbers on the floor would be 44 Labor and Mr Shaw to 43 votes for the Coalition. It would trigger a complicated procedure in which another vote would need to be taken. But former Speaker Ken Smith told The Australian that it was unclear whether Labor and Mr Shaw could bring on a notice of no confidence. He said that under 2002 era reforms the government business program took precedence. However, he was not sure whether a no-confidence motion would take priority. "I'm not sure whether that would have priority over government business," he said.

He would plough ahead with his plan to back Labor in its bid to have Mr Shaw found in contempt for his roting of car and petrol allowances. A parliamentary privileges committee report, dominated by coalition MPs, last week found Mr Shaw had breached the MP code of conduct by misusing his parliamentary vehicle and said he should repay more than \$6000. It recommended no further punishment for the Frankston MP, angering Labor MPs and Mr Smith. Additional reporting: Pia Akerman and John Ferguson

<http://www.theaustralian.com.au/national-affairs/state-politics/geoff-shaw-to-back-noconfidence-motion-against-naphthine-government/story-e6frgczx-1226941904269>