

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE ASSEMBLY**

**FIFTY-EIGHTH PARLIAMENT**

**FIRST SESSION**

**Thursday, 6 September 2018**

**(Extract from book 12)**

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## **The Lieutenant-Governor**

The Honourable KEN LAY, AO, APM

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FIFTY-EIGHTH PARLIAMENT — FIRST SESSION**

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The Hon. C. W. BROOKS (from 7 March 2017)

The Hon. TELMO LANGUILLER (to 25 February 2017)

**Deputy Speaker**

Ms J. MAREE EDWARDS (from 7 March 2017)

Mr D. A. NARDELLA (to 27 February 2017)

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Ms Kilkenny, Ms Knight, Mr McGuire, Mr Pearson, Mr Richardson, Ms Spence, Ms Suleyman,  
Ms Thomson, Ms Ward and Ms Williams.

**Leader of the Parliamentary Labor Party and Premier**

The Hon. D. M. ANDREWS

**Deputy Leader of the Parliamentary Labor Party and Deputy Premier**

The Hon. J. A. MERLINO

**Leader of the Parliamentary Liberal Party and Leader of the Opposition**

The Hon. M. J. GUY

**Deputy Leader of the Parliamentary Liberal Party and Deputy Leader of the Opposition**

The Hon. D. J. HODGETT

**Leader of The Nationals**

The Hon. P. L. WALSH

**Deputy Leader of The Nationals**

Ms S. RYAN

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*Council* — Acting Clerk of the Parliaments and Clerk of the Legislative Council: Mr A. Young

*Parliamentary Services* — Secretary: Mr P. Lochert

**MEMBERS OF THE LEGISLATIVE ASSEMBLY**  
**FIFTY-EIGHTH PARLIAMENT — FIRST SESSION**

<b>Member</b>	<b>District</b>	<b>Party</b>	<b>Member</b>	<b>District</b>	<b>Party</b>
Allan, Ms Jacinta Marie	Bendigo East	ALP	McLeish, Ms Lucinda Gaye	Eildon	LP
Andrews, Mr Daniel Michael	Mulgrave	ALP	Merlino, Mr James Anthony	Monbulk	ALP
Angus, Mr Neil Andrew Warwick	Forest Hill	LP	Morris, Mr David Charles	Mornington	LP
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Britnell, Ms Roma <sup>1</sup>	South-West Coast	LP	Noonan, Mr Wade Matthew	Williamstown	ALP
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Edbrooke, Mr Paul Andrew	Frankston	ALP	Ryan, Mr Peter Julian <sup>9</sup>	Gippsland South	Nats
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Fyffe, Mrs Christine Anne	Evelyn	LP	Sheed, Ms Suzanna	Shepparton	Ind
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Languiller, Mr Telmo Ramon	Tarneit	ALP	Watt, Mr Graham Travis	Burwood	LP
Lim, Mr Muy Hong	Clarinda	ALP	Wells, Mr Kimberley Arthur	Rowville	LP
McCurdy, Mr Timothy Logan	Ovens Valley	Nats	Williams, Ms Gabrielle	Dandenong	ALP
McGuire, Mr Frank	Broadmeadows	ALP	Wynne, Mr Richard William	Richmond	ALP

<sup>1</sup> Elected 31 October 2015

<sup>2</sup> Resigned 3 September 2015

<sup>3</sup> Resigned 3 September 2015

<sup>4</sup> ALP until 7 March 2017

<sup>5</sup> Nats until 28 August 2017

<sup>6</sup> Elected 14 March 2015

<sup>7</sup> Died 23 August 2017

<sup>8</sup> Elected 31 October 2015

<sup>9</sup> Resigned 2 February 2015

<sup>10</sup> Elected 18 November 2017

**PARTY ABBREVIATIONS**

ALP — Labor Party; Greens — The Greens;  
Ind — Independent; LP — Liberal Party; Nats — The Nationals.

### **Legislative Assembly committees**

**Privileges Committee** — Ms Allan, Mr Clark, Ms D’Ambrosio, Mr Morris, Ms Neville, Ms Ryan, Ms Sandell, Mr Scott and Mr Wells.

**Standing Orders Committee** — The Speaker, Ms Allan, Ms Asher, Mr Carroll, Mr Clark, Ms Edwards, Mr Hibbins, Mr Hodggett, Ms Kairouz, Ms Ryan and Ms Sheed.

### **Legislative Assembly select committees**

**Penalty Rates and Fair Pay Select Committee** — Ms Blandthorn, Mr J. Bull, Mr Clark, Mr Hibbins, Ms Ryall, Ms Suleyman and Ms Williams.

### **Joint committees**

**Accountability and Oversight Committee** — (*Assembly*): Mr Angus, Mr Gidley, Mr Noonan and Ms Thomson. (*Council*): Mr O’Sullivan, Mr Purcell and Ms Symes.

**Dispute Resolution Committee** — (*Assembly*): Ms Allan, Mr Clark, Ms Hutchins, Mr Merlino, Mr M. O’Brien, Mr Pakula and Mr Walsh. (*Council*): Mr Bourman, Mr Dalidakis, Ms Dunn, Mr Jennings and Ms Wooldridge.

**Economic, Education, Jobs and Skills Committee** — (*Assembly*): Mr Crisp, Mrs Fyffe, Ms Garrett and Ms Ryall. (*Council*): Mr Bourman, Mr Elasmarr and Mr Melhem.

**Electoral Matters Committee** — (*Assembly*): Ms Asher, Ms Blandthorn, Mr Dixon and Ms Spence. (*Council*): Ms Bath, Ms Patten and Mr Somyurek.

**Environment, Natural Resources and Regional Development Committee** — (*Assembly*): Mr J. Bull, Ms Halfpenny, Mr Richardson and Mr Riordan. (*Council*): Mr O’Sullivan, Mr Ramsay and Mr Young.

**Family and Community Development Committee** — (*Assembly*): Ms Britnell, Ms Couzens, Mr Edbrooke, Ms Edwards and Ms McLeish. (*Council*): Dr Carling-Jenkins and Mr Finn.

**House Committee** — (*Assembly*): The Speaker (*ex officio*), Mr J. Bull, Mr Crisp, Mrs Fyffe, Mr Staikos, Ms Suleyman and Mr Thompson. (*Council*): The President (*ex officio*), Mr Eideh, Ms Lovell, Mr Mulino and Mr Young.

**Independent Broad-based Anti-corruption Commission Committee** — (*Assembly*): Mr Hibbins, Mr D. O’Brien, Mr Richardson, Ms Thomson and Mr Wells. (*Council*): Mr Ramsay and Ms Symes.

**Law Reform, Road and Community Safety Committee** — (*Assembly*): Mr Dixon, Mr Howard, Ms Suleyman, Mr Thompson and Mr Tilley. (*Council*): Dr Carling-Jenkins and Mr Gepp.

**Public Accounts and Estimates Committee** — (*Assembly*): Mr Dimopoulos, Mr Morris, Mr D. O’Brien, Mr Pearson, Mr T. Smith and Ms Ward. (*Council*): Ms Patten, Ms Pennicuik and Ms Shing.

**Scrutiny of Acts and Regulations Committee** — (*Assembly*): Ms Blandthorn, Mr J. Bull, Mr Dimopoulos, Ms Kilkenny and Mr Pesutto. (*Council*): Ms Bath and Mr Dalla-Riva.

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## Thursday, 6 September 2018

**The SPEAKER (Hon. Colin Brooks) took the chair at 9.32 a.m. and read the prayer.**

### PETITIONS

**Following petitions presented to house:**

#### **Walker Street, Northcote, public housing**

To the Legislative Assembly of Victoria:

The petition of Darebin Community Friends of Public Housing

The signatories to this petition are deeply concerned about the Labor government's decision to sell off public housing land to private developers at Walker Street, Northcote, and other locations in Melbourne. We draw to the attention of the house the enormous stress being caused by the government's continued efforts to relocate tenants from the Walker Street public housing estate.

The petitioners therefore request that the Legislative Assembly of Victoria:

1. immediately halt all further attempts to relocate Walker Street residents;
2. abandon the government's privatisation program and instead implement a refurbishment program and investigate the building of more public housing units on the site;
3. support a significant increase in public housing in Victoria to provide homes for the 83 000 (and growing) vulnerable people (including over 25 000 children) currently on the public housing waiting list.

**By Ms THORPE (Northcote) (383 signatures).**

#### **Wangaratta residential rehabilitation facility**

To the Legislative Assembly of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Assembly the need for public consultation on the location of the new drug and alcohol residential rehabilitation service.

The petitioners therefore respectfully request that the Legislative Assembly calls on the Andrews Labor government to consult with the community regarding the location of the rehabilitation facility before proceeding with the development.

**By Mr McCURDY (Ovens Valley) (60 signatures).**

#### **Inverleigh wind farm**

To the Legislative Assembly of Victoria:

This petition of the residents of Winchelsea, Inverleigh, Gnarwarre, Mount Pollock and the Barrabool Hills regions draws to the attention of the house the issue of residents in

neighbouring areas to the proposed Inverleigh wind farm (IWF) that: it has and will continue to cause division in the community; it has and will continue to devalue the lifestyle properties close by; it should not use neighbouring properties as a buffer zone; it is sited too close to Winchelsea, Inverleigh, Gnarwarre and neighbouring dwellings; it must adhere to NHMRC setback of at least 1.5 km; it is a gross degradation to the visual amenity of the Barrabool Hills and Mount Pollock regions; and it poses grave danger to users of the Gnarwarre Airfield.

The petitioners request that the Minister for Planning immediately decline a permit and not authorise the construction of the IWF.

**By Mr RIORDAN (Polwarth) (303 signatures).**

**Tabled.**

**Ordered that petition presented by honourable member for Northcote be considered next day on motion of Ms THORPE (Northcote).**

**Ordered that petition presented by honourable member for Ovens Valley be considered next day on motion of Mr McCURDY (Ovens Valley).**

**Ordered that petition presented by honourable member for Polwarth be considered next day on motion of Mr RIORDAN (Polwarth).**

**Ordered that petition presented by honourable member for Hastings on 5 September be considered next day on motion of Mr BURGESS (Hastings).**

**Ordered that petition presented by honourable member for Burwood on 5 September be considered next day on motion of Mr WATT (Burwood).**

### DOCUMENTS

**Tabled by Acting Clerk:**

Independent Broad-based Anti-corruption Commission — Report to the Minister for Police under s 70N of the *Sex Offenders Registration Act 2004* — Ordered to be published

Ombudsman — Investigation of allegations referred by Parliament's Legal and Social Issues Committee, arising from its inquiry into youth justice centres in Victoria — Ordered to be published

Statutory Rules under the following Acts:

*Corrections Act 1986* — SR 116

*Serious Offenders Act 2018* — SR 115

*Tobacco Act 1987* — SR 117.

**PRODUCTION OF DOCUMENTS**

**Ms ALLAN** (Minister for Public Transport) (09:36) — By leave, I move:

That, in relation to the documents tabled in the Assembly on Tuesday, 4 September 2018, under standing order 171 in response to the order of the house of 29 March 2018, this house gives the Speaker the power to remove from the Assembly's records any private and confidential documents that do not relate to the order of the house of 29 March 2018 ordering the production of documents and that are brought to the —

*Honourable members interjecting.*

**The SPEAKER** — Order! Members! I ask the Leader of the House to repeat that motion; I was not able to hear. I ask members to remain silent so that members can hear the motion.

*Honourable members interjecting.*

**The SPEAKER** — Order! I need to be able to hear the motion and hear the comments of honourable members on this matter. I will not have members shouting across the chamber, particularly at this part of the day. Members will be removed from the chamber if they shout across the chamber. I ask the Leader of the House to repeat that motion.

**Ms ALLAN** — By leave, I move:

That, in relation to the documents tabled in the Assembly on Tuesday, 4 September 2018, under standing order 171 in response to the order of the house of 29 March 2018, this house gives the Speaker the power to remove from the Assembly's records any private and confidential documents that do not relate to the order of the house of 29 March 2018 ordering the production of documents and that are brought to the Speaker's request.

I appreciate the cooperation of the house in allowing this motion to be moved. Clearly what we have seen through the publication overnight —

*Honourable members interjecting.*

**The SPEAKER** — Order! I have warned members. I understand there is a lot of emotion on this particular issue at this particular part of the parliamentary cycle, but I ask members to refrain from shouting across the chamber so that members are able to make a contribution and are able to be heard. I have warned members that they will be removed from the chamber if they continue to shout.

**Ms ALLAN** — Thank you, Speaker. I appreciate your assistance. The order of the house that was made on 29 March 2018 for all documents to be tabled in relation —

**Mr Pesutto** interjected.

**Ms ALLAN** — Thank you, you are just helping me out. We spotted it. Thank you.

**Mr Pesutto** interjected.

**Ms ALLAN** — No, thank you, that is helpful.

The order related to all documents relating to the Ventnor scandal. I think it is important at the outset to remember why we are considering this issue today. It is because —

*Honourable members interjecting.*

**The SPEAKER** (09:39) — Order! The member for Ferntree Gully can leave the chamber for the period of 30 minutes.

**Honourable member for Ferntree Gully withdrew from chamber.**

**Ms ALLAN** — It is because the Parliament ordered the tabling of all the documents in relation to the Ventnor scandal. The scandal has been writ large over the course of the last few days and has demonstrated the most inappropriate, scandalous and potentially criminal behaviour of the Leader of the Opposition.

So that is the context in which we are talking about this.

Now, what we have seen overnight —

*Honourable members interjecting.*

**The SPEAKER** — Order! The member for Kew!

*Honourable members interjecting.*

**The SPEAKER** — Order! Members wishing to remain in the chamber should be silent. The Leader of the House has the call.

**Ms ALLAN** — What we have seen is that the inclusion of the personal details in these documents was clearly inadvertent, and as soon as this was brought to the attention of the relevant individuals, they were removed from publication online. The motion before the house gives you, obviously, Speaker, the capacity to deal with these matters as they come to your attention. As we have also seen, the Deputy Premier made some comments this morning where we certainly did apologise to the individual for those documents.

Now, the reason to move this motion has become even more important over the course of this morning, based

on comments that were made on radio this morning and comments —

**Mr Pesutto** interjected.

**Ms ALLAN** — Oh, yes, it is. And comments that were made by those opposite in the morning.

*Honourable members interjecting.*

**The SPEAKER** — Order! I ask members for their cooperation.

*Honourable members interjecting.*

**Mr Guy** interjected.

**The SPEAKER** — Order! The Leader of the Opposition! I ask members to come to order.

**Ms ALLAN** — On the ABC *Mornings* program this morning, in his interview with Jon Faine, the member for Hawthorn has been quoted as saying, ‘We’ve still got 37 other boxes of material that haven’t been checked’, clearly indicating that the opposition have been trawling through these documents, not to check —

*Honourable members interjecting.*

**The SPEAKER** — Order!

**Mr Pesutto** interjected.

**The SPEAKER** — Order! The member for Hawthorn may wish to contribute to the debate.

**Mr T. Smith** interjected.

**The SPEAKER** (09:42) — The member for Kew can leave the chamber for the period of 30 minutes.

**Honourable member for Kew withdrew from chamber.**

**The SPEAKER** — Order! I will not have members shouting across the chamber.

**Ms ALLAN** — What we have seen in the exchange across the table this morning —

*Honourable members interjecting.*

**Ms ALLAN** — Speaker, you would think that the seriousness of this matter would lead those opposite to exercise some self-control, but clearly they have none. The Leader of the Opposition across the table this morning said to me, ‘Wait for the other dozen to come out’. He has referred to knowing that there might be psychological reports, psychiatrist reports, personal

information about prescription details and mental health notes.

**Ms Staley** interjected.

**The SPEAKER** (09:43) — The member for Ripon to leave the chamber for the period of 1 hour.

**Honourable member for Ripon withdrew from chamber.**

**Ms ALLAN** — Speaker, it is very clear from the comments on the radio this morning and the comments in the chamber in here that the —

**Ms Staley** interjected.

**The SPEAKER** — Order! The member for Ripon!

**Ms ALLAN** — Just when you thought, after this week, that the behaviour of those opposite could not get any worse — for the member for Ripon to bring my children —

*Honourable members interjecting.*

**Ms ALLAN** — It is astonishing.

*Honourable members interjecting.*

**The SPEAKER** — Order! I have issued a number of warnings to people about shouting across the chamber and their behaviour on this matter. Members will be removed for an hour and a half if they continue to shout across the chamber.

**Ms ALLAN** — Speaker, it is very clear that the opposition, in their right to go through the documents that have been tabled, are not going through them in terms of the policy matters and the issues — the genuine public interest matters that those documents contain about the scandalous behaviour of the Leader of the Opposition. They are trawling through them and plan to release more personal information. That is the basis of what those opposite have said this morning — that they have more personal information —

**Mr Pesutto** — On a point of order, Speaker, on relevance, it was the government that released these documents to the world at large, and we will not sit here and be lectured by those opposite. It was only our efforts that discovered the private details in these documents.

**The SPEAKER** — Order! There is no point of order.

**Ms ALLAN** — I really thank the member for Hawthorn for giving me further evidence of why this motion is so important. When the opposition found that information did they bring it to your attention, Speaker? I am guessing they did not, because when the information was made available they went to the media. This is an entirely appropriate motion —

*Honourable members interjecting.*

**The SPEAKER** (09:45) — Order! The member for Lowan can leave the chamber for a period of 30 minutes.

**Honourable member for Lowan withdrew from chamber.**

**Ms ALLAN** — that preserves the documents that have been tabled in relation to the scandalous initial planning decision around Ventnor and then the potentially criminal cover-up that the Leader of the Opposition engaged in. This motion enables those documents to remain available to the public but obviously also gives you, Speaker, the opportunity to deal with documents that may have been inadvertently included in the large number of documents that were made available. As I said at the outset, I appreciate the assistance of the house in being able to bring this matter immediately to the house today, and I hope after a period of debate that this motion can be fully supported by the house today.

**Mr CLARK** (Box Hill) (09:46) — If ever the house and the community wanted an insight into the modus operandi of our current discredited government, it has been the remarks of the Leader of the House. One would have thought in the circumstances she would have stood and apologised on behalf of the government for the harm that the government has done to the community of Victoria. Indeed one would have thought that the Premier would have been in the house to also stand up and apologise, because he is the prime guilty party in this. It is at his instigation that this has happened. It was his responsibility to produce documents to the house and it is through his recklessness and negligence in effectuating the process that he initiated that innocent Victorians have been exposed to the harm that they now face, and the taxpayer and the community are now exposed to the compensation claims that may well, understandably, be sought by the people who have been done such damage by the government. Yet instead of accepting responsibility for what has happened, the Leader of the House has tried to blame anyone but themselves for what has happened, and that, I have to say, encapsulates the entire ethos of this government: blame anyone but themselves.

Clearly with the debacle that the government has caused something needs to be done about the situation. It is intolerable that the private details of individual Victorian citizens have been so recklessly put into the public arena through the process that the government has followed. What needs to be now determined — and this house is needing to respond at short notice to the crisis that has arisen — is exactly how that should be done.

What the government is proposing to do is to give you, Speaker, the power to remove certain documents from the Assembly's records. I have to say that the form of this motion opens up a huge number of questions as to the appropriate process that should be followed. These are documents that have been tabled in the house and have been under the process of the resolution that was specifically brought in to the house by the government last sitting week, and the normal process is that those documents be made available in the public arena. Given that by whatever process we do not yet know an enormous amount of private and sensitive information has been included amongst those documents, some process needs to be adopted in order to resolve that.

It seems to me, from a brief consideration of the motion put by the Leader of the House, that it is seeking to shift responsibility in this matter. It seems to me that responsibility in this matter needs to be taken by the government, rather than expecting you, Speaker, to accept the responsibility and the task of trying to sort out the mess that they have created and the damage that they have caused. It should be the responsibility of the Premier and other ministers of the government who wanted to have these documents produced and made public. It is for them to do the hard work of sorting out what is appropriate, and it is for them to make those judgements.

As is the case with any such order of this place or the other place, responsibility is placed on a minister of the Crown to produce documents in accordance with the resolution of the house. We all know that this was an artifice in this house. We all know that the government was giving itself orders and that it was a farcical approach to follow. However, responsibility was placed by this house on the Premier to produce certain documents to this house, and he in his recklessness to try to throw political muck has included these very private and sensitive details of individual Victorians. The responsibility should be on the Premier now to take these documents away, sort them out and then come back to the house when he has done the work and accepted the responsibility for getting them right. That is a serious reservation that we on this side of the house have about the form of the motion that has been put before us.

There are also many other questions that arise that are not dealt with by the motion that has been put before us in terms of timing and process and what is expected to happen in the meantime. The form of this motion is such that towards the end it says that you, Speaker, are to be given the power to remove from the Assembly's records certain 'documents and that are brought to the Speaker's request'. We have heard nothing from the Leader of the House about exactly what that means. Does it mean that the Leader of the House envisages that your staff, the staff of the clerks, are going to continue to scan and upload every document that has been tabled, which would be the normal process, and then the documents end up in the public arena, somebody has to see them and come along to you with a request and say, 'My private and personal confidential information has been made public; please take it down'? If that is the logic of what the government is proposing, then it is too late; the harm has been done. The documents of these innocent Victorians are out there in the public arena before the request comes to you to take them down.

It seems yet again that in their haste to throw mud, to attack anybody but themselves and to distract attention from the many rorts and wrongdoings that they have hanging over their heads, they have actually come to this house with a motion that is not going to protect the innocent Victorians that they have already harmed or that may be harmed by the ongoing publication of these documents. Certainly something needs to be done to resolve the mess that the government has created. Many grave questions hang over the motion that the Leader of the House has now moved. As I said, it is a sign of the haste, the chaos and the turmoil which the government has inflicted on itself, and the grief that it has caused the community, that they are not in a position to come to this house with a motion that is going to be effective and to achieve what is needed to protect innocent Victorians.

I could continue at length on the different aspects of this motion, but the key point is that in its current form it does not seem to be satisfactory to protect Victorians. It seems to us on this side of the house that the motion should probably be recast to require the Premier to accept responsibility himself for vetting the documents, removing inappropriate documents and making sure that they are not published in the first place. They should completely abandon this bungled attempt they have made to try to throw mud at others, which has caused a huge amount of damage on the way through. Instead they should take it away, and if they want to persist with this foolish and irresponsible distraction, they should at least do the job properly and take out any documents that are irrelevant to the terms of the motion

that they themselves brought before the house and which would cause such damage.

I might add one further point in relation to that. We are getting many conflicting claims from the government in relation to this. Indeed, just in the Legislative Council on Tuesday, we had the Leader of the Government there, Mr Jennings, very confidently asserting that matters such as personal affairs had in fact been dealt with. The Leader of the Opposition in the Legislative Council addressed a question to the Leader of the Government — the Special Minister of State — and referred to the government's refusal to provide documents to the Legislative Council on a range of issues based on cabinet-in-confidence executive privilege claims, legal advice claims, departmental note claims, working document claims, personal affairs and information claims, commonwealth privilege claims and commercial-in-confidence claims.

The point was put to the Special Minister of State that the government has been happily asserting all of these claims, rightly or wrongly, to refuse to provide documents to that chamber, and the Minister was asked why those claims were not applied to the release of the Ventnor documents. The Special Minister of State's answer was, and I quote:

I thank Ms Wooldridge for her question. Well, in fact they were applied. They do apply. They are matters that have actually been considered.

So we had the Leader of the Government in the Legislative Council telling the Council that all these sensitive issues have been considered in the manner in which the documents were brought to the Parliament, and then it turns out that is not in fact the case whatsoever. So is that an indication that the Leader of the Government in the Legislative Council was telling untruths or is it a case that the government has just failed to do what it was supposed to have done? It has been so reckless, so foolhardy, that it has placed so much irresponsible pressure on so many parts of the public sector that the job has not been able to be done properly. That certainly is what seems to have happened.

We have had the Victorian Government Solicitor's Office that should be under a duty to respect legal professional privilege — the solicitor client privilege — being ordered by the Premier of the day to bypass all of those rules, potentially exposing many solicitors in that office to complaints to the legal services board about professional misconduct but being put under pressure to hand over those documents. We have had public servants throughout the government being put under pressure to hand over documents. It appears that we have had law firms and/or individual lawyers engaged

in these matters being put under pressure to hand over documents. We have certainly had the Secretary of the Department of Premier and Cabinet send letters to the opposition saying, ‘Well, I admit that we are departing from convention but we are under superior orders. We are doing what we were ordered to do by the Premier and we have got no alternative but to comply’.

We have had documents relating to very sensitive court proceedings included in this bundle. You have to ask yourself whether or not there are issues about contempt of court that are raised by what has happened here as to whether potentially the Premier and other ministers of the government or others could be called before the Supreme Court or other courts of this state to account for what has happened and to accept responsibility for the improper release of these documents. So there are all of these questions raised about that. It is a massive breach of principles of privacy which one would have thought would be accepted across the chamber, but of course the government does not have a good record in relation to privacy, as we have seen on many other occasions. We have seen the government use an act of Parliament to sack the privacy and data protection commissioner because he was prepared to stand up to the government about privacy principles. We have seen the government in its haste to try to smear people release the private names and all remuneration details of government employees.

But what is absolutely clear from what has been happening with these documents and on numerous other occasions is that the government is prepared to trash the privacy and trash the rights of individual Victorians in whatever way they think expedient in order to gain political advantage. Of course it is a government that is busy grabbing hold of people’s private data in whatever way it can — through electricity rebate schemes or vote for Pick My Project or whatever — and amassing a huge database. What confidence can any Victorian have that this type of data they have submitted to the government ostensibly for an energy rebate or a Pick My Project poll is not going to be released to the world whenever it suits the government to do so and is not being trawled through and cherrypicked by the government for some political advantage?

As I have been saying, it is the government that needs to accept responsibility for sorting out the mess that they have created. It is unfair to you, Speaker, it is unfair to the clerks and it is unfair to the staff of this Parliament that you and they should be asked to accept that responsibility and to accept that responsibility in a way that is unclear in the terms of the motion and in a way that appears to be trying to shut the stable door after the horse has bolted in that it is only going to

provide protection to individuals through the withdrawal of their data once that data has been put out there in the public arena and someone has come along to you and requested that you do something about it.

This seems to be an appallingly inadequate motion following on from an appalling debacle of a process through which the government has gone. This house needs to give very careful, mature and responsible consideration as to how we respond to the harm that is being inflicted on this house and on the community by a government that is unfit to govern.

**Ms HENNESSY** (Minister for Health) (10:01) — I rise to speak on the motion moved by the Leader of the House. In doing so I make the observation that in his contribution the manager of opposition business canvassed and traversed a number of wideranging issues, many of which sit beyond the province of this motion. However, he asked a critical question, and the question was about taking responsibility. It is my submission to you, Speaker, that this motion is designed to do exactly that. The documents are within the province of the Parliament; the Parliament holds the property of the documents. In order to address the issues that we have canvassed this morning it is important that this house gives the Parliament the authority to ensure that any private and confidential documents that relate to the order of the house of 29 March 2018 ordering the production of documents are in fact dealt with in that way. So for all of the many issues that the manager of opposition business traversed, this motion is designed to do exactly that, and that is why this motion should be supported.

The manager of opposition business also raised, quite legitimately, the issue of an apology, and this morning the government has indeed issued an apology in respect of the private information that was inadvertently published in compliance with this order of the Parliament. So that issue I think has certainly has been addressed.

The issue that does concern me, however, is that in the course of the contributions — and I am happy to be corrected — I believe I heard some foreshadowing of further documents that may be released, with members saying, ‘There’s plenty more to come’. We are giving the Parliament the ability to address this issue. When opposition members became aware of confidential documents, did they come knocking on your door, Speaker, to say they had identified some confidential documents? No. They took them and they ensured that they were going to be published further and that further highlights of that confidential information were going to be made. If they were true to their word — if these

are not false declarations of concern around confidentiality — then, Speaker, they would have brought that to your attention.

In any event, this is a motion that is focused on addressing the confidential and private information that may have inadvertently been caught up in compliance with the order for the production of documents. We would like that matter to be addressed quickly, and we expect and request the cooperation —

*Honourable members interjecting.*

**The SPEAKER** — Order! The member for Hawthorn has been warned.

**Ms HENNESSY** — of the opposition to that end as well.

In conclusion, we should never forget why we are here. The reason we are here is that we had significant exposure of some very dirty things that had been done in respect of the Ventnor legal settlement, a settlement that was made, in breach of legal advice, to Liberal Party mates and that was then kind of put beyond the realm of scrutiny. That is why we find ourselves in this circumstance in the first place. I commend the motion, and I commend ensuring that we address the content of the motion to resolve the issues that the house has canvassed this morning.

**Mr WALSH** (Murray Plains) (10:04) — I would like to move an amendment to the motion, please. I move:

That all the words after ‘That’ be omitted with the view of inserting in their place the words: ‘so much of the orders of the house of 29 March and 23 August 2018 related to the production of documents under standing order 171 be rescinded —

- (1) so far as to stop the documents being tabled and published;
- (2) the house orders that those documents be removed from the records of the Assembly; and
- (3) the protection provided by Constitution Act 1975 to the publication of those documents remains’.

The reason that I have moved this amendment is that the documents were tabled under a motion, under the hand and under the instructions of the Premier of this state. The Premier of this state has apparently given an instruction to the head of the Department of Premier and Cabinet (DPC) that ‘you will break conventions and you will hand these papers over under my instructions’. The head of the DPC is using that excuse as the reason that he has broken all these conventions. My advice to the

head of the DPC would be that he should actually go and do the company directors course for a start. It is explained to everyone who does the company directors course, which I did years ago, that if you are part of a company, if you are part of a board or if you are part of an organisation where you believe something that is wrong is being done, you do your best to correct that wrong and at the end of the day if that wrong is going to be perpetrated, you actually resign your position.

**Ms Green** interjected.

**The SPEAKER** — Order! The member for Yan Yean is warned.

**Mr WALSH** — You have the courage and the strength of your convictions to actually resign your position. That is what the head of the DPC did not do. He is doing the dog-ate-my-homework excuse around this particular issue by saying he was told by the Premier he had to break convention and produce these particular documents.

But more importantly, Speaker, I am actually moving this amendment so you as the Speaker do not have to sit down and read 80 000 pages of documents. What this motion does is say that you as the Speaker will be responsible for every single one of those 80 000 pages of documents that have been tabled, and I actually do not think you should have to have that responsibility.

This is two motions. This is the instruction of the Premier of this state. He is the person that everyone in Victoria looks to for leadership of this state, to actually set the standard, the tone and the integrity of this state, and he has failed all Victorians on this particular issue. He is now going, ‘I’ll handball it to you, Speaker. You’ll actually have to fix up my particular mess here’. Now, I know you cannot say anything from the chair, but I would imagine that you have got better things to do with your time than to personally read 80 000 pages of documents that you are now going to have to do, because this is about giving you as the Speaker the responsibility for what goes on in this house with those particular documents.

What we have actually seen with the indecent haste from this government to table these documents defies logic. The Premier has known since 28 March, when this first motion was passed, that they were going to table these documents. The Premier of this state actually has a record number of staff in his office. As I understand it, there is something like 200 staff who work in the Premier’s office. There are more staff in the Premier’s office than there are in the Prime Minister of Australia’s office. If the Premier actually did have the

decency to get his staff to actually check that these documents were right, why should he now make you read 80 000 pages of documents? In that indecent haste, even though there was a lot of time, all of a sudden there was a truck coming across from over the road, box after box, and all the TV cameras were lined up. The Premier, the Premier's department and his staff should have actually made sure these documents were the correct documents that they were tabling.

How can Victorians believe that the Premier of this state is fit to govern and to make all the decisions around what happens in Victoria when he cannot actually get the tabling of documents right? This was actually done under the Premier's hand. We have had all sorts of excuses this morning around what has happened. You tabled 80 000 documents you have not read. You tabled personal details, bank details, childcare details, medical records, mobile phone numbers and the personal address of a single mother who is a lawyer, who has been involved in court cases, and no-one knows what might have come out of those particular things. All of her personal details are up online. And what did we have the Deputy Premier say? 'It is unfortunate'. If saying this is unfortunate is an apology, I would hate to see it if something absolutely life-threatening happened to someone as a result of the fact that these documents have been released. To say that something is unfortunate is just, I think, an underwhelming apology, if you can even call it an apology.

What really concerns Victorians around this particular issue is that the government has collected a whole heap of data and personal details from people right across Victoria. Pick My Project is where people log on and vote for a particular project in their communities, and you have got to put all your personal details in. So the government now has the personal details of thousands and thousands of people out of Pick My Project. What is going to happen to those personal details? We have a Premier who will stoop to new lows. We have a Premier who will throw anyone under the bus for his own personal political gain. So we have got all these people across Victoria who have legitimately logged on to support their communities and to support their particular projects, and the government, the Labor Party, now has all their details, which it could very easily just chuck out into the public arena, as it has done in this particular case.

We also have the Victorian Energy Compare website, with a \$50 bribe from the government to collect data. It has a 50-buck bribe to get data so the government, the Labor Party, has all of the people's personal details around that particular website as well. What we have seen happen in this case is a sign of what could happen

in the future, when the Labor Party runs rampant and treats people's personal details with a total lack of respect and integrity. It will do anything for political gain.

I believe the Leader of the House's motion obfuscates the government's responsibility to manage and fix up its own mess and lands it squarely at your feet, Speaker, and I do not believe, to be fair, that you should have that responsibility, which is why I have moved the amendment that stands in my name. It should be the government's job to fix up this mess. These papers should be withdrawn. The 200 staff who sit down in the Premier's office, scheming and plotting every day how they can screw over Victorians, should actually do some work and go through those papers and make sure what is being tabled is correct.

*Honourable members interjecting.*

**Mr WALSH** — There is laughter on the other side of the house. They think this is an absolute joke. It is not a joke. This goes to the absolute integrity of how the government is running this state, and I am afraid the Premier has failed Victorians. I urge those on the other side of the house to accept the amendment moved in my name, fix up this mess they have got, go away, do the work they should have done over the last six months, go through these particular pieces of paper, and if they still want to table them after that, come back with a new motion with the documents fixed up to make sure that people's personal details are not in them.

As I said, this is a Premier who will do anything for political gain in this state. He has potentially endangered the lives of people with these documents that have been released. I urge those on the other side of the house to support our amendment so that these issues can be resolved, so we can protect people's lives, and so that there can be some integrity brought back to the processes of government in this state, and particularly some integrity brought back to the processes of this house. I just do not think it is right and fair to have you, as Speaker, reading 80 000 pages and taking personal responsibility for something the Premier has bungled himself.

**Ms NEVILLE** (Minister for Police) (10:13) — Can I start off by making it clear that no-one on this side deliberately released these pieces of paper that provided personal details. Of course no-one would have or wanted to see the personal details of people who had nothing to do with these issues released to the public. That is why yesterday people acted very quickly to ensure that the documents were not online. They acted

very quickly with the bringing forward of this motion, and that is why there have been apologies this morning.

No-one wants this personal information out there. It is absolutely not pertinent, and no-one deliberately did it. It was an inadvertent release of information. Absolutely everyone is sorry to see people's personal information being released. But what concerns me is that we have heard a lot today from those opposite about there being more to come, more documents to be released.

*Honourable members interjecting.*

**The SPEAKER** — Order! The member for Hawthorn has been warned a number of times.

**Ms NEVILLE** — We now have an opportunity where if people are aware of other personal details that are contained in the documents, they are able to bring that to your attention, Speaker, to make sure that they are not published but are removed. If someone comes across that information around the personal details, I think if they really care about this issue, if they really care about protecting people's personal information, what they will do is provide those details to the Speaker as soon as possible so that that can be rectified. But I am not sure that those opposite are really seriously wanting to do that. I think there is faux outrage over the other side about this while actually providing those details to the media.

Again, I make it clear that nobody deliberately did this. It was inadvertent. People have apologised for it, and now this motion is before the house for us to make every effort to make sure that if people are aware of any further personal information that is still contained in this production of documents, they can come to the Speaker, not to the media, to address that, because it is through giving it to the media that it gets published, so let us try and contain that.

But of course I know why this amendment has been moved. It is because in the end those opposite would like to hide information and the critical nature of the documents that have been published. Let us be really clear about what has happened here. There has been hush money, basically, paid by the Leader of the Opposition in a cover-up, and —

**Mr Pesutto** — On a point of order, Speaker, the minister is straying from the motion and making imputations about the Leader of the Opposition. I ask you to get her to withdraw and focus on the motion.

**The SPEAKER** — Order! I cannot ask the minister to withdraw, but she was making an imputation. I warn the minister not to make imputations.

**Ms NEVILLE** — There is at the bottom of all of this the reason the documents are so important. These documents highlight that the Leader of the Opposition potentially misused his position as a minister by paying money to make an issue go away — and that is in his own words, not in my words. He wanted to save his own job. These documents are very important to ensure that Victorians are able to assess the character of the Leader of the Opposition. We have moved a motion making sure that if people are aware of personal information — we hope there is no more, but if there is, as those opposite are indicating there is — it is brought to your attention, Speaker, so that the matter can be fixed and that we minimise any inadvertent and terrible impact on people in terms of any breach of their privacy.

**Mr HODGETT** (Croydon) (10:18) — Those opposite — the government — from the Premier down should hang their heads in shame. The Premier is not worthy. He is not fit to hold office. They should all be embarrassed to call themselves members of the Victorian Parliament. We would not be here debating this motion if more care and concern had been taken rather than a vengeful act to attack the Leader of the Opposition. Make no mistake about it: we would not be here debating this motion were that the case. This is a massive stuff-up, it is an absolute disgrace, and I will support the Leader of The Nationals's amendments to the motion, which is a sensible way forward and a responsible way forward in this matter.

This is an embarrassment for the government. In my nearly 12 years here this has to be the most embarrassing thing I have ever seen in this Parliament. It is a stuff-up by the government. It shows that the Premier does not care and that he will stop at nothing to cling to power. He is prepared to sacrifice the personal details of everyday, ordinary, innocent Victorians. It is an absolute disgrace. What the Premier would be doing if he had any guts is coming into this place, standing up, facing the people and giving an unreserved apology to all those people he has hurt in this disgraceful act of vengeance. He should be in here, hand on heart, apologising — giving a genuine, unreserved apology for what he has done. We are here now seeing, Speaker, that this matter is being handballed to you in effect to fix up this disgraceful mess by the government.

Speaker, far be it from me to give you advice. I have enormous respect for the position of Speaker, but we do not see it as an appropriate way for this government to abdicate all responsibility — 'It's not our fault; we're going to now handball it to the Speaker, and you can read the 80 000 documents'. If there are any further muck-ups here, you and your clerks will be the ones the

government will point at and try to give the responsibility to. I urge you to take advice on this matter. As I say, far be it from me to give you advice, but I wholeheartedly, with every respect to the position of Speaker, urge you to take advice on this matter, because they are going to hang you out to dry and give you all responsibility.

As the other speakers on this side have said, this government and the Premier have had these documents since 28 March this year. You would have thought that they would have taken the time to read through, to check and to go through all this before they released details. It is a debate around whether they should have been released and breaching convention, but that is another story. If they were going to release 80 000 pages — which we all know was a stunt; half those boxes are probably empty and they just brought them in for people to have a look at how they have got all these documents and this must be a big deal for the TV cameras, but it was just an absolute stunt — you would have thought the Premier, who personally ordered that these documents be released, would have gone through and read and checked them, or at least had his staff do it, the hundreds of staff over there in the Premier's office, but it shows that this Premier will stop at nothing in his desperate attempt to cling to power. He just wanted all these documents wheeled out as a stunt, and now we have got innocent Victorians that are paying for this.

This is a massive breach of privacy. We have read in today's papers — and we have heard the manager of opposition business and indeed the Leader of The Nationals give this example — about a seven-year-old child. Think about your family. Think about your mother, your kids, your children, and think about their personal details being exposed in this manner — and not an apology from the Premier or even him taking responsibility for the matter. This is a shocking breach of privacy. A mother's private life has been opened up, exposed and laid bare for all the world to see. As we have learned this morning: her medical history, her financial information, her bank details, her bank balances, her superannuation details, her credit cards, her insurance policies — everything.

**An honourable member** — Share portfolio.

**Mr HODGETT** — Share portfolio, email, home address, medical history — this is so, so damaging. It leaves this person, amongst the others, open to identity fraud. It now leaves the state, because of this Premier, open to a raft of legal action and massive compensation payouts. We look forward to scrutinising this, because the Premier is very quick to say that whenever

something is alleged to have been done on this side of the house you should be defending yourself and paying for yourself. Let me say: this will be millions and millions of dollars in payouts — they will probably try to make them confidential payouts — and the Premier should be paying for this out of his own pocket. He should be taking responsibility for that.

We have this woman, her seven-year-old daughter, her name and her date of birth released and exposed. As I have said, think of your own child, your own private details, your medical history, your share portfolio, your bank balance, your debts, your insurance policy, your credit cards, your home address, your medical history — all of that. It must have been such a shock, and this is just one example. We know there are a few examples there, and heaven knows what else will be found in those documents because the Premier did not do the responsible thing and check the documents that he ordered to be released. So think about it. I would implore all those on the other side who call themselves a government to think about this. Think about if it was their or their family's details being exposed.

So I support the Leader of The Nationals' amendment. It is a sensible way forward, Speaker. Rather than putting you and your position and your clerks in a position where you will be required to take on the responsibility, the Premier should be taking on that responsibility. But he will be pushing it aside and saying, 'You go through these boxes, you check all the 80 000 documents and it is on your head if there's a mistake', with further disgraceful, massive breaches of privacy like those we have seen come out today. We do not know how many more there are. Heaven forbid that there are any more because you would hate to be this poor woman and her seven-year-old child who found out about this last night and have woken up this morning to read the paper about this massive breach of privacy. It is absolutely disgusting and disgraceful.

We support the amendment to the motion and we implore the Premier and his government members to consider them because it is a responsible way forward. If you wanted to do the right thing, the decent thing, the responsible thing, you would pull all these documents back and do what the Premier should have done in the first place — from 28 March until they were tabled this week — and go through page by page, document by document, and ensure that there are no further risks of breach of privacy or having any of these details further exposed.

Finally, I want to add to what the member for Murray Valley, the Leader of The Nationals, said. This government has gone about a number of exercises

purely to gather people's data. It has been data harvesting. You have got Pick My Project and you have got the Victorian Energy —

**An honourable member** — Energy Compare.

**Mr HODGETT** — Energy Compare website, which they have been trumpeting. They have been getting people to go online — actually buying them to go online. You get 50 bucks if you go online to compare your energy —

**Mr Southwick** — Fifty bucks for your data.

**Mr HODGETT** — Fifty bucks for your data. That is requiring people to hand over their personal information — their contacts, their emails. So how can any Victorian — any ordinary, innocent Victorian — have any confidence in this government when they have got these websites out there, Energy Compare and Pick My Project, luring people into giving them their personal details? They want Victorians to trust that everything will be all right. What we have seen in the course of the last week is that this Premier will stop at nothing, absolutely nothing, in his desperate attempt to cling to power.

I will finish as I started: those opposite, from the Premier down, should hang their heads in shame and be disgusted to call themselves members of the Victorian Parliament and be backing this Premier. I implore them to put themselves in the shoes of this poor woman or her seven-year-old daughter and think about if they were waking up to the front page of daily newspapers this morning and reading that all their personal information had been exposed. It is a disgrace, and he should resign.

**Mr PESUTTO** (Hawthorn) (10:28) — I am reminded today of what the English language's greatest exponent, Shakespeare, meant when he talked about 'the insolence of office' because we have a government that does not feel restrained by any of the conventions, any of the rules, any of the principles or standards that ought to govern governments which are privileged to serve the people of this state. In the course of events that have led now to a series of victims who are going to suffer because of the government's rank political expediency, there is a pathway littered with breaches of convention, standards and principles.

Let us start with constitutional convention — constitutional convention that has served governments of all political persuasions for decades, if not centuries. What did this government do? It trashed them. In one rank political exercise, it overturned and threw aside centuries of convention. The Secretary of the

Department of Premier and Cabinet (DPC) pushed back when he was told to release documents in breach of convention, bearing in mind that constitutional convention has long provided that where a government or somebody wants to retrieve documents belonging to a former government, the consent of the leader of the party of that former government is consulted so they can consent to or deny access to those documents. All parties have benefited from that convention as a sign of respect for the confidentiality that is necessary to protect the deliberations of government.

But this government: no, it trashed them. Chris Eccles, who is the secretary of DPC and who is not the chief culprit here but who I am disappointed in, should have stood up to defend that convention. He had previously told the opposition that he requested the Premier issue a direction, as I am advised, and that direction came from the Premier, exercising his powers as an employer. So there we have the head of the public service, who is the custodian, under the cabinet handbook and practices, of the previous government's documents — in fact the previous documents of all former governments — saying that because he is in effect, and to use his parlance, 'the employee of the Premier' — he will do whatever the Premier tells him to do. What that tells you is that this motion was always just theatre. The Premier, as the so-called 'employer', was always capable of issuing a direction to get him to do whatever the Premier wanted him to do for whatever rank political purposes the Premier had in mind.

It is a shame that that convention has been trashed but it did not stop there. In the course of events that have led us to today's tragedy for those who are the victims of this privacy breach, the Premier trashed legal professional privilege and he did it sadly with the cooperation and capitulation of the Victorian government solicitor, who ought to have done better to protect the privilege that attaches to so many of the documents that have been released. Legal professional privilege is a legitimate ground that parties can assert when it is in their interest to do so, but this government rode roughshod over it and told the Victorian government solicitor, on the same basis that they told Mr Eccles as chief of the Department of Premier and Cabinet, 'Don't worry about that. Release all the documents'. So Ms Baragwanath, the Victorian government solicitor, like Mr Eccles, simply handed over the documents. She did not tell the Leader of the Opposition or anybody else who might be affected by the inappropriate release of these documents. She just handed them over in blatant breach of a longstanding principle that governments of all persuasions have long respected but which has now been thrown aside.

And of course on that pathway to today's tragic events we have had breaches of privacy — blatant breaches of privacy. Imagine you are a parent and the details of your own daughter or son are released to the world at large. That is what has happened here. Those documents are still available to any member of the public who wants to assert a right of access to them. We will deal with that, but it is a sign of just how rank the political interests of this government have become, driving it away from classic standards that have served the test of time.

It does not just stop there. The pathway to today is also littered with what I have been advised are a potential contempt of court. In and amongst the documents that this government has recklessly tabled here are criminal prosecution files, Speaker, including advice from the Director of Public Prosecutions (DPP) on the merits and demerits of appealing against the sentence given to an individual who pleaded guilty to certain matters — I do not need to go into them.

Imagine your details, including assessments of your character and issues relating to whether you should face an appeal or not, were put out in the public realm, including medical material, potentially. We also know that information from the Victorian government solicitor in relation to those criminal matters is included in the documents. Again, this is an unacceptable and unforgivable breach, and we know the Director of Public Prosecutions' own policy on confidentiality, paragraphs 14 to 16, talks about safeguarding advice from the DPP, so it is potentially a breach of DPP policy on these things as well.

This pathway has been littered with a series of breaches that could create terrible precedents for the future, and if this government is re-elected — and we will work as hard as we can against that — imagine what other damage they would wreak. It also goes to this, Speaker: you will recall the excuses from this government that they did not know that there was this material in there, that it has been inadvertently released. You will know, because the Attorney-General wrote to you. He wrote to you some months ago and he told you that the government was processing these documents. So how was it that this personal and private information was in there? You know, Speaker, that that cannot be believed or relied upon as an excuse. They just did not care. They did not bother. They just wanted to engage in a cheap political exercise, and its ramifications are far-reaching.

Let me turn to this, Speaker: not only should you not accept, if you can, what is proposed in this motion, but my view is that you cannot. I will tell you why. The obligation and responsibility for the assessment of

whether a ground of privilege exists rests upon the custodian of the document. That is why it is incumbent on a secretary of a department, or a minister or any other administrative office head — any head of any agency — and their responsibility to make determinations after consulting with parties who might adversely be affected, to make an assessment of whether a ground of privilege exists or whether a ground of immunity exists. You cannot do that. With no disrespect to you, sir, you cannot make that assessment, and it is not your job to make that assessment.

If you go through the 80 000 documents or thereabouts that are part of this dump — and I do not know how, if this motion gets through as it is proposed, you are going to deploy your staff to go through the 80 000 documents — who is going to make this assessment? You? With no disrespect, sir, are you going to make these assessments of whether immunity or privilege exists? You cannot do that.

That is why departments and agencies have in-house lawyers and external lawyers to help them make these assessments. Because if you get it wrong, somebody is going to suffer. So why should you take that responsibility? It is their mess. It was their game. It was their cheap political effort at scoring a few petty points. And let us remember why all of this happened — because of the red shirts. This was always only ever supposed to be a distraction from the red shirts, and look what it has turned into — a disaster. It is not bad enough that it has backfired, humiliatingly, on the government, but the Premier is not here. The Deputy Premier is not here. The Attorney-General is not here. Who do they send out? The Leader of the House, the Minister for Police and the Minister for Health to take credit for a disaster. Where are they? Where is their responsibility for all of this?

So, Speaker, for your own sake, if I may say with no disrespect, do not support this motion, because you will be put in the sling. You should support the amendment, as I will, moved by the Leader of The Nationals that would take that responsibility away from you as proposed in this motion and put it right where it belongs: on the Premier, who is the author of this mess. And it is a mess, because just like the east-west link where the Premier broke a promise to Victorians and paid out \$1.3 billion, and just like the red shirts where they engaged in the most unseemly and unbecoming effort to hide from Victorians the truth about the biggest rort in our state's parliamentary history, here we go again. More compensation and more legal costs will be paid out. And bear in mind, there will be a class action in this matter.

**Mr M. O'BRIEN** (Malvern) (10:38) — The question here is: where is the Premier? Why isn't the Premier in the chamber today to answer for this disgrace, to answer for throwing innocent Victorians who have nothing to do with the political process under a bus by exposing the most deeply private aspects of their lives on the front pages of the paper? This Premier was too interested in trying to throw mud at his political opponents, and innocent Victorians are just collateral damage. They are just roadkill. They are roadkill to a Premier with no moral compass. And that disgraceful attitude percolates from the Premier right down through every member on the government benches — every single member. Here is the Treasurer, today, in the *Herald Sun*:

Treasurer Tim Pallas described releasing personal information, including financial details, mental health reports and the name and birthdate of a lawyer's child, as a 'relatively minor breach'.

'The government did take the advice that it was given, when it received it, that there was a minor breach of data and we immediately took action with the clerks to have it removed', he said.

What an absolute disgrace that the Treasurer in this government believes putting people's mental health records into the public domain is a minor personal privacy breach. If that is a minor breach, what else are these people in the Labor Party capable of?

This Premier has not just succeeded in trashing any legitimacy of his government and his party, he has also trashed the Victorian public service. The Department of Premier and Cabinet (DPC) stands condemned. It cannot be trusted by Victorians. It cannot be trusted by this side of the Parliament. It cannot be trusted by anyone. And the secretary, Chris Eccles, bears responsibility as well. He is two-faced. He is two-faced when it comes to constitutional conventions. He was quite happy when this Parliament passed a motion, moved by the government, to release the Vertigan report of finances. He was happy in that circumstance to follow the protocols and to write to the Leader of the Opposition, as the representative of the former government, to see if there would be permission given for those documents to be released. I understand the Leader of the Opposition advised that permission was not granted, and as a consequence Mr Eccles obeyed the constitutional convention and those documents were not provided. But when the Premier says, 'I really want these ones. I really want the personal mental health information of single mothers. I want that released to the Parliament', Chris Eccles says, 'That's fine. You can have those. We won't worry about constitutional niceties then'.

When it came to the east-west link documents of the former government, released by this government, did Chris Eccles even bother writing to the opposition saying, 'Do you mind?'. No, he did not. He is a disgrace, and he has disgraced the Department of Premier and Cabinet. But he is just a symptom of the disease that is the moral bankruptcy of the Premier and the Labor Party. Do not blame the monkey; blame the organ-grinder — and that is what the Premier is.

Now, it is not this Parliament's job to fix this corrupt Labor government's mess. It is not this Parliament's job, and that is what the motion moved by the Leader of the House today invites you to do. It invites this Parliament to fix up Labor's mess. No, Labor created this mess. Labor broke constitutional conventions. Labor broke legal-professional privilege. It was Labor's decision to require the publishing of sensitive personal privacy information of innocent Victorians. It is not your job, with respect, Speaker, to fix up that mess. Labor created the mess — the Labor government created the mess, the department that was in thrall to the Premier created the mess, and the Victorian government solicitor who is in thrall to the Premier created the mess. They need to fix it, not you, Sir — not you.

We had the bizarre spectacle of the health minister standing up here and defending her government which releases personal health documents to the public. We had the police minister up here defending the release of criminal records to the public.

**Mr Hodgett** — It's a joke.

**Mr M. O'BRIEN** — It would be a joke, Deputy Leader, if it was not so serious, because they have not just trashed conventions, they have not just trashed legal-professional privilege — they have trashed lives. People's lives will be immensely more painful as a consequence of this government's actions. Then to see that smirking visage of the Leader of the House seeking to blame somehow the opposition for Labor's scandal! Labor required these documents to be published by the Parliament. It invited the media — it invited the world — to go through them. Then the Leader of the House says, 'Oh, it's terrible! People actually went through the documents. We invited people — we asked people to look through them. People looked through. Oh, they found things! Oh terrible!'. What an absolute disgrace.

This will cost money, and so it should. Those people who have been affected — deeply affected by this — should be massively compensated. Can you imagine? What if the Treasurer, who says this is a relatively minor breach, had his health records put out there in

public? What if his mental health records were put out there in public? What if his kids' personal details were put out there in public? What about his bank account details and balances? What about his superannuation details? What about his life insurance arrangements? What about his share portfolio? What if this was all laid out in intimate detail on the public record? Would he think this was a relatively minor breach? No, he would not. He would be outraged. Any person with a conscience — any person with a soul — knows that this is not a relatively minor breach. This is a massively major scandal, and it is one which, as the Leader of the Opposition said, is a look into the soul of this government, and it is a very black look indeed.

This is the worst breach of privacy I think I have certainly seen in living memory. These people have nothing to do with the political process. They are civilians. We are in politics where there is an element of rough and tumble, but there have always been views that innocent people should not be damaged as a result of political fights. This is what the government has done — they have hurt people.

The Deputy Premier took five, six or seven questions today before he uttered the word 'apology'. This government is not sorry they did it; they are just sorry they got caught. That is all — they are sorry they got caught. And now to see members come here — the Minister for Health, the Minister for Police and the Minister for Public Transport — defending themselves, defending the actions of their government, defending the release of private health records, of criminal records, of legal advice and of financial information, is disgraceful.

I do not expect the Leader of The Nationals' amendment to the motion, which is a sensible one, to get up because this government has shown they will push through anything that they see as being in their short-term interest, no matter who gets hurt. Having trashed DPC, having trashed the Victorian Government Solicitor's Office, having trashed the lives of innocent Victorians, I am gravely concerned that this motion will now put you and this Parliament in an untenable position. The reputation of this institution is now going to be another victim on the altar of the Premier's greed and political obsessions.

You, sir, cannot go through 80 000 documents yourself. We have staff here serving 88 members in this place. We cannot have every single member of staff diverted to try and clean up the Premier's mess. The clerks deserve better than that. The clerks deserve better. Sir, you should ensure that this does not go ahead, because it is absolutely untenable. What is quite clear is that this is a government with no moral compass, no sense of

right and wrong and only a sense of what is in its short-term political interests. What is entirely clear is that the only antidote to this disgraceful, corrupt and dishonourable behaviour lies in the hands of Victorians.

On 24 November this year Victorians will have a chance to decide whether they believe this sort of appalling conduct should be rewarded, whether they believe that innocent Victorians should be fair game in the political games of the Labor Party or whether they want to throw out this rotten mob and give Victoria a fresh start.

**Mr EREN** (Minister for Tourism and Major Events) (10:48) — I move:

That the question be now put.

**House divided on Mr Eren's motion:**

*Ayes, 47*

Allan, Ms	Languiller, Mr
Andrews, Mr	Lim, Mr
Bull, Mr J.	McGuire, Mr
Carbines, Mr	Merlino, Mr
Carroll, Mr	Nardella, Mr
Couzens, Ms	Neville, Ms
D'Ambrosio, Ms	Noonan, Mr
Dimopoulos, Mr	Pakula, Mr
Donnellan, Mr	Pallas, Mr
Edbrooke, Mr	Pearson, Mr
Edwards, Ms	Perera, Mr
Eren, Mr	Richardson, Mr
Foley, Mr	Sandell, Ms
Garrett, Ms	Scott, Mr
Graley, Ms	Spence, Ms
Green, Ms	Staikos, Mr
Halfpenny, Ms	Suleyman, Ms
Hennessy, Ms	Thomas, Ms
Hibbins, Mr	Thomson, Ms
Howard, Mr	Thorpe, Ms
Hutchins, Ms	Ward, Ms
Kairouz, Ms	Williams, Ms
Kilkenny, Ms	Wynne, Mr
Knight, Ms	

*Noes, 38*

Angus, Mr	O'Brien, Mr D.
Asher, Ms	O'Brien, Mr M.
Battin, Mr	Paynter, Mr
Blackwood, Mr	Pesutto, Mr
Britnell, Ms	Riordan, Mr
Bull, Mr T.	Ryall, Ms
Burgess, Mr	Ryan, Ms
Clark, Mr	Sheed, Ms
Crisp, Mr	Smith, Mr R.
Dixon, Mr	Smith, Mr T.
Fyffe, Mrs	Southwick, Mr
Gidley, Mr	Staley, Ms
Guy, Mr	Thompson, Mr
Hodgett, Mr	Tilley, Mr
Katos, Mr	Victoria, Ms
Kealy, Ms	Wakeling, Mr
McCurdy, Mr	Walsh, Mr

Morris, Mr  
Northe, Mr

Watt, Mr  
Wells, Mr

### Motion agreed to.

**The SPEAKER** — The Leader of the House has moved a motion relating to the production of documents. The Leader of The Nationals has moved an amendment to omit words and insert other words. The question is:

That the words proposed to be omitted stand part of the question.

Members supporting the amendment moved by the Leader of The Nationals should vote no.

### House divided on question:

#### Ayes, 47

Allan, Ms  
Andrews, Mr  
Bull, Mr J.  
Carbines, Mr  
Carroll, Mr  
Couzens, Ms  
D'Ambrosio, Ms  
Dimopoulos, Mr  
Donnellan, Mr  
Edbrooke, Mr  
Edwards, Ms  
Eren, Mr  
Foley, Mr  
Garrett, Ms  
Graley, Ms  
Green, Ms  
Halfpenny, Ms  
Hennessy, Ms  
Hibbins, Mr  
Howard, Mr  
Hutchins, Ms  
Kairouz, Ms  
Kilkenny, Ms  
Knight, Ms

Languiller, Mr  
Lim, Mr  
McGuire, Mr  
Merlino, Mr  
Nardella, Mr  
Neville, Ms  
Noonan, Mr  
Pakula, Mr  
Pallas, Mr  
Pearson, Mr  
Perera, Mr  
Richardson, Mr  
Sandell, Ms  
Scott, Mr  
Spence, Ms  
Staikos, Mr  
Suleyman, Ms  
Thomas, Ms  
Thomson, Ms  
Thorpe, Ms  
Ward, Ms  
Williams, Ms  
Wynne, Mr

#### Noes, 38

Angus, Mr  
Asher, Ms  
Battin, Mr  
Blackwood, Mr  
Britnell, Ms  
Bull, Mr T.  
Burgess, Mr  
Clark, Mr  
Crisp, Mr  
Dixon, Mr  
Fyffe, Mrs  
Gidley, Mr  
Guy, Mr  
Hodgett, Mr  
Katos, Mr  
Kealy, Ms  
McCurdy, Mr  
Morris, Mr  
Northe, Mr

O'Brien, Mr D.  
O'Brien, Mr M.  
Paynter, Mr  
Pesutto, Mr  
Riordan, Mr  
Ryall, Ms  
Ryan, Ms  
Sheed, Ms  
Smith, Mr R.  
Smith, Mr T.  
Southwick, Mr  
Staley, Ms  
Thompson, Mr  
Tilley, Mr  
Victoria, Ms  
Wakeling, Mr  
Walsh, Mr  
Watt, Mr  
Wells, Mr

### Question agreed to.

### Motion agreed to.

**Mr Clark** — On a point of order, Speaker, under the resolution that has just been agreed to by the house, you have been given the power to remove from the Assembly's records any private and confidential documents that do not relate to the order of the house. There is an important issue on which I submit that you should give a ruling: what is the consequence of the removal of one of these documents from the Assembly's records, and in particular what are the implications for the protection that is afforded under the constitution and under other legislation to documents published by the authority of this house?

One possible interpretation of the consequence of you removing a document is it ceases to attract that protection. There is therefore a question as to whether a media outlet or a person who has published a document while it is under the protection of the house is thereby retrospectively exposed to liability because the document has ceased to be a document of the house. I would submit to you that it would be completely inappropriate that any citizen — be they an ordinary individual or a media outlet that has relied on the protection of the house to refer to a document, as the law permits for a very good reason in terms of commenting on documents that are tabled in this house — should lose that protection. I think it is important and in the interests of certainty for all concerned that you give a ruling as to what the consequences will be if you do order that a document be removed from the Assembly's records.

**The SPEAKER** — I will take that point of order on notice and provide a ruling to the house.

## BUSINESS OF THE HOUSE

### Adjournment

**Ms ALLAN** (Minister for Public Transport) — I move:

That the house, at its rising, adjourns until Tuesday, 18 September 2018.

### Motion agreed to.

## MEMBERS STATEMENTS

### West Footscray factory fire

**Ms HENNESSY** (Minister for Health) (10:58) — In the time afforded to me I rise to express my sincere

gratitude to all of the hardworking emergency services workers who responded to the very devastating fire in West Footscray last week and who brought the fire under control to minimise the impact to the community.

First on scene were Metropolitan Fire Brigade firefighters from the Footscray, Laverton, Spotswood and Sunshine fire stations, and as the incident escalated they were joined by firefighters from all stations and all platoons across the metropolitan fire district. I would also like to recognise the Ambulance Victoria paramedics who were on scene and stayed on scene. I was clearly very pleased to hear that there was no increase in respiratory call-outs and no increase in presentations to emergency departments, but we ought to be reminded of the incredible bravery and risk that our emergency services workers take in these circumstances. For that I would like to express my personal gratitude.

### Altona Primary School

**Ms HENNESSY** — I would also like to give a very quick shout-out to the students of Altona Primary School. A few weeks ago I had the pleasure of attending that school with the Minister for Energy, Environment, and Climate Change. We had a fantastic day, and their year 6 teacher has since written to me with some fantastic ideas about improving sustainability, particularly at Altona Beach. I am very, very grateful for their ideas, for the school's commitment to local sustainability projects and for the quirky verve with which they make suggestions about things that government and council could perhaps do to improve our local environment.

**Business interrupted under sessional orders.**

## QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

### Production of documents

**Mr GUY** (Leader of the Opposition) (11:01) — My question is to the Premier. Your abuse of power in forcing the public release of government documents has exposed a single mother and her seven-year-old daughter, their identities, their addresses, their contact details, financial details, superannuation details, net worth, salary — every part of their private life. Your disgraceful abuse of power has left their security and identities massively compromised. You have done the same to a lecturer from La Trobe University whose criminal files had nothing to do with planning documents but which you also caused to be publicly released. For such an abuse of power, for the most vile

breach of privacy against ordinary Victorians, for pursuing political vengeance at any cost even if it harms average Victorians, will you now resign?

**Mr ANDREWS** (Premier) (11:02) — I thank the Leader of the Opposition for his question, and the answer to his question is of course no. What I would also point out to the Leader of the Opposition is the motion that this house has just passed on the voices. I would also point out to the Leader of the Opposition that whilst today he is very much focused on privacy, he has been for many years all too focused on secrecy. He did not want any Ventnor scandal documents released to anyone, and we are all still waiting for just that single page that backs your version of events. Where is that single page that backs the Leader of the Opposition's version of events?

*Honourable members interjecting.*

**The SPEAKER** — Order! I issue the same warning that I have issued in just about every question time over the last couple of months: members who are making too much noise will be removed from the chamber. I ask particularly those at the table to refrain from shouting across the table at each other.

**Mr Walsh** — On a point of order, Speaker, on the issue of relevance, the Premier is showing absolutely no remorse for trashing people's personal details in a public arena. I ask you to bring him back to actually answering the question and particularly to apologising for what he has done to a single mother and her daughter.

**The SPEAKER** — The Premier was responsive. The Premier has concluded his answer.

*Supplementary question*

**Mr GUY** (Leader of the Opposition) (11:04) — Premier, this was your motion. You instructed your departmental secretary and the Victorian government solicitor to produce these documents in your name, under your hand. Premier, why won't you finally show some decency? Why won't you take responsibility for this gross abuse of power done in your name for the sake of political vengeance and just resign?

**Mr ANDREWS** (Premier) (11:04) — I do again thank the Leader of the Opposition for his question. I would refer him to my answer to his substantive question, to the motion that has just passed this house and to the fact that everybody in this place and a growing number of Victorians are fully aware that the Leader of the Opposition did not want any Ventnor scandal documents released to anybody at any time. A

little bit of overreach there from the Leader of the Opposition. He is very upset with himself that he did not shred the lot of them before he left office. It is transparent to everyone that not one page backs his version of events.

**Ministers statements: level crossings**

**Mr ANDREWS** (Premier) (11:05) — I am delighted to rise to inform the house that the government is delivering on each and every one of our commitments to remove dangerous and congested level crossings. I can recall my —

*Honourable members interjecting.*

**The SPEAKER** (11:05) — Order! The member for Polwarth can leave the chamber for the period of an hour. Members will be asked to leave the chamber if they shout across the chamber.

**Honourable member for Polwarth withdrew from chamber.**

**Mr ANDREWS** — I can well recall my esteemed predecessor on the day that we announced that we would have 20 of these deathtraps gone by the end of 2018 saying to me I was dreaming — that was my predecessor’s comment. We did say we would have 20 of those gone by the end of this year, and I am very, very pleased to be able to inform at least everyone on this side of the house who backs this program that not 20 but 26 of the things are gone for good, because this is a government that knows how to get things done. How many will be gone by the end of the year? Twenty-nine of these level crossings are on track to be removed. They are dangerous and congested and holding us back from running more trains more often, and they are being consigned to history by this government. Along the way we are creating jobs and skills and giving the construction sector a pipeline of work for the future.

But it does not stop there. On the Hurstbridge line works have finished, with more to come if we are re-elected. On the Mernda line, the member for Yan Yean must be so very proud that the Mernda line has not only been completed but completed fully six months ahead of schedule. I can recall someone saying just nine months after the election, ‘This government, they are all talk and no action’. That someone then went on to say that in nine months almost nothing had happened. Who might that someone have been? Mr Ventnor sitting right there.

**Production of documents**

**Mr GUY** (Leader of the Opposition) (11:07) — My question is to the Premier. There is no line, Premier, you will not cross in your reckless pursuit of political vengeance. You will disgustingly smear the name of a lecturer from La Trobe University or of a Vietnam War veteran. You will even permanently affect the lives of a working mother and her seven-year-old daughter. This partisan political stunt was in your name. The demands you gave to the department and across the government were in your name. What steps did you take to ensure that unrelated documents that expose the personal and private details of ordinary Victorians would not be included in the 80 000 pages you gloated about making public earlier this week?

**Mr ANDREWS** (Premier) (11:08) — I thank the Leader of the Opposition. I am not sure there was actually a question in all that. There was a rant, and we know that the Leader of the Opposition is very angry — directly relevant to the question — because he has been caught out.

**Mr Guy** — On a point of order, Speaker, on relevance, the Premier says he does not know what the question was. The question was what steps did he take to ensure that ordinary Victorians’ data was not going to be released by him when he gloated about making 80 000 pages public at the start of the week?

**The SPEAKER** — Order! I thank the Leader of the Opposition for clarifying the crux of the question.

**Mr ANDREWS** — I do not know that second efforts count, really, but still. The Leader of the Opposition has just made a comment about being rightfully angry. Well, we know he is very angry, rightfully or not, that pages and pages of documents that show that he paid well above the odds in a dodgy —

*Honourable members interjecting.*

**Mr Clark** — On a point of order, Speaker, on the question of relevance, this was a specific question about what steps the Premier took to protect the confidentiality of the personal information of Victorians. I ask you to bring him back to answering that question.

**The SPEAKER** — Order! I do ask the Premier to come back to answering the question.

**Mr ANDREWS** — In his own words, we can’t win this case because I’ll lose my job. That is what he said and that is what he is angry about. I would refer the

Leader of the Opposition to the motion moved by this house and my earlier answer.

*Supplementary question*

**Mr GUY** (Leader of the Opposition) (11:10) — The forced release of documents, Premier, was in your name. You compelled the government solicitor and the department to produce them, and then they were made public in your name. Premier, did you receive any advice from your department, the government solicitor or any others in government who objected or cautioned you and your office about the forced public release of all these documents?

**Mr ANDREWS** (Premier) (11:11) — The Leader of the Opposition asked me about compulsion, and I am pretty sure that people were directly, by the Leader of the Opposition, compelled to pay \$3.5 million —

*Honourable members interjecting.*

**Mr Guy** — On a point of order, Speaker, on relevance, the question was very straightforward about whether the Premier was cautioned by anyone —

*Honourable members interjecting.*

**The SPEAKER** — Order! The Deputy Premier is warned.

**Mr Guy** — or received any advice from within the government about the dangers of releasing this material, and I ask you to bring him back to answering that question.

**The SPEAKER** — I ask the Premier to come back to answering the question.

**Mr ANDREWS** — It was a motion of this house, and agencies, officials and the government complied fully with that motion. I know that the Leader of the Opposition would much prefer it if every single page that clearly shows —

**Mr Guy** — On a point of order, Speaker, again on relevance, the motion of this house did not at all refer to the health records of a Vietnam war veteran, the motion of this house did not refer to the health details of a La Trobe University lecturer and it did not refer to the home address of a seven-year-old girl. Bring the Premier back to answering the question.

**The SPEAKER** — Order! I understand the point of order, but the Premier is being responsive to the question.

**Mr ANDREWS** — I am answering the question angrily asked by the Leader of the Opposition. He is not so much angry about privacy; he is angry about secrecy. That is what he is angry about, because he has been found out, well and truly.

*Honourable members interjecting.*

**The SPEAKER** (11:13) — Order! I ask the member for Ripon to leave the chamber for the period of 1 hour.

**Honourable member for Ripon withdrew from chamber.**

**Mr Clark** — On a point of order, Speaker, under sessional orders you have the power to require a written response when an oral answer has not been responsive. The question that just about every Victorian who hears about this debacle is asking themselves is, ‘How on earth could it have happened?’ . The two questions asked by the Leader of the Opposition have asked the Premier to tell Victorians how did this happen: what steps did he take and what advice did he receive? He has gone nowhere near responding to these two burning questions, and I ask you to ask him to provide a written response.

**The SPEAKER** — I will consider the Premier’s response in relation to the sessional orders.

**Ministers statements: public transport infrastructure**

**Ms ALLAN** (Minister for Public Transport) (11:13) — Right across Victoria you can see how the Andrews Labor government is delivering the public transport infrastructure our state needs. I am so pleased in regional Victoria to see that every regional rail line is being upgraded as part of our \$1.75 billion regional rail revival program. Of course we have heard that in the city 26 level crossings have gone, but also 16 new train stations have been built. There is that beautiful train line to Mernda with three new stations, and we have also started work on the Cranbourne line duplication. We are a year ahead of schedule on the Metro Tunnel, and we are also going to deliver the. They will work out if they support it by 2051; we will have got it started.

We have delivered a lot, but there is so much more to do. We know that when we came to office public transport had been literally sitting on the shelf under the former government. The former government neither started nor finished one single public transport project — not one. They promised Doncaster rail, and they scrapped it. They promised Rowville rail, and they scrapped it. They promised Avalon rail —

**The SPEAKER** — The Leader of the House will resume her seat.

**Ms ALLAN** — and they scrapped that too.

**The SPEAKER** — Order! Leader of the House!

**Mr Clark** — On a point of order, Speaker, the minister is both misleading the house and debating the question. I ask you to bring her back to making a ministers statement.

**Ms ALLAN** — On the point of order, Speaker, I was absolutely not misleading the house. As a former cabinet member would know, those projects were all scrapped under the former cabinet.

**The SPEAKER** — Order! I ask the minister to come back to making a ministers statement.

**Ms ALLAN** — Of course it has taken the Andrews Labor government to build the Metro Tunnel. They could not work out where it was going to start and finish. They had some back-of-the-envelope plan. We are building the Metro Tunnel.

In 2012 a network development strategy was released by Public Transport Victoria. It talked about a program of track duplications, electrification projects, major rail extensions — none of these projects was started. Despite the misleading and the lies that were peddled to the Victorian community by those opposite —

**The SPEAKER** — Order! I warn the Leader of the House about the use of unparliamentary language.

**Mr Clark** — On a point of order, Speaker, the minister is also debating the issue again. I ask you to bring her back to making a ministers statement.

**The SPEAKER** — Back to the ministers statement please, Minister.

**Ms ALLAN** — The contrast could not be clearer. We are delivering projects. We have already delivered public transport infrastructure projects, and we will keep on doing that, in stark contrast to those who promised them and projects that never see the light of day.

### Production of documents

**Mr GUY** (Leader of the Opposition) (11:16) — My question is to the Premier. Premier, you have made public people's medical records. You have made public their prescription drugs treatment, their psychiatric history and the history of Victorians suffering depression. This is all still public, and of course you are going to be sued. The privacy commissioner has stated

your actions have broken the charter of human rights and the federal and state privacy laws and have constituted a breach of confidence, negligence, a breach of legal professional privilege, a breach of Victorian protection data security standards and a possible contempt of court. Premier, do you still stand by your and your ministers' claims this morning that this is simply a minor breach of privacy?

**Mr ANDREWS** (Premier) (11:17) — I thank the Leader of the Opposition for his question. If it is all the same to the Leader of the Opposition, I will not be taking any advice on being sued from him. We could have a situation where, say, a legal action was brought against a minister of the Crown and the Victorian Managed Insurance Authority, the government's insurer, could come back and say, 'We've had a look at this, and there's no case here whatsoever. You won't lose the action. Even if you did, there'd be no damages paid out'. We do not like this being talked about, do we?

**Mr Guy** — On a point of order, Speaker, on relevance, it was a very straightforward question. Does the Premier stand by his and his minister's claims that this was simply a minor breach of privacy?

**Mr Edbrooke** interjected.

**The SPEAKER** (11:18) — Order! The member for Frankston can leave the chamber for the period of 1 hour.

**Honourable member for Frankston withdrew from chamber.**

**Mr ANDREWS** — On the point of order, Speaker, the Leader of the Opposition asked me about potential legal action and lawsuits, and I am being completely relevant to that question.

**The SPEAKER** — Order! It was a long question. The Premier is being responsive.

**Mr ANDREWS** — As I was saying, in the event that there was an action taken, you could get advice from the government's insurer and they could tell you, 'Look, we think \$250 000 — not a dollar more'. Then you could frustrate the Ombudsman and the Auditor-General. You could go on forever and ever and then cut people a cheque for about \$3.5 million — money to not buy a piece of land and money to not sell it. You could basically make people rich in order to save your job. That is what you could do. I reject that approach, and I reject any advice provided to me on court settlements or lawsuits from someone who is happy to spend \$3.5 million of taxpayers money to save his own miserable job.

*Supplementary question*

**Mr GUY** (Leader of the Opposition) (11:19) — Box 2, item 19, contains a legal file in a case entirely unrelated to any planning issue. A university lecturer from La Trobe University has now had confidential files relating to a criminal prosecution, including confidential advice from the Director of Public Prosecutions, uploaded online because of your direction. Is it not true that because of your deliberate abuse of power Victorian taxpayers are now utterly exposed to massive compensation from him and others because you have made public private confidential details for a legal case that until 48 hours ago was totally confidential?

*Honourable members interjecting.*

**The SPEAKER** — Order! I ask the Leader of The Nationals and the Deputy Premier to come to order. The Leader of The Nationals will assist.

**Mr ANDREWS** (Premier) (11:20) — The answer to the Leader of the Opposition's question is no. But perhaps we should defer to the Leader of the Opposition's critical understanding of how lawsuits are run. You get advice that you should pay out a very small amount of money, and then in order to stop the story being told you pay out 10 or 15 times that amount of money literally on the courthouse steps. That is what the Leader of the Opposition did. Let us not have any of this. His anger today is not about privacy; his anger today is about his addiction to secrecy being exposed.

**Ministers statements: transport infrastructure projects**

**Mr DONNELLAN** (Minister for Roads and Road Safety) (11:21) — I rise to update the house on the new airport bus bridge set to open as part of the CityLink-Tullamarine widening project. I was out there last week with SkyBus actually looking at testing this new sky bridge, and this will very much provide a priority exit for both public transport and SkyBus operators out of the airport and onto the Tullamarine Freeway. We know during busy periods this sky bridge will actually work to ensure that SkyBus and public transport get priority. We know that we have also seen substantial travel time savings on the Tullamarine Freeway between the airport and Bolte Bridge of approximately 13.5 minutes already, and the project is not fully completed yet.

But we know that we in the Andrews government are into cuts, and that is cutting the travel times. We are

very much like the quality of the meatworks down in Cranbourne, Wagstaff. We only do quality prime cuts. We keep doing it, whether it be on the Monash, where we have seen speed limits up to 100 kilometres an hour. We will make more travel time savings when we finish off our level crossing removals. But recent announcements down in Cranbourne we have made obviously include the duplication from Dandenong to Cranbourne. We know that that will deliver 10-minute services for the trains at peak hour. What a great project that is.

But if I look locally at what other alternative projects there are from the other side, for argument's sake, let me say this: I cannot find one. I honestly cannot find one in Cranbourne. They are about as rare and mysterious as the famous rocking horse poo — impossible to actually find.

**Mr Clark** — On a point of order, Speaker, the minister is now departing from making a ministers statement and is proceeding to debate issues. I ask you to bring him back to making a ministers statement.

**The SPEAKER** — I uphold the point of order. The minister is to come back to making a statement.

**Mr DONNELLAN** — As I was saying, there was not very much there on offer from the Liberal Party, but we know from the Labor Party there is a long record of delivery into Cranbourne, whether it be the Monash, and we are just about to start stage 2 in early 2019 —

**The SPEAKER** — Order!

**Melbourne Metro rail project**

**Mr HIBBINS** (Pahran) (11:23) — My question is for the Minister for Public Transport, and I refer to the inclusion of the Melbourne Metro 2 rail project as a completed project in the strategic assessment of the. Of course the Melbourne Metro 2 rail project was in part included in the network development plan that the minister was waving about earlier. I ask: can the minister confirm that the government is actually undertaking planning for Melbourne Metro 2, and if so, which government agency or agencies is responsible for that work?

**Ms ALLAN** (Minister for Public Transport) (11:24) — I thank the member for Prahran for his question and ongoing interest in the delivery of public transport infrastructure in the state of Victoria. Of course you can only talk about a Melbourne Metro 2 tunnel if you are delivering Melbourne Metro 1. Of course as the member for Prahran knows very well, that

is exactly what we are doing. We are pushing on with delivering the Metro Tunnel despite the threat.

There is a threat to this project, of course, and that rests with those opposite wanting to press the pause button on the delivery of Metro 2 while they trawl through the contract and look at how they can break that contract open. They have already written to the consortium delivering this project to advise them of their intent.

**Mr Clark** — On a point of order, Speaker, the minister is proceeding to debate the issue and engage in political attacks, and I ask you to bring her back to answering the question.

**The SPEAKER** — Order! I ask the minister to come back to answering the question.

**Ms ALLAN** — I will, but of course when we are talking about the future delivery of projects, we have got to talk about delivering the one that is right in front of us, and it is not an inconsiderable risk to the one that is in front of us right now. But we will not be deterred. We are pushing on with delivering the Metro Tunnel. It is a full year ahead of schedule. There are sites underway across the city. Indeed this morning I went for a bit of a walk, and I went and checked out the building site at the A'Beckett Street —

**Mr Hibbins** — On a point of order, Speaker, the minister has been answering the question for over a minute now and has not actually referred to the substance of the question — whether she can confirm whether work is being undertaken on the Melbourne Metro 2 project. I would have thought that on a day when we are debating numerous motions based on the release of 32 boxes worth of confidential information it would be fairly reasonable for the minister to be transparent about whether they are planning for this particular project.

**The SPEAKER** — Order! I ask the minister to come back to answering the question on Melbourne Metro 2.

**Ms ALLAN** — I will acknowledge to the member for Prahran that I was coming off a long run-up. I am pretty proud of the way we have been able to get on and deliver Metro 1. But in terms of the question regarding Metro 2, of course the member for Prahran I think knows that the design of Metro 1, particularly around the Parkville station location, has been designed and is being delivered in a way that allows for the future expansion of the underground rail network, and that would include what has been known up until now as Metro 2.

What has also come onto the program that has impacted on how we look at the forward planning for the delivery of infrastructure projects in the state of Victoria is our commitment to, indeed our placing well and truly on the agenda, the airport regional rail link. And the reason this intersects with the Metro Tunnel 2 delivery is that we are looking at how we deliver the airport rail link between Sunshine and the city — remembering of course that we have identified Sunshine as a key hub, not just for the metropolitan network but also for the regional network, for both the airport rail link project and the. We are taking the time through the planning for that project to consider how the best delivery of an airport rail link between Sunshine and the city would pick up on some of the previous work that has been done around Metro 2, to make sure that the projects are being delivered in a logically sequenced way to maximise the investment that needs to be made in public transport, the much-needed investment in public transport, and to ensure it is delivered most effectively to provide the best possible services to the Victorian community.

*Supplementary question*

**Mr HIBBINS** (Prahran) (11:27) — We have got transport experts, local councils and advocates who have all said that Melbourne Metro 2 needs to be built within the next decade to ensure Melbourne's livability. Even Infrastructure Victoria has said that planning should begin by next year. Now, the government has said that it will take short-term politics out of infrastructure planning, so will the government now commit to building Metro 2 within the next decade?

*Honourable members interjecting.*

**The SPEAKER** — Order! The member for Mordialloc!

**Ms ALLAN** (Minister for Public Transport) (11:28) — Further to the answer that I just gave to the member for Prahran on his substantive question, I point to the reference that I made in my earlier response about the Metro Tunnel being a full year ahead of schedule, which logically would mean that planning for the delivery of any future underground railway work, including the work that I mentioned around the airport to the city and the regional rail link, would also be accelerated. But we do need to ensure that the planning and the delivery is done in a way that maximises what is a significant investment by taxpayers, and it also makes sure that we are getting the right projects at the right time for a growing city and state.

**Ministers statements: energy prices**

**Ms D'AMBROSIO** (Minister for Energy, Environment and Climate Change) (11:29) — I am absolutely delighted to update the house on what our government is doing to lower energy bills for Victorian families. There is only one party that will deliver affordable, reliable and clean energy for Victorian families. Jeff Kennett when he was Premier and his then adviser, the current Leader of the Opposition, told Victorians that privatisation would make power cheaper, but ever since then prices have kept going up and up and up.

We are delivering to make sure that we can turn this around. We are delivering on our Victorian renewal energy target legislation that will reduce energy prices. We have had 700 megawatts of new energy generation since we were elected, and a further 1700 megawatts is now under construction, with more to come. Victorians can be assured that this government promises and then delivers.

On the steps of Parliament at a pro-renewables rally just two years ago, the member for Caulfield called for a renewables revolution. People want, he said, a renewables revolution, only to then come back into this house and together with his leader vote against the very legislation that will reduce electricity prices for Victorians. And today they are —

**Mr Clark** — On a point of order, Speaker, the minister is now departing from making a ministers statement and is proceeding to debate issues. I ask you to bring her back to making a ministers statement.

**The SPEAKER** — I uphold the point of order. The minister to come back to making a ministers statement.

**Ms D'AMBROSIO** — The only people who are delivering a renewables revolution is this government and those on this side of the house. Those opposite cannot be trusted. Our government is helping 650 000 Victorians save \$890 —

**Mr Clark** — On a point of order, Speaker, you have asked the minister to come back to making a ministers statement. She has immediately defied your instruction. I ask you again to require her to come back to making a ministers statement and to cease debating issues.

**The SPEAKER** — Order! The minister did come back to making a statement. She made one small reference to the opposition. I ask her to just make a ministers statement.

**Ms D'AMBROSIO** — This is all good news. Our government is helping 650 000 Victorian families save around \$890 a year on their power bills through our new solar homes scheme and up to \$400 a year off their bills for a new solar hot water system. They opposed this; let me be very clear.

So while this government is putting money back into the pockets of Victorians, delivering what we say we will, Mr Ventnor is lining the pockets of his Liberal mates and using taxpayer dollars to save his own job. He cannot be trusted to put Victorians first —

**The SPEAKER** — The minister will resume her seat. The minister has concluded her statement.

**Production of documents**

**Mr GUY** (Leader of the Opposition) (11:32) — My question is to the Premier. Premier, you demanded these documents, you did not check these documents, you produced them against the wishes and advice of your own department and departmental lawyers, you have damaged these people's lives, you have breached privacy laws and you have hurt innocent people and exposed their health issues. Premier, sacking and setting up your own ministers, exploiting people's health details, invading ordinary Victorians' privacy — is there nothing to which you will not stoop in order to desperately cling to power?

*Honourable members interjecting.*

**The SPEAKER** — Order! The Minister for Energy, Environment and Climate Change! The member for Gembrook!

**Mr ANDREWS** (Premier) (11:32) — I do thank the Leader of the Opposition for his question. The Leader of the Opposition puts it to me that certain things have been exposed. What has been exposed is that the Leader of the Opposition was prepared to make his mates rich rather than have them turn on him in court. That is what he did. Hush money plain and simple, and there is no getting away from it.

**Mr Walsh** — On a point of order, Speaker, I would ask you to bring the Premier back to actually answering the question. This is about the Premier, under his own hand, under his own instruction, demanding the release of people's personal details that are totally unrelated to what he originally sought. He has no shame. He will not apologise, he will not actually look people in the eye and say, 'I actually made a mistake here'. He just wants to sling abuse around and cover this up. It is an absolute disgrace that Victorians have this person as Premier.

**The SPEAKER** — Order! There is no point of order, and the Premier has concluded his answer.

*Supplementary question*

**Mr GUY** (Leader of the Opposition) (11:34) — Premier, you have refused to take responsibility for this disgrace despite each of the 80 000 pages being sought and asked for directly by you. So, Premier, I ask again on behalf of the people whose privacy you have violated, including a seven-year-old girl, a working mother, a Vietnam veteran, a university lecturer and others whose lives you have hurt. Your position as Premier of this state is now untenable. Again I ask you: will you finally take responsibility for this reckless and vengeful disaster and resign?

**Mr ANDREWS** (Premier) (11:34) — I thank the Leader of the Opposition for his little rant, his angry little rant. At the end of the day —

*Honourable members interjecting.*

**Mr ANDREWS** — I tell you what, the Leader of the Opposition can interject all he wants —

*Honourable members interjecting.*

**The SPEAKER** — Order! I need to be able to hear answers in this place. Members will be asked to leave the chamber for 90 minutes if they keep shouting across the chamber.

**Mr ANDREWS** — We will not be taking lectures on responsibility from Mr \$3.5-Million Ventnor Scandal sitting right there.

**The SPEAKER** — On a ministers statement I call the Minister for Industry and Employment.

**Mr Battin** interjected.

**The SPEAKER** (11:35) — Order! I ask the member for Gembrook to leave the chamber for the period of 30 minutes.

**Honourable member for Gembrook withdrew from chamber.**

**Ministers statements: Automotive Transition Taskforce**

**Mr CARROLL** (Minister for Industry and Employment) (11:35) — I rise to update the house on the achievements of the Andrews Labor government's automotive transition plan and the work of the Automotive Transition Taskforce. When we came to government in 2014 Holden, Ford and Toyota had

announced that they would stop manufacturing in Victoria. Some thought the Victorian economy would struggle, but it did not. Economists predicted that the gross state product would drop by 1.9 per cent and a significant portion of tier 1 and tier 2 auto supply chain companies were expected to close. In the face of this challenge the Andrews Labor government established the Victorian Automotive Transition Taskforce and invested millions of dollars in an auto transition plan. I want to pay tribute to my predecessors, the member for Williamstown and the member for Mill Park, but I also pay tribute to my parliamentary secretary, the member for Eltham, as well as the member for Broadmeadows. The list could go on — it has been a team effort, unlike the other side.

Let us talk about windscreens. We know about Windscreens O'Brien, but have I told you about Flat Glass Industries windscreens down in Geelong? The member for Geelong knows it very well. This was a tier 1 and tier 2 supplier that supplied windscreens to the automotive market — Ford, Toyota and Holden. With our assistance and as part of our \$130 million investment in manufacturing, which has actually seen growth for 17 consecutive months, which would never have occurred under the watch of those opposite, we have transitioned that company and we are getting on with the job. They are now actually supplying the architectural market, something that Mr Ventnor over there would have loved to have seen happen.

**The SPEAKER** — Order! The minister should use correct titles.

**Mr CARROLL** — They have been a wonderful company, investing and looking after their employees. Flat Glass Industries do not crack like the member for Malvern likes to crack — they get on with the job and make sure all of their workers are supported through our support.

**Mr Hodgett** — On a point of order, Speaker, I would ask you to bring the minister back to actually making a ministers statement on his portfolio responsibilities. On a day when they have destroyed people's lives I would have thought that they would be a bit more serious about their portfolio responsibilities.

**The SPEAKER** — Order! The minister to come back to making a ministers statement.

**Mr CARROLL** — Two figures: when we came to office the unemployment rate was 6.7 per cent. What is it today? Five per cent. I rest my case.

**Mr Clark** — On a point of order, Speaker, I draw to your attention some unanswered questions on notice

that I asked of the Minister for Health on 24 July. Questions 14 642, 14 641, 14 640, 14 638 and 14 636 remain unanswered. They are questions relating to palliative care services, including in the context of undertakings that were given by the Minister for Health during the course of the assisted suicide debate in this Parliament last year. They remain unanswered, and I would ask you to follow them up with the Minister for Health and obtain answers from her.

**The SPEAKER** — I thank the member for that point of order. I will raise the matter with the Minister for Health.

**Ms Sandell** — On a point of order, Speaker, I have an overdue constituency question to the Minister for Education about North Melbourne Primary School. It is question 14 671.

**The SPEAKER** — I thank the member for that point of order. We will follow that matter up.

## CONSTITUENCY QUESTIONS

### South Barwon electorate

**Mr KATOS** (South Barwon) (11:39) — (14 953) My question is to the Minister for Roads and Road Safety. When will VicRoads be contacting families who own property near the Barwon Heads Road about the future of their homes? Simone and Phillip Rayner of Marshalltown Road have been extremely concerned, along with their neighbours, with regard to their home being compulsorily acquired for the Barwon Heads Road duplication. They are particularly perplexed as their home is several hundred metres west of the proposed Barwon Heads Road. The proposed duplication takes place on the east side of the existing Barwon Heads Road. They along with some eight to 10 neighbours on Marshalltown Road cannot even understand why VicRoads wants their properties. Just as with another resident there, Ken Decker, also of Marshalltown Road, they simply want clarity from the government, as they are deeply concerned.

The coalition has made a \$290 million commitment to fund the duplication of the Barwon Heads Road, and we will review this sloppy planning when elected this November. Minister, why have you left residents in limbo, and will you get VicRoads to advise them of what is happening with their property acquisitions?

### Yuroke electorate

**Ms SPENCE** (Yuroke) (11:41) — (14 954) My constituency question is to the Minister for Public Transport. What information can the minister provide

regarding the potential for a new bus route to provide public transport connections for thousands of residents living in the rapidly growing communities along Donnybrook Road, Mickleham?

I regularly attend the Merrifield Farmers' Market in Mickleham, and the need for a bus service to Craigieburn is raised by almost everyone I speak to. This is also a very common topic raised with me in response to new residents letters that I send out. There is currently a private service, the Merrifield Connect, run by Merrifield estate, that is incredibly popular, with around 280 weekly user trips and over 4000 trips since commencement in February. However, this service is limited to that one estate and there are thousands more residents who would benefit from a route service to Craigieburn. I appreciate the minister's consideration of this issue and look forward to her response.

### Euroa electorate

**Ms RYAN** (Euroa) (11:41) — (14 955) My question is to the Minister for Finance. When will the minister provide a response to the concerns I have raised with him repeatedly regarding John and Susan Montgomery and their ongoing difficulties with WorkCover? John suffered a serious accident in 2000, and despite his doctors agreeing and providing documentation to say that his impairment is permanent and that he will never be able to work again, WorkSafe has required him to see specialists every year to help him return to work. This year these requests have become more frequent, with WorkSafe threatening to cut payments if John does not attend. All appointments require him to travel, even though this is very difficult for him. WorkSafe's continued attempts to investigate the couple is causing extreme distress to both Susan and John.

I wrote to the minister in May this year and my office has called the minister's office over five times since. To make matters worse, when Susan called the minister's office herself the minister's staff member terminated the phone call. I ask the minister to investigate and respond to these concerns.

### Geelong electorate

**Ms COUZENS** (Geelong) (11:42) — (14 956) My question is for the Minister for Sport, and it relates to the recent announcement of the Geelong Festival of Sport at Kardinia Park. I ask the minister how this will benefit my constituents of Geelong. Geelong has a strong sporting history and many great local sporting clubs are in my electorate, including the home of the Cats at Kardinia Park. Since coming to government we have provided many sporting grants for uniforms,

defibrillators and sporting equipment enabling sporting clubs to focus on supporting their teams. We have also provided significant funding to St Marys football and netball club, South Barwon Football and Netball Club, and Geelong touch football club to upgrade their club facilities and to ensure female-friendly facilities are a priority of local clubs.

### **Forest Hill electorate**

**Mr ANGUS** (Forest Hill) (11:43) — (14 957) My constituency question is for the Minister for Roads and Road Safety. Minister, my question is: how much of the Healesville freeway reserve (HFR) is VicRoads selling, and when will you advise the local community of this and the extent of your government's broken promise on this issue? In the 2014 election the then Labor candidate for the Forest Hill district, together with the current Premier, campaigned in my electorate of Forest Hill on the issue of the Healesville freeway reserve, promising a Labor government would not sell any part of it. The current Premier visited my electorate on 25 February 2014 where he categorically promised to preserve the HFR. We now know that this promise was another Labor intentional untruth. According to a VicRoads letter dated 7 October 2016 land within the HFR is being sold. I asked the Premier about this issue in Parliament on 24 May this year, and unsurprisingly he did not answer my questions then nor has he answered them since.

### **Pascoe Vale electorate**

**Ms BLANDTHORN** (Pascoe Vale) (11:44) — (14 958) My constituency question is for the Minister for Education, and the question I ask is: what funding might be available for the Coburg Primary School to upgrade some of its facilities? Coburg Primary School is 170 years old. It is a fabulous little school. It goes across both sides of Bell Street with two campuses, and the school does a fantastic job managing the students across the two campuses. We have already helped the school over the last few years particularly in relation to the safety and road safety around that precinct. They also have some issues, it being a 170-year-old building, with their toilets and in relation to a lack of shade. I ask the minister what might be available to assist them in that.

### **Melton electorate**

**Mr NARDELLA** (Melton) (11:45) — (14 959) My constituency question is to the Minister for Roads and Road Safety. When will the Deer Park bypass be reviewed to expand the carriageways and lanes on the Deer Park bypass? Many local residents in the Melton electorate have raised this issue with me and my office.

With the growth occurring in the Melton and Bacchus Marsh townships and the wider outer western growth areas, the Deer Park bypass needs a lane expansion to deal with this growth. There may need to be discussions with the federal government to assist in the planning and the funding. We need to be in front of the growth that is occurring in the western region.

### **Essendon electorate**

**Mr PEARSON** (Essendon) (11:45) — (14 960) I direct my constituency question to the Minister for Water, and I ask: what plans are there to improve the amenity, environment and recreational uses along Moonee Ponds Creek? I was delighted to join the minister recently at an announcement of the waterways of the west action plan, which is looking at improving the waterways of both Moonee Ponds Creek and the Maribyrnong River. Certainly I think if you look at the passage of time and the way in which the Moonee Ponds Creek has changed, there is a great opportunity now to rehabilitate the creek, make it a better-utilised area by the community and improve the overall amenity of the creek.

### **Sandringham electorate**

**Mr THOMPSON** (Sandringham) (11:46) — (14 961) My constituency question is directed to the Minister for Energy, Environment and Climate Change, and I place on the record that the Sandringham electorate for more than 70 years had access to great baseload power that provided important employment. Companies like Johns & Waygood, companies like Leigh Mardon, companies like TED Engineering and companies like Ronstan exported product to the world or enabled a high level of import competitiveness in the context of oligopolistic operators in the marketplace. I ask the minister whether Sandringham business proprietors and households — pensioners and people reliant upon medical equipment being serviced by energy — will face power blackouts this summer?

### **Macedon electorate**

**Ms THOMAS** (Macedon) (11:47) — (14 962) My question is for the Minister for Energy, Environment and Climate Change. In August the Andrews Labor government announced its solar homes program. This announcement has been very well received in my electorate. Minister, can you please advise how my constituents can best access this program?

The Andrews Labor government understands that power bills hurt Victorian households, and that is why we are taking action. Providing half-price solar panels

can save the typical Victorian household up to \$2225 for installation and around \$890 a year on their power bills. The hot water system rebate will save households \$1000 on installation costs and around \$400 a year on energy bills.

With only 79 days until the election, the opposition's climate change and energy policies are missing in action, while our solar homes program will cut carbon emissions by almost 4 million tonnes and generate 12.5 per cent of the government's 40 per cent target for renewable energy by 2025.

## MEMBERS STATEMENTS

### Statements resumed.

#### **Killara Road–Maroondah Highway, Coldstream**

**Mr HODGETT** (Croydon) (11:48) — I wish to bring to the attention of the house a petition for traffic lights at the intersection of Maroondah Highway and Killara Road, Coldstream. This petition has been generated by the Coldstream Voice group — 'Our town, our voice' — and it calls for people to help the Coldstream community by signing this petition for a desperately needed traffic light system to be installed at the intersection of Maroondah Highway and Killara Road, Coldstream.

The community have been advised by the Minister for Roads and Road Safety that there is not enough traffic to warrant the construction of these badly needed lights. Well, my message to the minister is, 'Get real!'. Get out from behind your desk and visit this intersection, where you will see that it is becoming more dangerous each day, particularly during school times, both morning and afternoon. Even the local Country Fire Authority (CFA) branch have trouble getting out and through this intersection for an emergency due to the heavy volume of traffic.

There are over 1000 signatures on this petition, which was presented to me here at Parliament on Tuesday by the local, hardworking candidate for Evelyn, Bridget Vallence. Bridget Vallence has gone out and listened to her local community. She has visited the intersection and invited me out there to witness firsthand the issues encountered at this busy intersection, and she continues to work hard with the local community, residents and traders and the CFA on this very important issue. Bridget Vallence is prepared to do the hard yards to advocate for traffic lights at the intersection, and it is time this government and the minister stopped ignoring

and neglecting the Coldstream community and funded traffic lights at this intersection.

#### **Family violence**

**Ms KNIGHT** (Wendouree) (11:50) — I would like to thank the Minister for the Prevention of Family Violence for coming to Ballarat and meeting with a lot of service providers. I note that the minister is in the chamber today, and I am really pleased that she gets to hear this in person. The agencies spoke to me after the minister left, and they were thrilled that she took the time to head down the highway to hear about the fantastic work that they are doing, and in particular to acknowledge that family violence within the context of rural and regional Victoria has some different challenges and different implications compared to those in metropolitan Melbourne, and it is really important that she heard that firsthand. They were also very appreciative of the Andrews Labor government's commitment to and resourcing of the area of family violence, particularly after the Royal Commission into Family Violence, and that it is implementing all 227 of the commission's recommendations.

The agencies involved included WRISC Family Violence Support, Victorian Centres Against Sexual Assault and Berry Street, and we also talked a lot about a program called CoRE, which stands for Communities of Respect and Equality, which is a plan being developed for the entire Grampians region to prevent violence. There are over 100 members involved, including local government, businesses, networks and clubs, and it is having great success.

#### **Mildura residential rehabilitation facility**

**Mr CRISP** (Mildura) (11:51) — The Liberal-Nationals have made an election commitment to establish a residential rehabilitation facility in Mildura to service north-western Victoria. Families have been devastated by drug addiction and, particularly in recent years, ice addiction. Sunraysia Community Health Services has established a non-residential program, which has been operating for some time and will provide a base for a residential program. Many have supported the establishment of residential rehab facilities, and I would like to pay tribute to the work done by Gary Castleman and Rotary clubs of Sunraysia, particularly at Irymple, and the Royal Flying Doctor Service and its Victorian CEO, Scott Chapman. This is an essential service, and Labor needs to match the establishment of a residential rehab service for north-western Victoria.

### Garden of Hope Mildura

**Mr CRISP** — The Garden of Hope is one year old. The garden was established by Debbie Fitzgerald on the site overlooking Lake Hawthorn to provide a place of sanctuary. At times all of us need hope, and I would like to pay tribute to Debbie's vision and the work of Debbie and her team of dedicated volunteers, who have undertaken an enormous amount of site work in the last year.

### Drought

**Mr CRISP** — It is said that drought starts in the north and finishes in the south, and the devastating drought that has been in Queensland and New South Wales has crossed the Victorian border in north-west Victoria, as evidenced by the poor condition of most of the crops west of Mildura in the Millewa. These farming families are remarkably resilient, as they have seen drought before. However, they need to be kept in our hearts and minds, and I am sure that we all hope this will be a short drought.

This week I will meet with —

**The ACTING SPEAKER (Ms Spence)** — The Minister for Police.

### Queenscliff community hub

**Ms NEVILLE** (Minister for Police) (11:53) — Last Friday, following extensive community consultation with residents, traders and businesses of the Queenscliff community, I announced that the state government would no longer be providing \$2.5 million of funding for Destination Queenscliff and that instead the money would be redirected to the widely supported Queenscliff community hub redevelopment. Yes, there were some people in support of the Destination Queenscliff project, but large numbers were against the project, and as I indicated at the time, we are not in the business of supporting projects that divide communities.

It is very pleasing to be able to commit to putting the \$2.5 million into the Queenscliff community hub, which will see the rebuild of the historical society and the local library and the rejuvenation of the main street. In addition to the \$2.5 million, we have committed \$450 000 from the state government's Living Libraries fund, and we have also announced that we will chair the community reference group in overseeing the project to ensure it meets the aspirations of the local community.

### Bellarine Secondary College

**Ms NEVILLE** — On Friday, 24 August, I had the pleasure of visiting the Bellarine Secondary College, a great school led by principal Alison Murphy. While at the school I was pleased to announce that a re-elected Andrews government would commit \$8.9 million to build a new Victorian certificate of education centre, which is on top of the \$2.5 million that has been committed in the last four years. This was really welcomed by the school community.

### Great Community Raffle

**Mr WAKELING** (Ferntree Gully) (11:54) — I had the pleasure recently of emceeding the Ferntree Gully Motor Group's 2018 Great Community Raffle. It was a fantastic event. This year over 115 different organisations across our community shared in over \$177 000 that was raised by the raffle. Through its instigation back in 2009, when 52 recipients received over \$87 000, I am very pleased to announce that the work of this fantastic local business has helped to raise nearly \$1.4 million for the local community. Congratulations to everyone involved and congratulations to all the community groups that benefit from this important community raffle.

### Knox Hockey Club

**Mr WAKELING** — I would like to congratulate everyone at the Knox Hockey Club for the recent round of grand final events that they held. I had the great pleasure of visiting the event with Brent Sullivan. They run a fantastic facility there at The Knox School, and I congratulate everyone who is involved.

### Wantirna South Junior Football Club

**Mr WAKELING** — I had the great pleasure to attend the Wantirna South Junior Football Club's presentation day, where I had the honour to present the best club person award. It is a great local club. They provide an enormous amount for the local community, and they provide great opportunities for boys and girls to play community sport.

### Friends of Blind Creek Billabong

**Mr WAKELING** — Finally, congratulations to Fay Rimmer, the Friends of Blind Creek Billabong and everyone involved in their biodiversity day for the tree planting on wattle tree day.

### Country Fire Authority Lara brigade

**Mr EREN** (Minister for Tourism and Major Events) (11:56) — Last Friday I was pleased to attend Lara Country Fire Authority to officially hand over a new heavy Hazmat vehicle and welcome 10 new staff. The Hazmat vehicle is one of four in the state and gives the brigade extra resources so firefighters have more than enough equipment to ensure the community is well protected during incidents such as gas leaks and chemical spills. The truck has detection equipment to monitor a variety of chemicals, oxygen levels, explosive limits, carbon monoxide levels and radioactive materials.

The Hazmat vehicle can also set up emergency and mass public decontamination sites for a range of incidents, including decontamination showers and inflatable tents equipped to clear people of any contaminants. The Hazmat vehicle is a significant boost to the firefighting capacity of the Lara fire brigade. The firefighters based at Lara fire station do a fantastic job protecting their community, and this new Hazmat vehicle is an excellent addition to its capabilities.

I am really proud of the great work the Lara firefighters, both career and volunteer, do as they continue their long tradition of protecting the community. I am pleased, obviously, that in the Bracks and Brumby era we built that fire station out at Lara. Of course with population growth and vital infrastructure like the prison, like Viva Energy and like Avalon Airport, there is a need for more firefighters in area. So we have also committed to building a second fire station within my electorate. I am very proud of that, and the government is doing this in relation to protecting our communities.

### Cranbourne South Primary School

**Mr BURGESS** (Hastings) (11:57) — Since Labor has been governing Victoria for 15 of the last 19 years, Cranbourne South Primary School has been left to rot. Over time the Labor Party has mentioned Cranbourne South Primary School four times. Once, late in 2014, the then Labor shadow Minister for Education arrived to announce that Labor would close and bulldoze the school. Then, just before the 2014 election, Labor promised that if elected it would remove all the school's asbestos.

What did Labor do once it was elected? It cancelled the \$618 000 the Liberal government had committed to the school and announced the asbestos might not be removed for two more elections. After zero interest in our local school for more than a decade and a half of government, why was Labor all of a sudden showing

such interest, throwing money at this school? Because the member for Cranbourne, a Labor MP, is retiring and Labor needs votes to get their new union-backed candidate elected and across the line — of course, it is just 80-odd days out from the next election. Turning up 87 days before another election, again with no real money but yet another promise that if the community votes for them, this time they will keep their promises, is not fooling anyone.

### Hastings electorate gas supply

**Mr BURGESS** — I am again asking this government to provide badly needed natural gas reticulation to the coastal villages of Tooradin, Blind Bight, Warneet and Cannons Creek. The shadow minister for energy and I were in Tooradin to discuss the need for natural gas to be made available. Following the shadow minister's visit, I surveyed the residents in the villages and gauged the local uptake of reticulated gas. The support was overwhelming. The needs of the residents of this village are most important.

### Automotive Transition Taskforce

**Mr CARROLL** (Minister for Industry and Employment) (11:59) — When we came to government in November 2014, Holden, Ford and Toyota had announced that they would stop manufacturing in Victoria. Some thought the Victorian economy would struggle to recover. Economists predicted that gross state product would drop by 1.9 per cent. A huge proportion of tier 1 and tier 2 automotive supply chain businesses were expected to be wiped out. The tier 3 and tier 4 supply chain businesses were expected to make most of their workforces redundant.

We set about from day one to do everything we could to support the workers, their families and companies that were being impacted. In the face of the challenge the Andrews Labor government established the Victorian Automotive Transition Taskforce, invested over \$100 million in an automotive transition program, rolled up its sleeves and got to work.

The result is less than 20 per cent of supply chain businesses closed their doors, considerably less than was expected. Of the 10 200 workers in the tier 3 and tier 4 businesses, less than 100 have been affected, according to those businesses. They are accessing new markets and retaining and creating jobs, thanks to our support. We have created over 1000 jobs for ex-auto workers through the Local Industry Fund for Transition program. We have invested \$130 million into Victorian manufacturing, creating 6000 jobs, many of which are suitable for ex-auto workers.

Around 3500 workers were made redundant, but the same amount have registered with our skills and jobs centres, and over 70 per cent of them have moved into new work or training. What we are doing with the rest is getting on with the job, and the Victorian economy is going very strong.

Can I thank the member for Williamstown for his great efforts in this regard, as well as the member for Mill Park and the members for Eltham, Broadmeadows, Geelong and Dandenong, and a member for Western Metropolitan Region, Mr Melhem in the other place.

### **Criminal justice system**

**Ms SANDELL** (Melbourne) (12:00) — This Andrews Labor government is following the Liberals in a race to the bottom on law and order. The Liberals tell us we should all be afraid of African gangs roaming the streets, but they are doing this to deliberately whip up fear in the community so they can swoop in, blame Labor and win some votes. It is a disgrace. But what is even more important is the way that Labor has responded. They have tried to outdo the Liberals on who can introduce the harshest, the toughest and the cruellest policies when it comes to law and order.

Now, trying to outdo the Liberals in cruelty — we know that is Labor's modus operandi (MO) when it comes to refugees and asylum seekers, but I did not expect it would be their MO here in Victoria when it came to law and order. So what have Labor done in response? They have moved kids from juvenile justice centres to brutal adult prisons. They are building a new prison rather than actually trying to keep people out of prison in the first place or dealing with the people languishing on remand. They have given the police more and more powers, now including dangerous new weapons. And this week Labor have introduced new laws that will lock up kids as young as 14 — not for committing any crime but just for associating or talking with people of interest, some of them who might be their family members.

There is a better way. We can look to Texas, where they are taking money out of prisons and putting it into early childhood education and mental health — getting tough on the causes of crime — but that would not get as good a headline in the *Herald Sun*, would it? They should be ashamed.

### **Hindu Organisations, Temples and Associations**

**Ms HALFPENNY** (Thomastown) (12:02) — Last Saturday evening, 1 September, I had the great pleasure

of attending the annual HOTA dinner, this year celebrated in the electorate of Thomastown. HOTA stands for the Hindu Organisations, Temples and Associations. It is an impressive organisation with strong principles and values of unity and mutual respect. Each organisation or temple that joins HOTA has its own independence and freedom to operate as it sees fit, but this organisation also encourages working together for common objectives and the common good.

I would like to thank Ms Geeta Devi and Mr Sharma of HOTA and also Mr Hari Julka, Mr Kulwart Joshi and Mr Gurpreet Verma from Sri Durga Temple for welcoming me so warmly and hosting such a successful event. There was delicious food and there were exceptional performances from dance groups and traditional drummers and musicians.

HOTA conducts an annual event for all organisations affiliated with it. Temples take turns in hosting the annual event. In this case it was the Sri Durga Temple in Rockbank — as I understand it, the largest temple in Victoria — that was the host. On the evening it was not just an occasion of bringing together all the temples and organisations; it was also to celebrate the occasion of Raksha Bandhan, the celebration of the special bond between brothers and sisters.

The Indian-Australian community is one of the fastest growing cultural groups in our state, and Victoria's Indian community has made significant contributions to all spheres of Victorian life. Thank you for sharing this special night with me, and I look forward to celebrating future events with you.

### **Drought assistance**

**Mr D. O'BRIEN** (Gippsland South) (12:03) — With the government announcing via yesterday's *Weekly Times* that it is preparing a package of drought measures to assist farmers and communities in East Gippsland, I again call on the Premier to visit central and East Gippsland himself. The Premier, as leader of the government, needs to see firsthand the conditions that are afflicting farmers generally speaking in the Wellington and East Gippsland shires. Bureau of Meteorology data shows the past two years in this part of Gippsland have been the driest on record. Our farmers are innovative and resilient, and many got rain just at the right time last year to get through. However, many have also been feeding stock for a long time, fodder prices are through the roof — if its available at all — and unless there are good rains in the next few weeks there will be little new hay and silage produced in our region.

I am pleased the Minister for Agriculture minister has visited at the invitation of the member for Gippsland East. It is now time the Premier came down too.

### **St Thomas Primary School, Sale**

**Mr D. O'BRIEN** — I want to congratulate the girls from grades 5 and 6 at St Thomas Primary School in Sale for their recent win in the School Sport Victoria Australian football state titles. To be crowned state schools champions is a magnificent effort. I visited the school last week to speak to the grade 6 class and present certificates to the girls. I was impressed with not only the girls' sporting prowess but the whole class's manners, listening skills and eagerness to learn. Well done to sports teacher Grace Duffield and footy coach Shane Fyfe on the title. Good luck also to Mr Fyfe and his Sale Magpies as they take on Traralgon this weekend in the Gippsland League first semi-final.

### **Fish Creek Football Club**

**Mr D. O'BRIEN** — Congratulations also to Fish Creek Football Club for its third straight senior premiership in the Alberton league last weekend.

### **Yarram football club**

**Mr D. O'BRIEN** — Good luck also to Yarram football club, which is straight through to next week's North Gippsland league grand final against the winner of this weekend's clash between Churchill and Traralgon Tyers United.

### **Carrum electorate**

**Ms KILKENNY** (Carrum) (12:05) — I want to thank the people of Carrum for their support over the last four years. What an extraordinary time it has been. What a privilege. I cannot wait to serve the good people of Carrum for another four years. Together we have funded 12 school upgrades totalling \$37 million — nine times more than the former member — and we have not finished yet. We have more schools to rebuild and improve — great schools like Skye Primary School.

We have supported our Country Fire Authority brigades at Carrum Downs, Skye and Patterson River with new facilities, trucks and pumpers. We have invested in and secured the future of our volunteer coastguard, including our incredible Carrum flotilla. We have a new sports and community pavilion at Wedge Road in Carrum Downs, and we are building pavilions at Seaford North Reserve and Skye Recreation Reserve. We are building a multimillion-dollar bike path to link Carrum Downs to

the Carrum to Warburton bike trail. We will rebuild Bonbeach Life Saving Club. Thompsons Road in Carrum Downs is just humming with workers as we work to complete the 10-kilometre duplication.

We are working on the biggest investment and transformation of the Carrum precinct. Nearly half a billion dollars will transform this area, removing three level crossings, moving the train stabling, building a state-of-the-art new railway station and creating the magnificent Carrum promenade. And of course in a few short weeks we will open the new road bridge over the Patterson River, finally linking the communities of Bonbeach and Carrum, something others have only talked about for nearly 80 years. What a celebration!

We have removed the level crossing at Skye and Overton roads, making the trip to Frankston a dream run. We will remove the level crossing at Bonbeach and build a brand-new station too. And this weekend we will remove the boom gates once and for all at the Seaford Road level crossing. The air of anticipation is irresistible, something to enjoy for decades to come.

### **Trinity Grammar School**

**Mr T. SMITH** (Kew) (12:06) — I rise to congratulate Mr Phil De Young on becoming the 11th headmaster of Trinity Grammar School. I attended Mr De Young's swearing-in ceremony at Trinity Grammar School in Kew on Tuesday night. It was a wonderful school gathering at the chapel at their campus in Charles Street, Kew. I wish Mr De Young and his family all the very best in their leadership of Trinity Grammar, which has had some difficulties in recent months that we hope are behind the school so the school can move on to becoming the great leader of education that it has been for over a century in our local area.

### **Josh Frydenberg**

**Mr T. SMITH** — I wish to congratulate the new Treasurer of Australia and federal member for Kooyong, my good friend Josh Frydenberg, on his appointment in recent weeks.

### **Greythorn Community Hub**

**Mr T. SMITH** — I saw Josh Frydenberg at the opening of the Greythorn Community Hub on the weekend in my electorate, in North Balwyn. The federal government put quite a deal of money into that new facility and worked very well with the local council, Boroondara City Council, to create a terrific new community hub which will house the North

Balwyn RSL for many years to come, which is terrific. That RSL lacked a home. Its previous premises were rather dilapidated, and it is great to see a new home for a number of community services, including the North Balwyn RSL.

### **Kew electorate crime**

**Mr T. SMITH** — Finally, there has been a spate of crimes in High Street, Kew. A number of stores have been badly raided and stolen from. The crime wave under the Andrews Labor government continues apace.

### **The Diggers Club**

**Ms GRALEY** (Narre Warren South) (12:08) — One of my favourite things to do is visit Heronswood and roam the gardens for solace and inspiration, then buy some plants at The Diggers Club to take home to my garden that I love. Countless others also enjoy this simple pleasure. This year Clive and Penny Blazey, the club's founders, are celebrating four decades of The Diggers Club. Happy 40th birthday, Clive and Penny.

The club started off as a small catalogue business in 1978, housed in an old tin shed and selling seeds by mail order to keen gardeners across Victoria. Now the club has 75 000 members and sells more than 800 000 packets of seeds a year, with a line of 1500 products and 140 staff. In 1983 the club moved to their beautiful Heronswood property. Clive and Penny have always been dedicated to promoting biodiversity and ensuring the protection of diverse plants. Back in the 1980s Clive and Penny pioneered drought-tolerant plants in Australia as well as rescuing old varieties of plants that mainstream companies were dropping from their lists.

The organic vegetable garden at Heronswood is a must-see — a delicious work of art. From the title of Clive's book, there is no excuse for ugliness. The Diggers Club magazine is the most read gardening magazine in Australia. I enjoy reading it. Often the views are contrary to Clive and Penny's gardening philosophy. Clive takes it on the chin, and he answers his critics with as good as he gets. I love their passion for gardening.

On top of this lifetime of giving, they established the Diggers Garden and Environment Trust in 2011 to preserve historic gardens and houses. Thank you, Penny and Clive, for your enthusiasm and dedication and above all your kindness and generosity.

### **Tim Day**

**Mr GIDLEY** (Mount Waverley) (12:09) — Today in the Parliament I recognise Mount Waverley resident Tim Day. Mr Day has been a dedicated member of the Pinewood Primary School school council for 13 years and president of the council for 10 of those 13 years, representing a huge level of dedication and commitment to the school community.

I remember my first interactions with Mr Day leading up to the 2010 state election. He was polite, but clear and direct. He said that politics was neither his interest nor his priority but that the current and future generations of children at Pinewood Primary School were. He outlined in detail the very poor state of many of the school buildings at the time and what that meant for the children, and then he sought to work with and gain a commitment from both the government of the day and the opposition of the day that they would fix these buildings.

On being elected as the member for Mount Waverley in 2010 I secured funding for the Pinewood Primary School rebuild project and worked closely with him to ensure the school was able to achieve the school's goals for the project. This rebuild project was enormous and in addition to the usual heavy workload an active school council carries. A great outcome was achieved with this rebuild through the work of Mr Day as council president, the school council and the school community. I put on record my thanks to him for his 13 years of dedication and service to the Pinewood Primary School council, including 10 years as president.

### **Mount Waverley electorate police resources**

**Mr GIDLEY** — Today in the Parliament I call on the Andrews Labor government to stop its cuts to local policing in Glen Waverley and Mount Waverley, particularly to the Glen Waverley police station. Unfortunately it has become clear that this government is now closing so-called 24-hour police stations on a week-by-week basis in addition to closing non-24-hour police stations every day. Glen Waverley police station has not been spared from these government cuts to local police resources. Today in the interests of public safety I call on the Andrews Labor government to finally stop its cuts to local police services in Waverley.

### **Footscray learning precinct**

**Ms THOMSON** (Footscray) (12:11) — The Footscray learning precinct is now near to being a reality after receiving another \$20 million on top of the

\$50 million that has already been allocated. I want to express my thanks to the Minister for Education, who took on this project in opposition and saw its worth and has now fulfilled that obligation in government. This is an Australia-first project. It is lifelong learning based on individual need from the early years through primary, secondary, university, TAFE and University of the Third Age. It will be an amazing project when completed.

I want to thank those who have made this a reality. I want to thank the principals of the schools and the staff who have given up their time working on the curriculum and pedagogy. I would also like to thank those from the regional offices of the Department of Education and Training and also the Victorian School Building Authority. I would like to thank Maria Bawden, Bette Prange, Jessie Hand, Melissa Horne, Rob Brown and representatives from the Maribyrnong City Council. I would also like to say a special thanks to my parliamentary colleague the member for Williamstown, because this has been a joint effort over 11 years to make this project a reality — bringing to Australia the idea of ensuring we educate to the individual need and not to the average.

### Onshore unconventional gas

**Mr PAYNTER** (Bass) (12:12) — Yesterday during the matter of public importance debate the Minister for Mental Health, who should know better, accused me of supporting fracking in Victoria when I read a direct quote from the former federal Minister for the Environment and Energy, Josh Frydenberg. Nothing could be further from the truth and this assertion is completely false.

The Liberal-Nationals do not support fracking and in fact placed a moratorium on fracking licences in Victoria when they came to government in 2010. The Liberal-Nationals support the ban on fracking in Victoria. Let the record show that the only government that has ever issued fracking licences in Victoria is the Labor Party. The Liberal-Nationals and I personally have always and will always value and preserve our precious farmland and respect our farmers.

The reality is the policies of this Labor government have caused gas prices in Victoria to rise. Onshore unconventional gas has been successfully and safely extracted in parts of Victoria for decades and could free up our gas supplies and make Victorian gas prices more competitive.

### Footscray learning precinct

**Mr NOONAN** (Williamstown) (12:13) — One of my predecessors in the seat of Williamstown, the great Joan Kirner, was a champion for education. She was absolutely passionate about education. Joan understood that working-class kids could reach their full potential through a good education, and this was a point that Joan impressed upon me. Joan knew that only Labor governments invest heavily in education, particularly for working-class kids. I am proud to say the Andrews Labor government has made record investments in our schools whilst reopening TAFEs and creating fee-free courses for working-class kids. In fact Labor has invested more than \$3.8 billion to build 70 new schools and upgrade 1300 schools across the state since coming to office in 2014.

Among those investments has been more than \$70 million for the Footscray learning precinct, which includes a new junior high school in Seddon. It was the Kennett government that closed the high school in Yarraville back in the 1990s, and it has been left to Labor to build a new one. But that has always been the difference between Labor and the Liberals: Labor builds and invests in schools and education and the Liberals cut education budgets. The Footscray learning precinct will be one of the strongest legacies of the Andrews Labor government and will completely transform the capacity for a generation of working-class kids to reach their full potential.

In response to the member for Footscray's comments earlier, I want to return the compliment because it was the member for Footscray who created the vision and drew all of the stakeholders throughout the community together. It has been my privilege to serve with her. I also want to thank the Minister for Education for his steadfast support.

### Cambodia

**Mr LIM** (Clarinda) (12:15) — On Tuesday I joined the Minister for Multicultural Affairs and other honourable members in addressing the Cambodian community on the front steps of Parliament. Close to 200 community members showed up to continue their campaign for democracy in Cambodia. After gathering at Parliament they marched on to the Department of Foreign Affairs and Trade state office to deliver a petition to the department's state director calling on the Australian government to condemn and boycott the inauguration of Hun Sen's new government, which is scheduled to take place in Phnom Penh today.

The most recent election process, which included the dissolution of the major opposition party and imprisonment of its leader, Kem Sokha, has reversed the more than 25 years of progress made towards democracy in Cambodia. The Australian government should take concrete action and join other countries such as the United States in imposing targeted sanctions such as visa restrictions and asset freezes on those involved in undermining democracy in Cambodia. I understand that the ambassador to Cambodia boycotted the opening of the Parliament accordingly, and I am grateful for this response.

### Residential planning zones

**Mr WATT** (Burwood) (12:16) — As soon as the Premier and the Labor Party took government they watered down strict planning protections. This has led to a free-for-all and inappropriate development in many local suburban streets. Labor's changes have not only sacrificed strict planning rules and neighbourhood character controls but they have also caused more congestion on local roads, choking our city.

A Liberal-Nationals coalition government will restore the protections to residential suburbs removed by the Andrews Labor government. We will reverse the damaging aspects of Labor's changes and specifically reintroduce a two-dwelling limit on lots in neighbourhood residential zones, reduce building heights in parts of the neighbourhood residential zones, bring back a 9-metre discretionary height limit in the general residential zone and review the garden area rule to make it more sensible and more workable. These changes are so needed to protect our quality of life that an elected Liberal government will do this within its first 100 days. At the next election local voters will have a chance to send the Premier a strong message and reject Labor's rules that allow this sort of unplanned overdevelopment in Burwood.

### LEADER OF THE OPPOSITION

**Mr MERLINO** (Minister for Education) (12:17) — I move:

That this house —

- (1) censures the Leader of the Opposition for using \$3.5 million of taxpayers money as ransom to avoid having to explain his role in the Ventnor scandal, potentially committing the crime of misconduct in public office; and
- (2) calls on him to immediately resign and pay back the money he stole.

The faux outrage that we have seen today is not about privacy, it is about secrecy — secrets that the Leader of the Opposition has been desperate to hide for years and years. This is a story of corruption and the covering up of potential criminal behaviour by the Leader of the Opposition. Well, I have got a message for the Leader of the Opposition and for all members opposite: we will not back off, because this goes to his character, his judgement, his motivation and, potentially, his criminal behaviour.

I want you to picture it: a kitchen table in the small seaside town of Cowes — a beautiful part of the world. It was there on 11 May 2011 that the then planning minister, now the Leader of the Opposition, sat down with Carley Nicholls and did a deal. Exactly what was promised on that day we may never know, but what we do know is that after that meeting the Leader of the Opposition had a sudden revelation: Ventnor and all of its pristine farmland had to be rezoned for housing. He even used his special ministerial powers to do it, overriding the Bass Coast council and ignoring the advice of two expert planning panels and his very own department.

I have neglected to mention one tiny detail, a small coincidence I am sure. The rezoned land would be purchased by Carley Nicholls, alongside her husband, Jim Hopkins, a property developer and member of the Liberal Party. Well, we all know what happened next. On 8 September 2011 the land was rezoned. But soon, in the overwhelming face of public opposition, a tweet from Miley Cyrus and an intervention from his boss, the former Premier, Ted Baillieu, the former planning minister was forced into a humiliating backflip. Of course there was no apology, there was no remorse. No, he did what he always does. He avoided responsibility, he passed the buck and he blamed his advisers. He threw his advisers under the bus for lobstergate as well. You should get danger money if you are an adviser to the Leader of the Opposition.

In response to the now opposition leader's backflip, Ms Nicholls took him to court. What would typically have happened is this: the Victorian government would have had its defence and the matter would have been decided, one way or the other, in an open court. But not under this man. No, that is not the way that he does business. That would be too transparent, too straightforward and too honest. Instead he chose to ignore expert advice. He organised a secret payout and then he tried to cover it up, and now he is trying to run from the truth. The Leader of the Opposition would have us believe that he did all of that because he wanted to save Victorians the pain and the cost of a court case. So good and so wholesome is he, so dedicated to the

people of the state and their interests, that he just wanted to put the matter to bed for their sake, not his — for Victorian taxpayers.

I quote from an interview the Leader of the Opposition did with 3AW yesterday morning. It was very interesting — a bit of a train wreck. A question from Neil Mitchell was:

So you genuinely believed \$2.5 million was a good deal?

The Leader of the Opposition responded:

Well, it was better than the lawyers picnic that might have ensued otherwise.

The member for Kew — who can forget that interview with Jon Faine — that esteemed legal mind went even further, telling ABC Radio 774 listeners that the Leader of the Opposition had ‘saved the taxpayer potentially tens of millions of dollars’. How very noble of the Leader of the Opposition, except that is when his story starts to fall apart. Because as those files tell us — those 80 000 documents — the Leader of the Opposition was being advised by a team of barristers, no fewer than three of whom were highly experienced and independent senior counsel. These are some of the best and brightest legal minds in the nation, and their advice to the then planning minister was absolutely clear: the government had a strong case, and to the extent that there was any legal risk at all there were no grounds for a damages claim.

I read from that legal document:

We do not consider those prospects to be greater than 50 per cent but they are real. Such success would deliver no damages award to the plaintiff ...

So on that particular point, 50-50: even if they lost, there would be no damages. It then went on to say:

The remaining causes of action — which are the ones with an alleged substantial damages component — have minimal prospects of success

That is clear, repeated legal advice. The case was strong for the government and even if the government lost, no damages would be paid.

So why then would the Leader of the Opposition, a man with zero experience in the law, go against that expert legal advice? But he did not just ignore the advice of his legal team, he went against the advice of his cabinet colleagues as well. When the then minister went to cabinet and sought approval to settle, cabinet agreed to an amount not exceeding \$1.1 million — that is, \$1.1 million and not 1 cent more. Cabinet, his very own cabinet, had doubts about then Minister Guy in this

case. The very same legal advice the cabinet used to determine that figure also went to the Victorian Managed Insurance Authority (VMIA), our state’s insurer. They were so confident in the advice, so rock solid in believing that there was no liability to the state, that they downgraded the maximum exposure to \$250 000. Again I quote from documents:

Based on the Elizabeth Mortimer, SC, advice the VMIA can contribute up to the sum of \$250 000 plus costs, towards a pre-trial settlement of the claim. This sum reflects:

The very minimal risk of either defendant being found liable for the common-law-based claims.

The commercial benefit in mitigating the cost exposure of the claim being tried.

The absence of any residual state exposure to the vendor.

The VMIA knew that the government was not going to lose this case, and that is why they set a limit of \$250 000, yet the fool from Kew gets on the radio yesterday and says tens of millions of dollars were saved by the taxpayer.

*Honourable members interjecting.*

**The SPEAKER** — Order! I warn the Deputy Premier to refer to members by their correct titles. I warn the member for Kew not to interject across the table.

**Mr MERLINO** — Anything more, they advised, was simply *ex gratia*. Why then did the Leader of the Opposition end up paying three times the amount that was approved via cabinet and 10 times the amount our insurer recommended plus costs? Perhaps, just maybe there was something else motivating the then Minister for Planning. In getting to the bottom of all this, let me share with you another curious quote from the Leader of the Opposition:

I will not be in the job if we win (the case).

I will repeat it:

I will not be in the job if we win ...

Two lawyers made file notes of this exact quote:

This can’t go to court. I shall not be in the job if it goes to court.

On the face of it that does not make a lot of sense, does it? Because surely winning would be a good thing. For the man who is apparently so anxious about the cost of a payout, winning would be the best possible outcome. It would not cost the Victorian taxpayer one cent and it

might finally help clear up those nagging questions about who did what and why.

As the quote shows, the Leader of the Opposition did not want to win the case — no. He did not want to win because he knew two other people were in that room that day. He did not want to win because two people who could tell us the truth about everything that happened around that kitchen table were there — two people who could blow the lid on the Leader of the Opposition's conduct and two people who, without a substantial payoff, would probably cost him his job. Instead, he bought their silence. That is what he did. He used the money of hardworking Victorians to save his own job.

As the files so clearly show, there was no legitimate basis for calculating the sum: no reasonable method, no rationale, just whatever dollar figure it took to make the Minister for Planning's problem go away. Let us never forget, \$2 million of that payout went to a Liberal Party associate who had never even completed the contract on that property. That was \$2 million for nothing. The contract had not even been concluded. It gets even murkier because when it comes to explaining what the money was for, the minister's own department had no answers. Not only had they been forced to defy their own legal advice, they had no idea how to explain the settlement to the Ombudsman or the Auditor-General. In fact, so determined was he to avoid scrutiny, the then Minister for Planning even directed his department to hide the relevant documents. The mere prospect of being exposed and avoid, and I will again quote from a legal file note:

Hairy one.

Omb wanting us to provide this. Assuming min off would react dimly if we handed over ... w/out protest.

Min off going spare.

They were beside themselves with panic because they did not want their behaviour, their decisions and actions exposed to the Ombudsman or to the Auditor-General. What was in those documents? What was the Leader of the Opposition so eager to hide?

**Mr T. Smith** interjected.

**The SPEAKER** — The member for Kew has already been warned.

**Mr MERLINO** — We are starting to find out. Although he might tell us, and, more importantly, his own party room that there is no case to answer, let us go through the detail. As the law says, 'misconduct in public office', the offence relates to 'a public official',

say, the Minister for Planning who, in 'the course of or connected' to their public office, like a decision to rezone land, 'wilfully misconducts' themselves or uses public money to pay people off 'without reasonable excuse or justification', including a payoff with no commercial or legal justification. 'Where such conduct is serious' — tick — 'meriting criminal punishment, having regard to the responsibilities of the office of the office-holder' — tick — 'the importance of the public objects which they serve and the nature and extent of the departure from those responsibilities' — tick, tick, tick — misconduct in public office is a crime punishable by a maximum of 10 years in prison. That is why this is such a significant issue. That is why all of those documents have been provided to the Parliament because we are talking about the potential criminality of the Leader of the Opposition, the man who in less than 80 days wants to be the Premier of this state.

That is not all. I am sure that the Auditor-General will be very interested to know how the opposition leader came to believe it was cheaper to pay up than to go to court. There is a file note showing the deputy secretary of the then minister's department did not have and knew that she did not have financial delegation over \$1 million. But the Leader of the Opposition stood over the department, the deputy secretary and others to pay out what we know to be \$3.5 million. Now, I quote again: 'Prue', the deputy secretary:

... is concerned b/c she only has a financial delegation of up to \$1 million.

**Mr Clark** — On a point of order, Speaker, in the course of this debate, the Deputy Premier has been quoting from a number of documents and has not fully identified several of them, including the document from which he is now quoting. I would ask that he identify the document to the house and for the record — which box is it in, what the source of it is et cetera — in accordance with longstanding principles so the house can be aware of and can refer back to the document to see from what he is quoting. If he is not in a position to do that, I ask that you make the document available to the house.

**The SPEAKER** — Is the Deputy Premier quoting from documents or referring to notes?

**Mr MERLINO** — I am quoting from the document, and I am happy to make it available to the house and happy for every Victorian in this state to see it. I quote from the document, the Victorian Government Solicitor's Office file note:

Prue is concerned b/c she only has a financial delegation of up to \$1 million. Can't sign b/c it offends procurem policies ...

I think the Auditor-General will be very interested in how the department under obligation by the minister was forced to make a payout that was beyond any delegation to any department secretary. IBAC will want to know why he forced public servants to defy their own legal advice and then hide his documents. The Ombudsman would be interested too. Just what was in those documents and why was he so anxious to hide them? The former planning minister refused to hand over documents that were requested by the Ombudsman and claimed privilege.

I quote from the Ombudsman's report, where the Ombudsman said:

I do not agree with the interpretation of the legislation the advice presented.

The former planning minister was running away from ever telling the truth — from the Ombudsman, from the Auditor-General, from this Parliament. Well, he cannot hide from IBAC and Victoria Police.

The opposition leader knows he is in deep trouble. He knows it. We saw that yesterday during his interview on 3AW, how clearly the wheels were falling off, how frantic and flustered he has been through the course of this week, because when Neil Mitchell asked him about a prominent story of the day on new weapons for police officers, the Leader of the Opposition, the man with the so-called tough-on-crime agenda, had no idea what Neil was talking about. I will quote the Leader of the Opposition again. He said:

Ah, no, I wasn't aware of it ...

It was on the front page of the *Age*, and yet he was so distracted by this issue, so desperate to keep his job, that the Leader of the Opposition completely missed it.

He has got reason to be nervous. The member for Malvern made that all too clear on Tuesday, telling reporters coming up the steps to start the week, 'Matthew can speak for himself'. He is not being defended by the member for Malvern. I think the member for Malvern might be doing something else; you could practically see him counting the numbers. He was counting the numbers. But when it comes to dodgy dealings, the member for Malvern has got some questions to answer himself. The same can be said for the member for Hawthorn. The same can be said for the member for Box Hill opposite me. Because they were there for the botched rezoning —

**Mr Pesutto** interjected.

**The SPEAKER** (12:37) — Order! The member for Hawthorn can leave the chamber for 15 minutes.

**Mr Pesutto** interjected.

**Mr MERLINO** — The legal counsel to the former Premier protests too much.

**Mr Pesutto** interjected.

**The SPEAKER** — The member for Hawthorn!

**Mr MERLINO** — They were there. He is running.

**The SPEAKER** — Order! The Deputy Premier to resume his seat. I have warned members in this place that if they have been asked to leave the chamber, they do so without comment. I ask the member for Hawthorn to apologise to the house.

**Mr Pesutto** — I apologise, Speaker.

**The SPEAKER** — Thank you.

**Honourable member for Hawthorn withdrew from chamber.**

**Mr MERLINO** — They were there for the botched rezoning, they were there for that secret pay-off and they know just how deep the opposition leader's dirty deeds really go.

In preparing for today I went back and I did a little bit of reading. You might be surprised to know that I actually found some common ground with the member for Hawthorn — not much, but some common ground. The member for Hawthorn said back in April last year that if the government has nothing to fear, then it should have nothing to hide. That is good advice. He might want to share that with the leader of his own party, but of course he cannot because the Leader of the Opposition has plenty to hide.

In fact today I can tell the house that I can confirm those rumours that on 8 September 2011 — the very day the now Leader of the Opposition signed off on that rezoning in Ventnor — a former Liberal planning minister, Robert Maclellan, was seen exiting his office. Coincidence? I do not think so, because I think Robert Maclellan is key to all this — the dodgy developer who petitioned for a dodgy deal from a dodgy planning minister on behalf of Liberal Party associates.

I know this is a bit complicated, so let us unpack it. Let us go through the Leader of the Opposition's litany of lies; let us lay them all out so his misdeeds and mistruths are recorded forever in Parliament's records. In that same interview yesterday on 3AW, Neil Mitchell asked:

Do you deny there was some political reasons behind your decision ...

The Leader of the Opposition answered:

Yes.

Yet word for word from the very same man:

We cannot win — it is political.

These are his words — the former planning minister, the Leader of the Opposition.

Again, Neil Mitchell:

You are on the record as saying, 'If this goes to court I won't be in the job'. Did you believe it could cost you your job?

The Leader of the Opposition's response:

No.

And yet he also said:

This can't go court — I shall not be in the job if it goes to ct.

Again, Neil Mitchell:

Were you getting advice that it could cost more than ...

\$3.5 million?

The Leader of the Opposition:

It would cost a hell of a lot more than that.

Not according to his legal advice.

Let me speak again to this. This is a file note, member for Box Hill, from the Victorian Government Solicitor's Office:

The minister asked when the witness meetings would be. He was concerned about being required to give evidence before the judge ...

The minister said that the matter needs to settle. He said it can't go to court.

Further legal advice said:

... legal costs ... \$300 000 (... state's cost of going to trial) ...

That was from Prue Digby, deputy secretary, planning, building and heritage. It was \$300 000 — not \$3.5 million, not tens of millions of dollars; \$300 000.

Neil Mitchell then asked:

... Jim Hopkins, Carley Nicholls, have you met them?

The Leader of the Opposition responded:

No, no, I cannot remember ever meeting them. I might've. I cannot ever remember meeting them.

But in his very own words, in his very own affidavit, the Leader of the Opposition admitted to visiting Carley Nicholls's home. Ms Nicholls backs that up, confirming what we already know — it was there that they first spoke about the rezoning of Ventnor. And in a subsequent interview on the ABC with Jon Faine, the Leader of the Opposition even admitted he knew the couple had a home in Caulfield, and during an interview with his lawyers he even mentioned the couple's kids. He has all this information and insight into the people he told us yesterday he had never met. Under pressure, time and time again he cannot tell the truth.

As I said, there are a lot of moving parts to this story and a lot of complicated detail that is all too hard for those opposite. But I want to be clear about exactly what the Leader of the Opposition did: he used his public position to enter into a dodgy deal with Liberal Party associates. He got caught out. He stole money from the public purse to use as a pay-off, and now he is trying to hide the truth. But no more misdirection, no more mistruths from the Leader of the Opposition: the time has come for the Leader of the Opposition to own up to his actions, apologise, pay back the money and resign, because this is not the first time for this Leader of the Opposition. There is a very clear pattern of behaviour emerging. First he is crooked, then he gets caught and then he tries to cover it up. We saw that with Ventnor. We saw that with Fishermans Bend. We saw that with the reams of dodgy invoices.

**Mr Clark** — On a point of order, Speaker, I draw your attention to standing order 118, which rules out of order imputations other than by way of substantive motion. The Deputy Premier is making imputations against the Leader of the Opposition which are not those contained in the motion. They are totally outside the scope of the motion. I ask you to require him to comply with standing orders. If he does want to canvass those issues, then he should do so by way of substantive motion.

**The SPEAKER** — The Deputy Premier to come back to the motion.

**Mr MERLINO** — And who can forget Cousin Tony? The Leader of the Opposition could not remember his name. I think he was referred to as Cousin Tony. Again and again there have been duplicitous and dodgy dealings from this man and his corruption and his cover-ups. It is time that the Leader of the Opposition was held to account, because the people of Victoria deserve better and they deserve answers. I urge all members to support this censure motion.

**Mr WALSH** (Murray Plains) (12:44) — I rise to oppose this motion in the absolutely strongest possible way. When I sat here and listened to the Deputy Premier ramble on for an hour defending the indefensible and what has gone on this particular week, I was reminded of the Painters and Dockers song *You're Going Home in the Back of a Divi Van*. That is what will happen to the Deputy Premier. That is what will happen to his six fellow ministers who are actually being investigated by police — six ministers who are being investigated by the police and who will not stand aside from their jobs. *You're Going Home in the Back of a Divi Van* is probably a very good theme song for that side of the house because that is what will be happening to those particular six ministers. We know a number of Labor Party staffers, the red shirts, have been arrested and investigated. It is only a matter of time before the police actually arrest and interrogate those particular six ministers.

This motion before us and this releasing of 80 000 pages of documents is a confected defence to cover up for the government's own crimes in this state. There is a very long list of the government's crimes in this state and they are defending the indefensible with the arguments that are being put forward today. It started back in opposition with the stealing of a dictaphone. They did not have the moral decency to actually return a dictaphone that was found at one of the Labor Party conferences. A normal person, a decent person, a person with actual morals, would have actually given that back rather than have some confected story about not knowing where it was and that they did not know who had it and then eventually copping to the fact that it was held by the Labor Party but it was damaged and they never knew whether someone listened to it or whether someone did not listen to it.

The Labor Party cannot actually tell the truth when it comes to issues where they get caught out. There is a long litany of issues that need to be canvassed when it comes to this confected motion from the Deputy Premier, because he is defending the indefensible. There is the whole red shirts campaign — the fact that a number of particularly members of this house have stood upon a legal issue between the houses and have not been interviewed by the Ombudsman. There is the fact that the Attorney-General of this house, the top law officer in this state, the one that is charged with maintaining the integrity of the law system in this state, is actually one of the ministers who is being investigated. Worse still is that he actually spent over \$1 million of taxpayers money taking the Ombudsman to court to try and stop the Ombudsman doing their job. It is just without precedent to have the top law

officer in this state doing those particular things. It is an absolute disgrace.

You have got the Minister for Police, the other top law officer in this state, being a beneficiary of the red shirts campaign and again not standing aside but saying, 'There's some process, some mystical process out there in the ether where I am not talking to the Chief Commissioner of Police about this issue but I am actually working with the chief commissioner on another issue'. It does not pass the pub test that you have got the police minister and you have got the Attorney-General of this state being investigated by police and still sitting on the Treasury bench, still holding their jobs in the government. If they had any sense of decency, they should have both resigned on those particular issues.

As we have talked about in this place a number of times, the member for Melton — talk about paying money back — rorted the system. He had his snout in the trough for years.

**Mr Nardella** — On a point of order, Speaker, I ask the honourable member to withdraw.

**The SPEAKER** — Order! The Leader of The Nationals has been asked to withdraw his comments.

**Mr WALSH** — I withdraw. So the member for Melton rorted the second residence —

**Mr Nardella** — On a point of order, Speaker, I ask the honourable member to withdraw and desist immediately.

**The SPEAKER** — Order! The member for Box Hill has raised a previous point of order in relation to imputations in this place. Imputations can only be made by way of substantive motion, and I drew the Deputy Premier back to the substantive motion before the house. The Leader of The Nationals is allowed to countenance other issues in refuting suggestions made in the motion, but I ask him not to make imputations about other members of this place.

**Mr WALSH** — Thank you, Speaker. Again in the litany of Labor Party misuse of taxpayer funds in this place we have had a former Deputy Speaker and a former Speaker of this house both inappropriately making claims for the second residence allowance, something that was actually set up for country members who come to Parliament and need somewhere to stay when they are in Melbourne. It is not for city MPs to decide that they want to live by the beach 80 kilometres from their electorate — or allegedly live by the beach;

they were pretending to live by the beach — and claim that second residence allowance.

There has been more done in this term of Parliament to lower the community's trust in MPs than in any other Parliament that I can remember, or any MP on our side of the house can remember. To have the two presiding officers of this house actually think that they could concoct a story where they could pretend to go and live by the beach and claim that allowance I think is an absolutely disgrace and a slight on this house. It is a slight on this house and on the integrity of this house.

So we had the two officers of this house — before you, Speaker, the former Speaker and the former Deputy Speaker — who have had to resign their positions because of that misuse of the second residence allowance. Even worse, we have had the Deputy President in the upper house — the third of the four presiding officers of this Parliament — being investigated for rorting the printing allowance, and he has had to resign.

**Mr Nardella** — On a point of order, Speaker, the honourable member for Box Hill did raise the issue of imputations on other members, either in this house or in the other house, and standing order 118. I ask you to ask the honourable member to desist from impugning the reputation of other members either in this house or the other house. He has now done this for the third time.

**Mr Clark** — On the point of order, Speaker, the Leader of The Nationals was not impugning the former Deputy President. As I recall it, he was referring to a police investigation and circumstances which led to his resignation. That is not an imputation. An allegation of dishonesty is, but you previously accepted that rorting is a word that can cover a range of meanings, one of which extends to dishonesty. Others do not, and it is therefore not an imputation of dishonesty to use that term. Indeed I am not sure if the Leader of The Nationals did in relation to the Deputy President. But I submit that what the Leader of The Nationals had to say was not an imputation against the former Deputy President.

**The SPEAKER** — Order! I intend to allow the same use of language in this debate that the Deputy Premier used before the Leader of The Nationals. He suggested that the member was under investigation, so I do not uphold the point of order. I do warn the Leader of The Nationals, though, to be careful of impugning other members; that sits outside this motion.

**Mr WALSH** — So, as I have explained, three of the four presiding officers in this place have all had to resign their positions because of misuse of

parliamentary allowances. That is not an imputation on anyone; it is a fact. The fact that they actually resigned their positions, the fact that the member for Tarneit fully repaid the money, the fact that the member for Melton paid back only a little over half of the money and the fact that the Deputy President is still under investigation for these issues — these are facts. They are not imputations on any person, they are facts, and we need to deal with facts in this place.

The Deputy Premier talked about having to pay back money. We had the infamous issue of the dogs in the car. Ministers of the Crown are entitled to a chauffeured car as is appropriate to do the job, and I do not think anyone would begrudge a minister with the workload they have having access to a ministerial car and a driver, but I think what Victorians do begrudge is the fact that a minister believes that he should have a ministerial car for his own use and he should have another ministerial car for his dogs' use. I think people found that absolutely offensive — that you have got a minister believing that his car should be used to chauffeur dogs around.

Again, that is no imputation on that minister, either, because that minister resigned as well. He was shamed into it, particularly by articles in the *Herald Sun* that pointed out that it was not appropriate for a minister to use his car to chauffeur his dogs around. When he was found out and he was asked whether he should repay the money over that issue, Minister Herbert paid back only \$192.80, believing that was the petrol money for a couple of trips to Trentham. As the record stands, those dogs were chauffeured to and from Trentham a number of times. If you are talking about the appropriateness of paying back money, I do not believe that \$192.80 was anywhere near the amount that should have been paid back for chauffeuring the dogs. If you think about the wear and tear on a car, the cost of a driver, the damage that may have been done to the upholstery by having dogs in the car and the fact that the car probably needed detailed cleaning because it had had dogs in it, I do not believe that \$192.80, which is what Minister Herbert paid back, was at all appropriate.

The censure motion that is before the house I think is just a sign of a desperate government trying to throw as much mud as possible around to cover up for its actions as a government. The Deputy Premier has been put out to move this motion. He is someone whose credibility has been destroyed and is in tatters because of his actions over time. I accept the fact that the Deputy Premier probably has not got a lot of mates on the other side, and it is his job to do the grubby work that needs to be done on behalf of the government. And he does a

very good job of being a grub. He does a very good job of being a grub, because —

**The SPEAKER** — The Leader of The Nationals has been warned about references to other members. The Leader of The Nationals will not be heard if he continues to refer to members in that way.

**Mr WALSH** — The Deputy Premier does a very good job of taking the dirty linen out on behalf of the government. If you think back to the actions of the Deputy Premier, and the Premier for that matter, why would anyone who leads this state, who believes in this state and who believes in the people of this state and purports to support the emergency services in this state, go to war with 60 000 Country Fire Authority (CFA) volunteers? It defies logic that the Deputy Premier would say the things that he has said about the CFA and those in the CFA.

The Deputy Premier talked about train wreck interviews in his contribution to this house around this. We can all remember the media interview in front of 1 Treasury Place, when the Deputy Premier totally maligned and destroyed Joe Buffone's credibility as a long-serving and dedicated officer to this state in emergency services. What the Deputy Premier did to Joe Buffone — there is no precedent as to how low someone would go to treat someone who has distinguished service to the state.

What happened to the member for Brunswick when she was a minister, and no-one from the government would defend her against Peter Marshall? To have a situation where a union leader in this state would actually say that they would put an axe in the head of a minister, and not have her colleagues come out and defend her, I find absolutely bizarre. Why wouldn't the Premier have called Peter Marshall to account? We cannot even get the Premier of this state to mention Peter Marshall's name. This is some secret society where the Premier will not even mention Peter Marshall's name.

Again per train wrecks of interviews, we all heard the interview of Peter Marshall on ABC radio with Raf Epstein, I think from memory, when he would not deny whether he had a tape or say what he had over the Premier, what leverage he had over the Premier to make sure that the Premier would do anything that the United Firefighters Union wanted.

What happened to the member for Brunswick when she was minister was an absolute disgrace, let alone what happened to Lucinda Nolan, who gave up a very distinguished career in the police force to move across to be the CEO of the CFA. She is a woman who had

had a very distinguished career, who moved across and then was absolutely trashed by the Deputy Premier. The Deputy Premier has no credibility when it comes to moving motions in this house.

What about what happened to Peter Rau from the Metropolitan Fire Brigade and the things that his wife has said? He took stress leave because of the bullying and intimidation by Peter Marshall. What do we hear from the other side of the house? What do we hear from the Labor Party members of the cabinet? They have done absolutely nothing to defend Peter Rau. All they will do is defend Peter Marshall on those issues.

So the Deputy Premier has no credibility when it comes to talking about —

**The SPEAKER** — I wish to interrupt the Leader of The Nationals. Now is an appropriate time to break for lunch. The Leader of The Nationals will have the call when the house resumes.

**Sitting suspended 1.00 p.m. until 2.01 p.m.**

**Debate interrupted.**

## RULINGS BY THE CHAIR

### Production of documents

**The SPEAKER** (14:01) — Just before calling the Leader of The Nationals to continue his contribution, I have a ruling that relates to a point of order raised by the manager of opposition business earlier today. The house this morning agreed to a resolution authorising me as Speaker to remove any private and confidential documents from the documents tabled on 4 September where those documents do not relate to the order of the house seeking their production and that is brought to my attention. The manager of opposition business raised a point of order to query the status of any documents removed in those circumstances. This is an important matter for members, the press gallery and the public to understand, and I thank the member for bringing it to the house's attention.

The resolution of the house on 23 August 2018 made it clear that the documents were deemed to be tabled if given to the house on a non-sitting day and required the Clerk to provide the documents to members as soon as practicable. It also set out that documents received in those circumstances were ordered to be published. This means that the absolute privilege afforded under the Constitution Act 1975 extends to those documents. The house has authorised the Speaker to remove some of those records. This means that the hard copies will be removed from the house's original papers and the

digital copies removed from the documents database. It does not affect the absolute privilege that extends to those documents. This is important because some people may have already downloaded or printed the documents when they were available. The use of that material, where it exists, is still protected under the house's resolution on 23 August. While in the eyes of the house those documents no longer exist as part of the record, they are still subject to privilege.

## LEADER OF THE OPPOSITION

### Debate resumed.

**Mr WALSH** (Murray Plains) (14:03) — I suppose this is just another example that if you cannot table documents, if you cannot get your process right to table the correct documents, how can you actually run this state? I think that is where the Premier has been found wanting. This has been an absolute shemozzle of a process. He has botched the whole process of how these documents have been tabled. As I said earlier in my contribution, there are over 200 people who work over in the Premier's office. Given the fact that they have had six months to go through these papers and make sure the right papers are being tabled, it defies logic that we now have the case where people's personal details have been released with those documents.

The Deputy Premier has moved this motion and the Premier is defending his actions on these documents being tabled. Neither of those two people could lie straight in bed. We have a woman whose private financial and medical details were published in the government document dump, and the Premier actually went out this morning and told reporters at 9.20 a.m. that:

'We've apologised to the person involved.'

Asked if he had spoken to the woman, Mr Andrews added: 'I've not spoken to the person involved but I believe departmental officials and people from my office have'.

This person, who has had her personal financial and health details and her daughter's name and the address where they live released in this dump from the government, had not been spoken to as the Premier said. The Premier just cannot be believed in the things that he says in this house or in the public arena. He said at 9.20 this morning that he had had that person spoken to, but that particular lawyer has told the *Herald Sun*:

... she had not spoken directly to anyone from the government until lunchtime ...

So the Premier was out there at 9.20 this morning saying that this person has been spoken to — he gave a definite statement that this person had been spoken to —

**Mr T. Smith** — He's a grubby liar.

**Ms Neville** — On a point of order, Acting Speaker, as you know, a word has just been used that is unparliamentary, and I ask you to get the member to withdraw that, please.

**The ACTING SPEAKER (Mr McGuire)** — There is unparliamentary language being used across the chamber. I would ask for no interjections.

**Mr WALSH** — A lie is a lie. It cannot be taken back. The Premier told reporters —

*Honourable members interjecting.*

**Mr WALSH** — I am not allowed to call him a liar; I am allowed to say there was a lie. I am allowed to use the word 'lie', Acting Speaker.

**The ACTING SPEAKER (Mr McGuire)** — I would think to be cautious on what is unparliamentary language and just to caution you.

**Mr WALSH** — Well, in all fairness, Acting Speaker, perhaps some other people should have been cautious with people's private details and how they actually released them. Let us call a spade a spade in what is really going on here. This is about people's private details being put up on a website. You are defending the indefensible on this particular issue.

**Mr R. Smith** interjected.

**Ms Neville** — On a point of order, Acting Speaker, I ask the member for Warrandyte to withdraw his comment about me, please.

**Mr R. Smith** — I withdraw.

**The ACTING SPEAKER (Mr McGuire)** — The member for Warrandyte has withdrawn. The Leader of The Nationals to continue and to be heard in silence.

**Mr WALSH** — We have this confected motion from the Deputy Premier before the house, this confected outrage about what has gone on, trying to defend the indefensible of releasing the personal details of a whole heap of people in Victoria, particularly a woman, a single mum, and her seven-year-old daughter. It is absolutely disgusting what has gone on here, and we have got those on the other side of the house standing up and defending that, saying that somehow it is everyone else's fault.

It is the Premier who actually demanded that these papers be released. It is the Premier who ordered the Secretary of the Department of Premier and Cabinet to actually release these papers. It is the Premier's fault that these papers are out there. It is the Premier who stood in front of the media pack at 9.20 this morning, saying, 'We have apologised to the person involved', and that is not true. That is just not true, and that is the issue.

The Minister for Police may take exception to the words about whether the Premier lied or the Premier did not lie. The fact is he did not tell the truth. He actually told the reporters that he had made an apology to this particular person, and that person has said, 'I have not been spoken to by anyone. I have actually been in court and I could not be contacted'. So she had not been spoken to. She had not been spoken to until 1.00 p.m. There is actually quite a lapse of time between 9.20 this morning and 1.00 p.m.

If you are going to go out and say you have apologised to someone — if you are going to finally actually own up that you have stuffed up and you are going to apologise to someone — at least have the courtesy to actually do what you have said you are going to do. I would guarantee standing here that the Premier has not actually spoken to that person and that he has delegated that to one of those 200 minions that work in the department who were too lazy to actually read those papers before they were tabled.

The Premier says, 'I take responsibility for everything that happens on my watch'. If the Premier is going to take responsibility for everything that happens on his watch, I would have thought the Premier might have had the decency to pick the phone up and talk to that particular woman and say, 'I apologise'. It is not hard.

**Ms Allan** — On a point of order, Acting Speaker, I appreciate that contributions on these sorts of substantive motions can be a little bit wideranging. However, the motion does not concern the actions of the Premier. The motion is clearly about the actions of the Leader of the Opposition. We have extended a fair bit of —

*Honourable members interjecting.*

**Ms Allan** — Your tiresome repetitiveness is so predictable.

Acting Speaker, we have given the Leader of The National Party, as the lead speaker, quite a bit of leeway so far in the debate. With the final 7 minutes that he has available to him, perhaps he can come back to the matter that is before the house on the censure motion,

which is about the actions of the Leader of the Opposition, not about the actions of the Premier.

**Mr WALSH** — On the point of order, Acting Speaker, we sat here during the contributions by the Leader of the House and the Deputy Premier, where they somehow confected that this motion and the fact that they dumped 80 000 pages of documents that contain personal details of people unrelated to this case was somehow this side of the house's fault for their mistake. The Leader of the House is just trying to continue to run that debate that somehow their mistakes are someone else's fault. One of the responsibilities of being in this place and one of the responsibilities of being a minister is to take responsibility for what you are supposed to do.

**The ACTING SPEAKER (Mr McGuire)** — Just around this, I would invite the Leader of The Nationals to come back to the motion.

*Honourable members interjecting.*

**Mr R. Smith** — You shouldn't be here, mate. You should be out of here, you thief!

**Mr WALSH** — The motion talks about repaying taxpayers money, misconduct in public —

**Mr Nardella** — On a point of order, Acting Speaker, I want the honourable member for Warrandyte to withdraw.

**Mr R. Smith** — Was I talking to you? Did I say 'the member for Melton'? If you are assuming that 'thief' applies to you —

**Mr Clark** — On a point of order, Acting Speaker, standing order 120 relates to objection to words used in debate. The member for Warrandyte is not taking part in the debate at present; the Leader of The Nationals is. I submit that the point of order is out of order.

**The ACTING SPEAKER (Mr McGuire)** — I did not hear the words, so I think we will continue with the Leader of The Nationals.

**Mr WALSH** — The censure motion from the Deputy Premier talks about the repaying of money and misconduct in public office. I would put to this house that it is actually the Deputy Premier of this state who is guilty of the offences he is talking about. It is actually his six ministerial colleagues who are under police investigation who are guilty of these particular things. I think the motion before the house, as I have said, is a confected motion to cover up for the rorting, for the misappropriation of funds and for the illegal activities

of those on the other side. As I said when we started this debate, to have six ministers of the Andrews government actually under active police investigation, including the Attorney-General, including the Minister for Police —

**Ms Allan** — On a point of order, Acting Speaker, there are about 3½ minutes available for the Leader of The Nationals to actually address the motion that is before the house. The motion before the house is about the actions of the Leader of the Opposition, and I would ask you to bring him back to addressing that motion.

**The ACTING SPEAKER (Mr McGuire)** — I would invite the Leader of The Nationals to come back to the motion.

**Mr WALSH** — I am very happy to talk about the issues that the Deputy Premier raised about criminal misconduct and the repaying of money. Perhaps the Attorney-General would like to repay the \$1 million of taxpayers money he used to fight the Ombudsman to cover up the red shirts rorts. If we are talking about repaying money and if we are talking about the words that are actually in the motion that the Leader of the House talks about, let us talk about the Andrews government and let us talk about the Attorney-General spending \$1 million of taxpayers money to fight the Ombudsman — to take the Ombudsman all the way to the High Court to stop her investigating the red shirts rorts.

Let us talk about those things if you want to talk about the things that matter to people in Victoria. The thing that most people are upset about — apart from the Country Fire Authority, apart from some of the issues around cost of living and crime — and the thing that people talk to me about is that they actually found the fact that the Labor Party took \$380 000 of parliamentary money to use in the red shirts campaign to electioneer absolutely offensive. They found it even worse that the Attorney-General would actually use \$1 million of taxpayers money to fight the Ombudsman, an independent officer of this Parliament who is charged with investigating these things — that the top lawmaker of this state would spend \$1 million of taxpayers money trying to stop the Ombudsman doing their job. That is what people find offensive. They are the things that people actually want to talk about. It is not about the confected motion from the Deputy Premier here about something that has moved on years and years ago.

**Ms Allan** interjected.

**Mr WALSH** — The Leader of the House might laugh about this.

**Ms Neville** — I do not think the criminal code sees it that way.

**Mr WALSH** — The Minister for Police talks about the criminal code. It is a pity there was not some decency on the other side of the house when it came to the criminal code in relation to having ministers investigated by the police and having Labor Party staffers arrested by the police and interviewed. We had a dawn raid where red shirts staffers were arrested and interviewed by police, and we actually had the state director and the deputy state director of the Labor Party here in Victoria go on social media, bagging the police — criticising the police for doing their job.

Somehow there is this Chinese wall between the police minister and the commissioner so she can still do her job while people are being investigated. There is this Chinese wall there so she can actually continue with her job. Labor Party officials in this state can criticise the police for doing their job while she is still the police minister. I think those are the issues that are important for people and not this confected motion from the Deputy Premier of this state, trying to throw even more mud around to cover up for the rorts by his Premier and his government and for their having their snouts in the trough — on the taxpayer of Victoria.

**Ms ALLAN (Minister for Public Transport)** (14:18) — In the 13-or-so minutes that the Leader of the National Party has been speaking since the lunch break, I do not think I have heard him address one word or one sentence to the motion that is before the house. Just in case people have forgotten, because they could have quite easily forgotten over the course of the contribution from the Leader of the National Party, the motion that is before the house is about censuring the Leader of the Opposition for using \$3.5 million of taxpayers money as ransom to avoid having to explain his role in the Ventnor scandal.

You can take the Leader of the National Party's contribution in two ways. You can take it that he did not want to defend the Leader of the Opposition, that he wanted to have nothing to do with the Leader of the Opposition and that he did not want to go anywhere near being on the record defending the Leader of the Opposition. Even for the Leader of the National Party, who we remember had his own issues investigated during his time in government as a minister, you could assume that. Or what I think is the more accurate —

*Honourable members interjecting.*

**The ACTING SPEAKER (Mr McGuire)** — Order!

**Ms ALLAN** — What I assume is the more accurate hypothesis is that the Leader of the National Party has been sent in here to do everything he can to get off the motion and onto other matters which have already been dealt with by the house this morning. How could you assume anything else when the Leader of the National Party, towards the conclusion of his contribution, said we moved on from this issue years ago? For goodness sake, the misuse of \$3.5 million of public funds by the Leader of the Opposition is not something that can be moved on from. I would say that is a statement from a desperate Leader of the National Party who is desperate to try to distract attention from what has been an absolutely scandalous performance from the Leader of the Opposition.

Let us remember why we are here. We are here because of the decisions that were taken by the now Leader of the Opposition, the then Minister for Planning, back in 2011. That history was laid out to the house earlier today by the Deputy Premier. I do not feel the need to go back over it in too great detail other than to say that not only did the original decision stink to high heaven, and there was great media reporting around that, but what these documents that have been tabled in the Parliament now reveal is the extent of the cover-up that the Leader of the Opposition pursued when he was Minister for Planning to conceal from the Ombudsman, from the Parliament and from the public at large the true extent of the misuse of taxpayers money that he engaged in to try to save his own political skin. That is what these documents reveal. These documents reveal quite clearly the Leader of the Opposition, the then planning minister, talking about being more concerned about losing his job than the gross misuse — and as we have seen, potentially criminal misuse — of taxpayer funding.

*Honourable members interjecting.*

**The ACTING SPEAKER (Mr McGuire)** — The member for Burwood is out of his place and out of order.

**Ms ALLAN** — That is what these documents reveal. They reveal not just the extent of the original crime; they reveal the extent of the cover-up. They also reveal the inner workings of the mind of the Leader of the Opposition when he is under pressure. They reveal the workings of the Leader of the Opposition in terms of how he will do anything, he will say anything and he will put people under pressure to do anything to cover up his actions. What we do need to remember here — and I do not know if this has been canvassed

previously — is that what the documents have been reported to reveal —

*Honourable members interjecting.*

**The ACTING SPEAKER (Mr McGuire)** — Order! The member for Warrandyte! The minister will be heard in silence.

**Ms ALLAN** — What the documents do reveal also, and I think this is a concerning aspect — and I am very proud to have had a number of years of service as a minister, and you do have to develop important professional relationships with your senior public servants — is that the Minister for Planning gave direct and personal directions to his department to pay \$3.5 million in legal costs. The payout went against the cabinet authorisation that he had been given, it went against the advice of the Victorian Managed Insurance Authority, it went against all the advice.

The documents, as we have seen, also reveal the pressure that the public servants were under. They were unsure how they would explain the settlement to the Auditor-General or the Ombudsman. We know how the Leader of the Opposition, the then planning minister, got around that. He concealed these documents from the Ombudsman when the Ombudsman undertook his investigation back in the previous Parliament. They were hidden until now, and we now know why they were hidden.

*Honourable members interjecting.*

**The ACTING SPEAKER (Mr McGuire)** — Order! The minister to continue.

**Ms ALLAN** — It was because of the depth and the length to which the Leader of the Opposition would go not just to save his own political skin but also to put pressure on senior public servants, who many of us in this place have worked with, to go well beyond the bounds of their jobs and to go against the cabinet authorisation that had been given. Amongst all of the things that these documents have revealed, that really does expose the inner workings and the thinking of the Leader of the Opposition. He is a reckless individual. He will say and do anything, as we have now seen, to save his own job. I think that is why it is so important these documents have been revealed, because they expose the Leader of the Opposition. This is why this censure motion has been brought to the Parliament. It is a serious motion, and it is serious because this is someone who is putting themselves forward to be a future Premier of the state. That comes with great responsibilities, and what these documents expose is the extent to which the Leader of the Opposition would

trash appropriate relationships with the public service and go against cabinet authorisation.

The manager of opposition business, the member for Box Hill, is not here. I will be interested in and will be listening very closely to his contribution because he understands what it means to go against cabinet authorisation. He understands what it means to break the bounds of cabinet confidentiality. It will be very interesting to see if he comes into this place to rise to the defence of the Leader of the Opposition.

I just want to finish on this point. I find it particularly curious that it has been the Leader of the National Party who has risen first and foremost to the defence of the Leader of the Opposition, not one of the other very loud male voices that we hear over there from the Liberal Party. It has been the Leader of the National Party. I ask this of the Leader of the National Party: why have you hitched your wagon so clearly and with such focus to the Leader of the Opposition, who is doing you no service and who is —

**Mr Walsh** — On a point of order, Acting Speaker, I am very happy to answer the Leader of the House. The National Party —

**The ACTING SPEAKER (Mr McGuire)** — It is not a point of order. It is not question time in reverse.

**Mr Walsh** — Well, I have been asked a question. I am very happy to answer the question, very happy to answer —

**The ACTING SPEAKER (Mr McGuire)** — Someone else can bring it up in debate. Thank you. There is no point of order.

**Ms ALLAN** — Thank you, Acting Speaker. Perhaps it is because, as was observed for about an hour on Tuesday morning when this story first broke early in the morning in Parliament out there on the back balcony there was the member for Malvern and the member for Gippsland South, and I think the member for Lowan made an appearance as well. They were plotting and planning the O'Brien dream team. That is exactly what was observed for more than an hour. For an hour there were Liberal Party henchmen coming and going but at the heart of this were the member for Malvern and the member for Gippsland South, plotting and planning the O'Brien dream team and their succession.

I will tell you what: I am not surprised that they are doing that, because they might have a hell of a lot more integrity than the Leader of the National Party and the Leader of the Opposition have. They understand the depths of this scandal. They understand what it means

to pressure public servants to misuse public funding, and they are planning for a better future for their Liberal and National parties. I support this motion and urge its passage through this place.

**Mr T. SMITH (Kew) (14:28)** — I rise to oppose this censure motion in the strongest possible terms because we have had an assault on cabinet government and the independence of the public service, but most importantly, we have had an assault on the privacy of innocent bystanders to this mess created by the Andrews Labor government — collateral damage, if you like. I will turn to that in a moment.

I wanted to make a couple of observations about the catastrophe that has been the political strategy of the Andrews Labor government this week. There he was, the member for Monbulk, chest puffed out, all really keen on Monday afternoon and Tuesday, with all his boxes of documents, saying, 'I'm going to sink the Leader of the Opposition this week. I'm going to sink him. I'm going to win this election, just myself', big tough guy, the member for Monbulk. Well, it has not gone so well, has it? We have got a situation where —

**Ms Allan** — On a point of order, Acting Speaker, I appreciate the member for Kew is just over a minute into his contribution. However, the motion does not concern the actions of the member for Monbulk, the Deputy Premier. The motion does not involve the government. The motion is all about the actions of the Leader of the Opposition when he was the planning minister, and I would urge you to bring the member for Kew back to the substance of the motion. He is either prepared to defend his leader or not.

**Mr R. Smith** — On the point of order, Acting Speaker, I ask that you rule the Leader of the House's point of order out of order. These issues have been canvassed already in debate. This is what a debate is about: re-prosecuting the issues that have already been raised. That is what debate is. It is not 'give a speech' time, it is actually time to debate. These issues have already been canvassed in debate and the member for Kew is completely justified in raising these issues again.

**The ACTING SPEAKER (Mr McGuire)** — The member for Kew, on the motion.

**Mr T. SMITH** — This setpiece censure motion that has been conjured up by the Premier and the Deputy Premier this week has not gone so well, it would be fair to say. It is not gone so well because in their big effort — their great big stunt this week — to smear the Leader of the Opposition and other senior members of the shadow cabinet they forgot to redact a few

documents. In the 80 000 documents that they claim to have read they failed to redact the private and personal details of a single mother with a seven-year-old child.

These documents include 16 pages of highly personal information — usually documents only your accountant would ever see, or your lawyer — financial details including exact net worth, bank account balances, investment accounts, mortgage details, property addresses, a private home address, superannuation details and life insurance policies.

But it gets worse because there are other documents that were presented in this package.

**Ms Allan** — On a point of order, Acting Speaker, more than another minute has gone by and the member for Kew has continued to fail to address the motion before the house. He either defends his leader or he does not, or he is sat down.

**Mr T. SMITH** — On the point of order, Acting Speaker, this censure motion is based on a release of documents that occurred by a motion of this house on 29 March, and I am referring to those documents. If you will not let me refer to those documents in my attack on this rotting Labor government, then what the hell are we doing here?

**The ACTING SPEAKER (Mr McGuire)** — The member for Kew, on the motion you are allowed — as I am advised — to do a compare and contrast as well.

**Mr T. SMITH** — So, in their great attempt to smear the Leader of the Opposition they put their foot in it. They leaked the details of a young mum with a seven-year-old child. They have also printed the medical records of innocent bystanders. And there is the fact that it has been revealed this afternoon in the *Herald Sun* that the woman whose private financial and medical details were published in a government document dump told the *Herald Sun* she did not receive an apology until just after 1.00 p.m., when she spoke to a senior member of the Premier's office. Yet the Premier told reporters at 9.20 this morning, 'We've apologised to the person involved'. Well, Acting Speaker, that is a deliberate mistruth. The Premier has misled the people of Victoria.

**Ms Halfpenny** — On a point of order, Acting Speaker, I am just wondering why the member for Kew is not able to speak up for the Leader of the Opposition. This censure motion is talking about calling for his resignation and to pay back the \$3.5 million that was stolen. It seems that nobody on the other side is able to speak on this censure motion to defend the Leader of the Opposition.

**The ACTING SPEAKER (Mr McGuire)** — I do invite the member for Kew to come back to the motion. I did allow a compare and contrast, and I would invite him just to be on the motion.

**Mr T. SMITH** — I am referring to documents that are at the heart of this motion of censure against the Leader of the Opposition. I am defending the Leader of the Opposition. I am defending him as a man of integrity who would never, ever leak the private details of a young mum and a seven-year-old.

**Ms Neville** interjected.

**Mr T. SMITH** — Don't you lecture me. You're the biggest liar in the building, you. You are a grub.

**The ACTING SPEAKER (Mr McGuire)** — The member for Kew, that was unparliamentary, and I would invite you to withdraw.

**Mr T. SMITH** — I withdraw.

**The ACTING SPEAKER (Mr McGuire)** — The member for Kew to proceed.

**Mr T. SMITH** — Neil Mitchell summed up what the former privacy commissioner said on his program this morning as:

... on the face of it the state government has breached privacy laws, they're guilty of negligence, breach of confidentiality, the charter of human rights, legal privilege, potential contempt of court, misconduct, misconduct and misuse of public office.

I mean, this is the length to which Labor have stooped to try and smear the Leader of the Opposition. I mean, you would have thought that they could have got a stunt like this right. They cannot even get this right. The Premier could not even get the timing of his apology correct this morning when he told reporters that he had apologised to the woman, who I suspect will be suing this government for millions of dollars, because as the former privacy commissioner said this morning:

Once your privacy has been breached, you can never, never have it returned to you. It's out there, so it's not something that's easily compensable. It's not something that's easy to calculate either. But courts have a duty to do that and increasingly there have been substantial payouts in other jurisdictions and, look, also substantial settlements made in Australia.

So the Andrews Labor government are going to be up, I suspect, for a lot of money here, because they have trashed the conventions. They have trashed the conventions of this Parliament.

**Ms Allan** — On a point of order, Speaker, I would encourage you to invite the member for Kew in the less than 2 minutes he has available to him to finally come to addressing the motion before the house. He has gone nowhere near addressing the motion before the house in his contribution to date. I would ask that he either defend his leader or he does not, and he needs to do that in the next minute and a half.

**The SPEAKER** — Order! I ruled earlier that members are entitled to provide contrast in this debate. I do not uphold the point of order.

**Mr T. SMITH** — The Leader of the House is particularly sensitive about this today because her entire strategy this week has been blown out of the water because the Premier instructed his department to breach the traditions of this Parliament, the traditions of the public service — indeed legal-professional privilege — and what happened? They put their foot in it. They published the private details of innocent Victorians. Their entire political strategy has been blown out of the water, because what happened? You thought this week was going to be about the Leader of the Opposition, but it is about you. It didn't go so well, did it, guys? Didn't go so well, did it? No, didn't go so well.

**Ms Allan** — On a point of order, Speaker, the member for Kew is now being deliberately provocative. He has gone nowhere near —

*Honourable members interjecting.*

**The SPEAKER** — Order! Members will come to order.

*Honourable members interjecting.*

**Ms Allan** — It is pretty clear — and I reckon this is going to be their strategy for the rest of this debate — 'We're not going to defend our leader. We're going to let him sink under this stinking mess', and they are not going to touch this motion at all.

**The SPEAKER** — The Leader of the House will resume her seat. There is no point of order.

**Mr T. SMITH** — You do your worst, because we will do our best. You can continue to smear others and implicate others in your ridiculous stunts. You have made fools of yourselves this week. Hang your heads in shame.

**Mr FOLEY** (Minister for Housing, Disability and Ageing) (14:38) — I rise to support the motion that is currently before the house. Before I turn to the substantial part of this important resolution, whilst I did

not hear all the honourable member for Kew's contribution, if I can just reflect on his contributions to the issue around the conventions of the Parliament and the commitment that the honourable member made around being the defender of the conventions of the Parliament, I would simply point out that in the use of particularly numbers in the Council chamber —

**Mr Pesutto** — On a point of order, Speaker, we sat —

**Mr Richardson** interjected.

**The SPEAKER** — Does the member have a point of order?

**Mr Pesutto** — Yes, I do. I was just waiting for my good colleague over there on the other side of the house. I think it is important to raise this point of order because we sat very patiently —

**The SPEAKER** — If the member does not raise a point of order he will be sat down.

**Mr Pesutto** — Okay, we sat very patiently while the member for Kew was giving his address and was repeatedly interrupted on the basis, frivolously, that he was not addressing the motion. Now our good friend across the table is doing the very thing his own colleagues accuse the member for Kew of doing. Speaker, in the time left for the member for Albert Park, I would simply ask you to bring him back to the motion.

**The SPEAKER** — I do not uphold the point of order. The Minister for Housing, Disability and Ageing to continue.

**Mr FOLEY** — I thank the member for Hawthorn for his assistance to the debate. I might start where I was planning to start, and I will return to the honourable member for Kew's contribution a bit later.

But in terms of at least the fundamental question that the house has before it, it goes to the issues that go to the heart of the censure in this proposition. Yes, it goes to the issues of the Ventnor documents that are now on the public record. In terms of how that works, it talks of the period of time in which the honourable Leader of the Opposition was the Minister for Planning in Victoria —

**Ms Kealy** interjected.

**The SPEAKER** — The member for Lowan is warned.

**Mr FOLEY** — In terms of how that applies in regard to the operations of government in this state, that

is all set out in the Planning and Environment Act 1987. Of course that is an act for the purpose of establishing a framework for the planning, use, development and protection of land in Victoria in the present and long-term interests of all Victorians. This issue around Ventnor and the very, very peculiar arrangements that went on there in terms of the refusal to abide by departmental advice, ignoring cabinet decisions, ignoring how arrangements apply — and then going to the extent of over and above ignoring that to the point where \$3.5 million of taxpayers money, large slabs of it, is going into the delivery of support to known Liberal Party members and Liberal Party-aligned developers at Ventnor — is one thing.

The material that is on the public record shows the wilful disregard that the then Minister for Planning had in regard to how that applied in an almost direct breach of the conventions and the processes that are set out in the Planning and Environment Act and the planning system. Integrity in our planning system is fundamental to the operation of so much of our social, environmental, economic and community pressures, which come together in the way the different forms and levels of government work.

In Ventnor we had a system put into place by local governments, independent planning panels and others whereby strong recommendations and a position were put to government as to what should happen with a particularly valuable, if it was suitably rezoned, piece of land. How that piece of land then came to be a plaything for the then Minister for Planning, now the Leader of the Opposition, to the point that it became a substantial bargaining asset in the interests of known Liberal Party funders is a significant stain on the then planning minister. These Ventnor documents that are before the community point to how the confidence and certainty in the planning scheme was withdrawn and undermined, and that goes to the heart of how our planning scheme operates. That in turn goes to how this —

**Mr Battin** — Speaker, I draw your attention to the state of the house.

#### **Quorum formed.**

**Mr FOLEY** — In the remaining time now available to me I will reflect on what the censure motion before the house means and transfer the exact same arguments that apply to Ventnor to my own community, which encompasses all of the Fishermans Bend precinct. We had an overnight rezoning by the same planning minister, now Leader of the Opposition, where overnight property values tripled and in some cases increased by 400 per cent without a single brick being

laid and without a single planning permit or building permit being delivered.

In that context what we saw at Fishermans Bend, like we saw at Ventnor, were massive uplifts in the profits being made, and sadly, as shown in material that is also on the public record and as established by different journalists and papers around town, there have been direct links between those developers and leading members of the Liberal Party, in particular donors to the Victorian Liberal Party. Those same unsound principles apply to the obscene profits that were made by those closely associated with the Victorian Liberal Party as a result of decisions made by the then Minister for Planning, now Leader of the Opposition. Those decisions were made in a way that flies in the face of not just local government advice, not just departmental advice, not just legal advice and not just community opposition, but the sole purpose of overriding special powers — which are in legislation for good reason — for the direct profit of those associated with or those funding the Liberal Party.

In that regard, whether it is Fishermans Bend or whether it is Ventnor, the same principle applies. It is communities that suffer as a result of that. It is communities like mine that now have to undo the mess that was left behind at Fishermans Bend and that now have to make up for that. It is communities like the district of Bass that have to make up for the mess that has been left behind in that regard. Each of those trails leads back to the then Minister for Planning, now Leader of the Opposition, and his gratuitous and deliberate overriding of all the best and sound planning advice that is, for very good reason, in the Planning and Environment Act, in the planning system, in VCAT decisions, in panel decisions and in local government decisions. That is all based on good, solid evidence. As we have seen in gory detail in the Ventnor documents, the sole reason was to deliver and uplift profits to mates in the Liberal Party.

What we have seen in the recent substantial release of the Ventnor documents goes to the issue of the cover-up that went on. Those opposite would point to who their mates are — some of them with pictures of Richard Nixon on their wall. It is the cover-up that gets you, and it is the cover-up in this instance that will get the Leader of the Opposition.

**Ms SANDELL** (Melbourne) (14:48) — My goodness, what a day to be in politics. I would like to apologise to people sitting in the gallery, because they are probably pretty shocked at what our Parliament devotes its time to. With less than three months to an election we see both sides desperately throwing as

much mud as they can and trying to make it stick. Heaven help those who actually thought that this Parliament was here to pass laws to the benefit of all Victorians.

I am sure Labor are probably kicking themselves a little bit at the release of this personal information. What should have been a slam dunk has turned into a bit of an own goal. We have said before that we do not like to support motions that simply play political games or seek to obstruct the business of the house, so we are not particularly impressed at the language of this motion that is deliberately hyperbolic and seeking to do maximum damage to the Leader of the Opposition in the lead-up to the election. But with that said, the actual substance of the motion is in fact very, very serious. Matthew Guy, as planning minister, wreaked absolute havoc on our communities —

**The SPEAKER** — I ask the member to use correct titles to refer to members.

**Ms SANDELL** — He wreaked havoc on our city and on our way of life. I have to say that I have actually lost count of the number of community members who have personally told me that they think the current opposition leader was the worst planning minister in Victoria's history. That is saying something, because we have had a few shockers.

**Mr Battin** — On a point of order, Speaker, on relevance. In relation to this censure motion, it is specifically around Ventnor and the documents in there. The references to all planning or areas in Melbourne are totally irrelevant to this argument. If the Greens member cannot talk about the specific censure motion, then she should not be speaking at all.

**Mr Hibbins** — On the point of order, Speaker, I think you will find that the member for Melbourne is being incredibly relevant to the motion, which is in regard to the Leader of the Opposition and the planning decisions he has made. I think it is entirely relevant.

**The SPEAKER** — I do not uphold the point of order.

**Ms SANDELL** — As I was saying, I have lost count of the number of community members who personally tell me they believe that this current opposition leader was the worst planning minister we have ever had in Victoria's history. People personally come up and tell me that they cannot believe he is still sitting in our Parliament.

This Ventnor case that the censure motion is centred on is just one example of the worst aspects of politics that

we are seeing in Victoria. To rezone a piece of land that will give your mates a windfall profit once they develop or sell is just outrageous and potentially corrupt. It is everything that is wrong with our politics.

*Honourable members interjecting.*

**The SPEAKER** — Order! The member for Hawthorn! Members are warned —

*Honourable members interjecting.*

**Ms SANDELL** — Giving developers and corporations —

**The SPEAKER** — I ask the member for Melbourne to resume her seat for a moment. Members are warned that they will be asked to leave the chamber if they shout while the member is speaking.

**Mr Battin** interjected.

**The SPEAKER** (14:51) — The member for Gembrook can leave the chamber for 15 minutes.

**Honourable member for Gembrook withdrew from chamber.**

**Ms SANDELL** — Giving developers and corporations free rein over our city is everything that is wrong with the planning system. This is the reason we do not get to have nice things like parks, affordable housing or good quality design —

**Mr R. Smith** interjected.

**The SPEAKER** — Order! The member for Warrandyte!

**Ms SANDELL** — This is why we do not get to have nice things like parks, good design, affordable housing or better public transport, because profit in this state is king. Profit for wealthy people seems to override anything else in this state. It overrides good planning, it overrides livability, it overrides amenity and it overrides the needs of the people who actually live in this city. The legacy of the opposition leader's planning decisions will stay with us for decades and they will shape this city for decades. Heaven help us if he ever becomes Premier of this state, because it will be a developer's picnic once again.

When the Ventnor issue came to light back when the current opposition leader was planning minister and when he sat in the other place —

**Mr T. Smith** — On a point of order, Speaker, I believe that the member for Melbourne is reading a speech.

**The SPEAKER** — I ask the member for Melbourne whether she is referring to notes or reading from a document.

**Ms SANDELL** — I am referring to notes.

**The SPEAKER** — Please continue.

**Ms SANDELL** — When the Ventnor issue came to light, when this current opposition leader was planning minister and he sat in the other place, there was a no-confidence motion moved against him in the upper house in September 2013. The Greens voted for that no-confidence motion because the now Leader of the Opposition refused to explain his terrible decisions, he refused to take responsibility for them and they were awful, awful decisions that were so far outside of what is expected of an honest minister of this state. So for consistency and because of the incredibly serious nature of these allegations, the Greens will be voting for this censure motion.

There have to be some ramifications for terrible, terrible decisions that are taken by ministers in this state that are not in the public interest.

**Mr Pesutto** interjected.

**The SPEAKER** — Order! The member for Hawthorn has been warned.

**Ms SANDELL** — There have to be ramifications for people who seek to prioritise profit for their mates and power for themselves over the public good, and currently there are very few ramifications for ministers in this category and there are far too many decisions taken that are in that category. It seems like there will be very few ramifications for the opposition leader, who seems to have paid out millions of dollars of public money just so he could keep his job. Well, I hope he does not keep his job. In reality this censure motion is probably going to do very, very little.

*Honourable members interjecting.*

**The SPEAKER** — Order! Members will come to order. The member for Melbourne has the call. Members have been warned, and I will be asking members to leave the chamber if they continue to shout.

**Ms SANDELL** — In reality, unfortunately, this censure motion will probably do —

**Mr Wakeling** interjected.

**The SPEAKER** (14:55) — The member for Ferntree Gully can leave the chamber for the period of 1 hour.

**Honourable member for Ferntree Gully withdrew from chamber.**

**Ms SANDELL** — In reality, unfortunately, this censure motion will probably do very, very little. Maybe there will be a couple of bad days of media for the Leader of the Opposition, perhaps another small stain on his parliamentary career, but unfortunately that is probably about it.

What I wish we were actually debating here are some real ramifications. What I wish we were debating is the Greens idea of a judicial inquiry into this whole matter. We need ministers to be held to account when they make decisions that are not in the public interest, especially when there are allegations of potentially corrupt behaviour at play. Let us debate that. Let us debate having a parliamentary integrity commissioner that can actually get to the heart of some of this and actually change our behaviour in this Parliament. Let us debate actually changing the ministerial and members guides and codes of conduct, because currently the standard of behaviour in this place does not live up to what the public expects. And finally, let us elect people to this place who are here for the right reasons, who are here to actually stand up for Victorians, who actually give two hoots about the public good and two hoots about actually making this state a better place, rather than those who are here simply to build their own wealth or power for their mates.

**Ms HENNESSY** (Minister for Health) (14:56) — I too rise to support the motion before the house. ‘Phillip Island is such a magical place, it would be a shame to see it change’, said Miley Cyrus as so many reacted with such horror to the unexpected rezoning decision on Phillip Island announced by the then planning minister, now the Leader of the Opposition. The now Leader of the Opposition used his special ministerial powers and overturned the decision of the local council, the Bass Coast Shire Council, to rezone the Ventnor farmland as residential even though his department had told him not to and two expert planning panels had told him not to, and a scandal erupted.

It was greeted as a scandal because it was a scandal. It is only now that we know how much of a scandal it in fact was. But the immediate eruption and the outcry forced the opposition leader to backflip on his very self-interested and tainted decision. But the abuse of power continued, and that continued behind closed doors and has only now been revealed since the release

of the documents. On the face of the record, we see the incredible abuse of power that has occurred by the Leader of the Opposition in respect of trying to cover this issue up.

The hidden architecture that sat beneath this decision is littered with cover-ups. It is littered with denials and there was the abuse of office, the entrapment of so many — whether it be public servants or other cabinet ministers. It is a self-indulgent abuse and misuse of public money, and all of that has now been revealed. Again, we can look to the face of the documents, the records that we have, and we are invited to draw conclusions that support the motion that is before this house today. That is why I speak in support of this motion to call upon the opposition leader to resign and pay back the \$3.5 million of his hush money.

We know this — we know that the Leader of the Opposition handed over \$3.5 million of taxpayers money to his Liberal Party mates to save his job. Now he is telling mistruth after mistruth to justify his potentially criminal conduct. The Leader of the Opposition has even stated that there were no political reasons behind his decision, that it was not about saving his job and that it would have cost more to take the matter to court. We now know every single one of these assertions to be a blatant lie — all of these claims are contradicted on the face of the records that have been revealed to the Parliament of Victoria. Each and every single one of his claims is contradicted by the face of the records that have been released to this Parliament.

Of course one of the many dilemmas and responsibilities you have when you hold office and when you have the privilege of being a minister is how you spend public money, and \$3.5 million is a lot of money. I certainly could do lots of very good things in my portfolio with that money — \$3.5 million would be about 700 elective surgeries. It would be about 14 000 outpatient appointments. It would employ 14 doctors and 34 nurses. It would allow us to build two research centres of excellence into rare and hard-to-treat cancers. It would enable us to upgrade two more urgent care centres, to build new nursing accommodation for additional health services, to rebuild nine hospital kitchens, to expand another special care nursery and to upgrade two more operating theatres.

I am really glad that we have done many of those things in places like Maryborough, Mildura, Stawell, Moyne, Seymour and at the West Wimmera Health Service. They are important projects that improve the quality of people's lives, and I certainly could go on. But the point here is that not only did the opposition leader waste taxpayers money on this dodgy payout; he also

attempted to mislead Victorians about it. He did everything he could within his power to cover up and withhold this information from the public. Why did he do that? Because he knew it was dodgy. He went against the advice of his own department in the process and perhaps he said it best himself when he said:

This may be winnable at law, but this is a political fight and it is unwinnable.

He said:

This can't go to court. I shall not be in the job if it goes to court.

He does not believe now that he would have to resign. So why did he believe it then so as to justify that \$3.5 million if he does not believe it now? It is simply the fact of the matter that the Leader of the Opposition deeply knows how dodgy his behaviour and his decisions were. It is the reason that he sought and fought so vociferously to cover up this misuse of taxpayers money. It is the reason that he has tried to cover up the reasons for his rezoning, who it was rezoned for and who benefited from that rezoning. When he was caught out, he knew he had to cover it up or he would be out of a job — he has admitted that himself. So he decided to use his public office to make the government spend \$3.5 million to save him and nothing else.

It has always been very clear to us that the opposition leader cares more about his own job than the jobs of others. Now we have his own words, as revealed in the release of documents, to demonstrate and prove that. What we did not know about then of course was all of the people that were entrapped into participating in his very dodgy scheme to cover everything up — from the public servants to the lawyers to the cabinet subcommittees — every single person that was entrapped in his scheme to make this issue go away and to pay the \$3.5 million to ensure that none of his dodgy dealings were revealed.

As many others have referred to in the course of their contribution — and I shall not go to it — we think the Leader of the Opposition has form on this front. The member for Albert Park has of course made revelations around the very, very dodgy decisions made down at Fishermans Bend as well. We had a planning minister who sought to use the sanctity of the kitchen table to hatch dirty deals, who then got caught and put pressure on public servants and his own cabinet subcommittee to use \$3.5 million of taxpayers money to cover it up and who then denied it and said it was ridgy-didge and all aboveboard. The documents reveal that it is not. Upon

that basis I support the motion before the house, and I certainly urge and encourage others to support it as well.

**Ms STALEY** (Ripon) (15:04) — I rise to strongly oppose the motion in the name of the member for Monbulk. I just reject as a grubby stunt this motion to censure a good man, and to do it via their known numbers in this place. We know what the result of this motion is going to be, just as we knew what the result of their motion this morning would be, just as we knew what the result of their motion to table the 80 000 documents in relation to this matter would be. This is them using their numbers in an ongoing, grubby way because they have nothing else to say. I want to know: how many stunts from the Deputy Premier do we have to see? We had the pretend referral to the police, by press release, of Liberals not even in the previous Parliament. We had a referral to the Ombudsman, again by press release. We have had this motion of censure.

**Mr R. Smith** interjected.

**Ms STALEY** — We have had the leaking of staff details — thank you, member for Warrandyte — and of course we have had hubris on a Napoleonic scale from this poor man's Rob Hulls. But how is it working out for you? When was the last time we heard anything about preparation for the upcoming fire season, mooted to be one of the worst we will face? Why was there such silence on Victoria's poor NAPLAN reading results? When will the Deputy Premier do his day job instead of playing the hard man of Labor and constantly overreaching?

Of course what came out over this week from the motion was absolutely in relation to what this motion is seeking to censure — those 80 000 documents that included the personal details, an unconscionable breach of privacy, of an innocent woman and her daughter, which put them both at risk — and what instead did we get from the Minister for Mental Health? He got up and talked about material on the public record. That would be the material on the public record released by this government as part of the 80 000 documents, which put the mental health records of a number of people that were not meant to be there into the public domain. That is the legacy of this rabble.

The Minister for Mental Health got up in this place and said it is not relevant for us to talk about some things, but it is fine for him to talk about 'material on the public record' — that is, people's private details.

**Mr Foley** — On a point of order, Deputy Speaker, I think the honourable member for Ripon has

misrepresented what I said, and I would ask you to bring her back —

**An honourable member** interjected.

**Mr Foley** — I never interrupted a single member of those opposite, and if the honourable member wishes to check the *Hansard* record, she could establish that.

**The DEPUTY SPEAKER** — There is no point of order, Minister.

**Mr Foley** — And if she wishes to make things up, that is up to her.

**The DEPUTY SPEAKER** — Thank you, Minister. There is no point of order. The member for Ripon to continue.

**Ms STALEY** — Thank you, Deputy Speaker. We have seen no care or responsibility by the Premier or his attack chihuahua in checking whether the 80 000 pages released by the Premier are even about the planning decision that this motion goes to. We know already that at least several unrelated documents are included. I note that a *Guardian* journalist put questions to the government about the documents that were released, the private details and why they were not checked. The quote she received back was:

Given the volume of documents tabled, it would have been impossible to both make the redactions and comply with the parliamentary direction.

Well, the parliamentary directive was by motion from the other side of the house. They used their numbers to require these documents to be tabled, and they then used them again to require them to be tabled out of session. Those decisions were months apart. They had months to go through the 80 000 documents and make sure that they did relate to this planning decision that this censure motion that we have before the house relates to. They had months to look at them, and they did not look at them. Instead what we have seen are ongoing revelations of private details — private mental health, health, personal and financial details — being released, and nobody is standing up and saying, 'That shouldn't have happened'.

In fact when the Premier commented on it this morning at 9.20 a.m. he said that he had apologised to the lawyer in question, so that makes it okay to have all of her and her daughter's private details put out there. Apparently an apology is all that matters — 'Let's ride roughshod'. But then we found he had not even made that apology. When he said that he had made that apology at 9.20 a.m., he had not done that. That was not true. It was not true, because the lawyer in question —

**Ms Neville** — On a point of order, Deputy Speaker, I know that there was a ruling earlier that to do some comparison is okay, but to keep going along those lines moves beyond the motion, and I think the member for Ripon needs to be brought back to the motion before the house.

**Mr R. Smith** — On the point of order, Deputy Speaker, there has already been a ruling during this debate that comparison and contrast is okay. For the police minister to suddenly impose some random time limit on when you are allowed to do that is certainly beyond the precedent of the house.

**Mr Paynter** interjected.

**The DEPUTY SPEAKER** — Order! The member for Bass! The ruling has been made that there is an ability to compare and contrast, but I do encourage the member for Ripon to speak to the motion.

**Ms STALEY** — Thank you, Deputy Speaker. Of course what this motion is about is a planning decision and asking for an explanation of a role in that planning decision. Well, the role in that planning decision relates to these documents that the government has caused to be released. I do note that we have had the Minister for Health speaking on this motion, but we have legislation yet to come before the house in the time we have left to us this afternoon on something that she said is very close to her heart. Apparently it is not so close to her heart that she would talk about nurse-patient ratios; instead she would get up and talk on this stunt motion.

Then of course we had the Minister for Public Transport speaking on this motion. One might say the Minister for Public Transport has a lot on her plate, but it would be absolutely true to say that in terms of projects in my part of the world she has entirely botched those projects. Perhaps she should get on with her day job instead of being here having to do the Deputy Premier's dirty work. He is the one that has moved this motion on behalf of the Premier because it is their failed stunts that have brought us to where we are today. I mean, how is it working out for you guys? It looks like your phones are very interesting to you. You are watching the Twitter feed. It is not all that positive today, is it? It is not all that good for you. Here we are debating a motion rather than doing legislation, rather than doing anything like that, only because these people have nothing better to do than try and hide from their inadequacies.

It is from their side that we had the Premier's red shirts who were arrested. It is the Premier's ministers who are under police investigation, and it is the Premier's side

which fought those investigations all the way to the High Court at the cost of a vast amount of money, yet instead we have motion after motion. This was meant to be the gotcha week.

**Mr T. Smith** — It didn't work so well, did it?

**Ms STALEY** — It worked so well for you. It just worked so well for you, didn't it, guys? It worked so well. Instead we have government members sitting there looking mournful and dismayed as speaker after speaker gets up to try and talk about the motion before the house that just does not have any credibility left in it because they completely botched the release of the documents. There are 80 000 documents, and in them we have unrelated files — files that have nothing to do with it.

*Honourable members interjecting.*

**The DEPUTY SPEAKER** — Order! The member for Eltham and the member for Polwarth!

**Ms STALEY** — They have entirely botched this week's strategy, and here we are on a Thursday afternoon debating a stunt motion, which will pass. We know it is going to pass because the government has the numbers. They did not actually need to put up any speakers in this debate. They did not need to take their ministers away from their day jobs of trying to do something for the portfolios they are in fact hired by the state to perform in.

**Mr T. Smith** interjected.

**Ms STALEY** — Yes, but perhaps I am being deliberately provocative on a Thursday afternoon as this government crawls towards the last sitting day and they are exposed as the pack of cheaters, liars, rorters and hopeless crooks that they are.

**The DEPUTY SPEAKER** — Member for Ripon, I remind you about unparliamentary language.

**Mr DONNELLAN** (Minister for Roads and Road Safety) (15:14) — It is a real pleasure to talk on this censure motion today, because I guess the real story behind this censure motion is the concerns that the Liberal Party itself seems to have about the behaviour of the Leader of the Opposition.

Let us look back at the mobster and the lobster. Who actually leaked that information? Well, let me be very clear: it was not people on this side of the house who had serious concerns about the member sitting there with people who are part of organised crime. That was not the Labor Party. Let us be very clear: it was the

Liberal Party who had serious concerns about the behaviour of their own leader.

And let us look at Ventnor. Let us look very clearly at Ventnor. Who had to step in to stop the Leader of the Opposition from his literally corrupt and dishonest behaviour? It was not the Labor Party. It was Ted Baillieu himself who had to step in to stop this corrupt behaviour.

**Mr T. Smith** — On a point of order, Deputy Speaker, the minister might like to reflect on the fact that his own boss has paid money to Mr Madafferri, and he is also using unparliamentary language. I would like you to draw him back to your previous ruling.

**The DEPUTY SPEAKER** — On the first part of your point of order, there is no point of order. In relation to unparliamentary language, I would remind all members of Parliament about the use of unparliamentary language. It will not be tolerated.

**Mr DONNELLAN** — But it is terribly embarrassing that the Liberals themselves have serious concerns about their own leaders. They are prepared to release information like that about the Lobster Cave, which very much highlights that after years and years of warnings to the Liberal Party that collecting money from organised crime was not appropriate the Leader of the Opposition continued to go down there. Not only did he use their venue at Docklands, not only did he do that, but once he got caught out about that he pretended he did not know how he got there again. Are you joking? He sat there and said, ‘I didn’t know how I got there’. And what did he do again? He dumped it on his staff all over again — ‘My stupid staff didn’t tell me where I was going’. And what happened with the Lobster Cave? ‘I didn’t know who was going to be there, Uncle Tony or Uncle Fred. Nobody told me’. So who happened to be dumped on again? His own leaders all over again. His own staff got dumped on.

*Honourable members interjecting.*

**The DEPUTY SPEAKER** — The minister will resume his seat. I remind members to sit when a member stands for a point of order, please, Minister for Roads and Road Safety.

**Mr R. Smith** — On a point of order, Deputy Speaker, With respect, could you invoke the mercy rule and sit this guy down, because he is really making a fool of himself.

**The DEPUTY SPEAKER** — Member for Warrandyte, that is not a point of order.

**Mr DONNELLAN** — If the wombat from Warrandyte actually did some work, he might get somewhere in life, but of course he is being a two-bob stunt artist as per usual because they are embarrassed by the behaviour of their own leader.

**Mr T. Smith** — On a point of order, Deputy Speaker, the member for Fitzroy — I mean Narre Warren North — called the member for Warrandyte a wombat, and I would like you to reflect on whether that is parliamentary language and get him to desist and stick to the motion.

**The DEPUTY SPEAKER** — Minister for Roads and Road Safety, please refrain from using unparliamentary language.

**Mr DONNELLAN** — I guess it really highlights more than anything else the utter embarrassment that Matthew Guy continues to find himself in the wrong spot.

**Mr T. Smith** — On a point of order, Deputy Speaker, again the minister is not using correct parliamentary titles. I would encourage you to bring him back into compliance with the standing orders of this house.

**The DEPUTY SPEAKER** — I encourage all members to refer to other members by their correct titles.

**Mr DONNELLAN** — I am very happy to, but I guess the real issue is how does he always end up in the wrong spot? Is it a matter of judgement? How does he always end up in the wrong spot? How does he end up down at Ventnor having a cup of tea and doing a rezoning? Again, does he know how he got there? Was it his staff’s fault all over again? Or when he finally makes a decision to rezone it, who does he blame again? ‘The staff made me do it in error’. I mean, are you joking? Are you absolutely kidding that he is this silly that he cannot actually work out what he is doing half the time and that he dumps it on his staff every time he gets caught with his pants down? I mean, are you joking? This is an utter disgrace that we have a Leader of the Opposition —

**Mr T. Smith** — On a point of order, Deputy Speaker, the minister is impugning the Leader of the Opposition by referring to him having his pants down. Could you encourage, indeed rule, that the minister is not only making a fool of himself but is not acting within the standing orders of this chamber?

**The DEPUTY SPEAKER** — Standing orders require members not to impugn other members. I would ask the Minister for Roads and Road Safety to refrain.

**Mr DONNELLAN** — I withdraw that imputation, but I will highlight the fact that it seems that every time the Leader of the Opposition is in trouble it is never his fault. He did not know how he got there: ‘We went down to Ventnor. We had a cup of tea. We did a rezoning, but it was my staff’s fault. I didn’t know that potentially I was going to need \$3.5 million to cover up my corrupt behaviour’. That is what we had here. We had \$3.5 million to keep this out of the courts, because this would be far too embarrassing for the Napoleonic delusions that this individual has that he can literally rebuild this city. The idea that somehow or other —

**Mr T. Smith** — On a point of order, Deputy Speaker, again we have more imputations against the Leader of the Opposition. I would imagine that the use of the word ‘corrupt’ was an imputation, and I suspect that the ‘Napoleonic’ allusion was a reference to height.

**Ms Spence** — On the point of order, Deputy Speaker, the reference to ‘Napoleonic’ was previously used in the contribution from the member for Ripon. No-one was called out for doing it then, and I suggest that the same consistency should be applied now.

**The DEPUTY SPEAKER** — There have been considerable imputations across the chamber from both sides throughout the debate on this motion. I encourage you all to refrain from imputations. The minister to continue.

**Mr DONNELLAN** — I think there are high levels of sensitivity here, but that is for good reason because the behaviour of the individual is what we are talking about here. These documents relate to incredibly dodgy behaviour in planning and friends who have got money. Guess what? This is not the first time they have undertaken such dodgy rezonings down there. This has been going on for years and years down in the south-east. We have had more dodgy rezonings down there than you can poke a stick at, and guess what? It is a little gang of Liberals down there who think Ventnor is the way — that you just have a little cup of tea and say, ‘We’ll rezone a bit of land down there’. What I love more than anything else is that they call that economic development. Where we have a Liberal Party individual whose value is uplifted, they think that is economic development and that suddenly delivers jobs to everybody.

But let us be very clear: more than anything else this is about looking at the behaviour of one individual in this

house. What I think is more important than anything else is the reflection that this has internally in the Liberal Party — that some of them are worried that this person is absolutely out of control. This person will not listen to anyone, will not provide rational judgement and continues to get himself into trouble. The fact that Ted Baillieu took him on the last time round when he was down in Ventnor to overturn it shows that Ted Baillieu had concerns about his delusions of grandeur.

In relation to the Lobster Cave, obviously the Liberal Party was a little bit concerned about putting their snout back into the trough by receiving money from people associated with organised crime. They had been warned in 2007 that they should not give Francesco Madafferi a visa. But what did they do? They proceeded to give Francesco Madafferi a humanitarian visa, and what did he do a couple of months later? He was caught with the biggest ecstasy haul in the history of this country and the world. Your lot gave him a humanitarian visa after being warned by the federal police that that was inappropriate. Further, many members were warned not to hang around with this lot.

**Mr Clark** — On a point of order, Deputy Speaker, this has justifiably been a wideranging debate, but I cannot see the relevance of the points now being made by the minister to the motion before the house, even by way of comparison. I do ask you to bring him back to compliance with standing orders.

**The DEPUTY SPEAKER** — The minister has strayed a little from the motion, and I do ask him to come back to the motion before the house.

**Mr DONNELLAN** — This is about a pattern of behaviour within the Liberal Party after they had been warned for many years that collecting money from the Madafferi family was not appropriate. That is why others continue to worry about his behaviour.

**Mr R. SMITH** (Warrandyte) (15:24) — That was bizarre. I think everyone in the house would agree that that was just a bizarre rant. It was very, very strange. I have been here for a long time — I have been here for 12 years — and probably one of the things that disappoints me is that whenever the Labor Party goes low and I think it has gone as low as it could possibly go, it actually finds a way to go even lower. It constantly amazes me that it is able to do what it does at a lower level time and time again — it really does. It is just bizarre.

I looked at what happened yesterday and at all these documents coming through earlier in the week. Let us not pretend that it is anything more than just a

distraction from the fact that 17 Labor operatives were arrested and that ministers in this chamber and in the other place, including the Minister for Police, are under police investigation. Let us not pretend that it is anything other than that. Let us not pretend that this nefarious plot that you have concocted — that you have clearly been aware of for four long years but you did not want to bring it up six months into your term in office or one year — just happened to come up just a couple of weeks after your people got arrested and after the Minister for Police, the Attorney-General, the Minister for Energy, Environment and Climate Change, who is at the table, and the minister in the other place who is responsible, would you believe it, for the integrity bodies of this government, the Special Minister of State, were under police investigation. Let us not pretend that this censure motion or even the tabling of those documents is anything other than a distraction, and those opposite know it. Maybe the member for Frankston does not know it — he does not really know what is going on around this place — but the others would probably know it. The others would know that it is nothing more than a distraction.

What happened yesterday when it was found out what sort of details were in those documents — those 80 000 documents that were supposedly going to sink the Leader of the Opposition? Apparently no-one on the other side of the house — with all the staff in the Premier's office, with all the staff that are in the department, with all the staff that are in the agencies and with all the staff that the ministers have — thought to actually look in the boxes to see what was in there. We have had a cavalcade of Labor members getting up and telling us that these documents are replete with evidence that will sink the Leader of the Opposition. They are replete with evidence that apparently the Leader of the Opposition was doing the wrong thing, but none of those opposite have even read the documents. They would not have one clue what was in there — not one clue. They talk about the evidence that is in those documents, but they would not have one clue.

I put it to you, Speaker, that if even one of these people opposite who have got to their feet and spoken today had read any of the documents or looked in the boxes, they would have seen the amount of information that was in there that had nothing to do with the planning decisions of the Leader of the Opposition. How can the Leader of the House and the Deputy Premier get up in this place and say, 'All these documents show the Leader of the Opposition is doing the wrong thing'. You have never read them. None of them have read them, and if they had, they would have seen the details of a seven-year-old girl and a single mother —

*Honourable members interjecting.*

**The SPEAKER** — Without the assistance of the member for Mordialloc.

**Mr R. SMITH** — and her medical records, bank account records —

**Ms Spence** interjected.

**The SPEAKER** — The member for Yuroke is warned.

**Mr R. SMITH** — superannuation records, share portfolio, address and phone number along with the details of a Vietnam veteran, the mental health records of a Vietnam veteran and the criminal record of a university lecturer. They would have seen, if they had bothered to open any of the boxes, that the details in there should not have been there. I could not believe it. I actually felt deep disgust —

*Honourable members interjecting.*

**Mr R. SMITH** — Speaker, can you please give me some protection here? You do have a job to do.

**The SPEAKER** — Order! Members on my right will come to order. The member for Warrandyte has the call.

**Mr R. SMITH** — I would say that those opposite think it is hysterical that a seven-year-old girl has her details online. Those opposite think it is hysterical that these private details —

**Ms Spence** interjected.

**The SPEAKER** — The member for Yuroke has been warned.

**Mr R. SMITH** — are online. We have talked a little about faux outrage. I was absolutely disgusted to my core that there was nothing from those opposite —

**Ms Halfpenny** interjected.

**The SPEAKER** — The member for Thomastown is warned.

**Mr R. SMITH** — about getting up and showing any contrition at all. In fact the Premier had to have a vague apology dragged out of him. He said to the people of Victoria through the media, through his press conference, that he had made sure that the woman in question, notwithstanding that there are many people who have had their private details put on the public record, had had an apology made to her.

Four hours later she told the press that that is not the case at all. Why would he say to the press that she had been apologised to when it had never happened? It just goes to his character. Those opposite want to talk about character. This is the character of a man whose immediate response upon realising that dozens and dozens of pages that should not have been made public have been made public was not to say sorry; it was not to apologise to the people of Victoria. What is the first thing that he did? He told another mistruth — another deceit, another deception, another falsehood. That is his immediate reaction. Do you know why it is his immediate reaction? Because he has been doing it for four or five years. There is not one thing that this Premier says that is not a mistruth, a falsification or a deception. Not one thing.

Let me tell you how seriously Labor ministers think of this particular issue. The Deputy Premier said it was unfortunate —

**Mr Edbrooke** — On a point of order, Speaker, the member needs to come back to the motion. He has spent much of his time impugning members that are in the house. I will not have my character judged by him. I think he should come back to the motion.

**The SPEAKER** — I do not uphold the point of order. Members have been able to provide contrasts in relation to this motion.

**Mr Edbrooke** interjected.

**The SPEAKER** — Without the assistance of the member for Frankston.

**Mr R. SMITH** — Michael Lamb is going to wipe the floor with you, mate.

What did the Deputy Premier say about this release of information, this very private and sensitive information? He said it was ‘unfortunate’. Unfortunate is when you spill a cup of coffee on someone; that is unfortunate. It is not unfortunate to have your entire financial and medical history laid open for the world to see. What did the Treasurer say? He said it was a ‘relatively minor breach’. He does not mind. He thinks it is a minor breach that a lawyer who has been the subject of death threats actually has her name and address and all other details out in the public eye. That is a ‘relatively minor breach’. He also said:

The government is working through this data as it has been produced.

Do you know how long ago it was produced? It was four months ago. They are just working through it now,

after it has been tabled and after the details have been made public. He also said, and again I highlight the issue that there have been medical records, mental health records and financial records released:

We believe we have taken the right balance and the right approach in this matter.

Because you want to play your political games and impugn members of this house who are your political opponents, it is okay if she is collateral damage. It is okay if these sensitive details are being put into the public domain. When we talked about the rescission motion earlier today, one of the journalists —

*Honourable members interjecting.*

**The SPEAKER** (15:32) — Order! The member for Yuroke will leave the chamber for the period of 15 minutes.

**Honourable member for Yuroke withdrew from chamber.**

**Mr R. SMITH** — One of the journalists tweeted that in that time, in just the one hour of that debate, he found résumés, contract details and medical records over and above what had already been reported in the paper. You can see these people who think it is hilarious. Do you know the worst thing that the Treasurer said this morning, which should strike fear into the hearts of every Victorian who believes that a government should keep their details confidential? He said, ‘I cannot guarantee that there is not more private information in those documents’. He cannot guarantee it. What does this government do when their mess is laid bare?

**Ms Halfpenny** — On a point of order, Speaker, why doesn’t the member for Warrandyte want to defend his leader? All we are hearing are things that have got nothing to do with the censure motion against the Leader of the Opposition.

**The SPEAKER** — There is no point of order.

**Mr R. SMITH** — Nothing to do with it? So the documents that were tabled in this house under the hand of the Premier have nothing to do with the censure motion, is that what you are saying? How ridiculous.

Then the Treasurer said, ‘Let’s not get distracted by this’. Let us not get distracted by the fact that medical records and financial records and the location of people who are in some personal danger are laid open for all to see. Let us also not forget that both the Minister for Mental Health and the Minister for Health have been on their feet and did not seem to care one little bit that

medical and mental health records have been put online. Fancy having a health minister who does not care that Victorian health records are put into the public domain.

*Honourable members interjecting.*

**The SPEAKER** — The member for Eltham! The member for Ringwood!

**Mr R. SMITH** — This government is corrupt to the core. It is rotting, it is addicted to falsehoods and addicted to falsifications. This government should be thrown out on its ear on 24 November.

**The SPEAKER** — Order! The member for Eltham on a point of order —

**Mr R. SMITH** — I have no doubt —

**The SPEAKER** — Order! The member for Eltham on a point of order.

**Ms Ward** — On a point of order, Speaker, it is incredibly rude that the member for Warrandyte continues to stand and speak when you have asked him to hold off. He continually refuses to acknowledge your orders.

**The SPEAKER** — There is no point of order.

**Ms Ward** — My point of order is that I do not know why he wants to bring in the national Liberal government's flawed —

**The SPEAKER** — The member for Eltham will resume her seat. There is no point of order. The member's time has expired.

**Mr STAIKOS** (Bentleigh) (15:35) — I will be brief on this matter. Can I say, firstly, as a relatively young member of this place —

*Honourable members interjecting.*

**The SPEAKER** — Order! I warn the member for Mordialloc and the member for Warrandyte.

**Mr STAIKOS** — It is easy to be unsettled by the personal nature of contemporary politics, not just in this country —

**Mr R. Smith** interjected.

**The SPEAKER** (15:35) — The member for Warrandyte can leave the chamber for the period of 15 minutes.

**Mr R. Smith** — I'll listen in my room.

**Mr STAIKOS** — I will have finished by the time you get there.

**The SPEAKER** — The member for Warrandyte has been asked to leave the chamber.

**Honourable member for Warrandyte withdrew from chamber.**

**Mr STAIKOS** — As I was saying, as a relatively young member, it would be easy to be unsettled by the very personal nature of contemporary politics, not just here but globally. We have heard a number of insults hurled across the chamber today in the course of this debate, but I think the central issue at the heart of this debate is probably too important to be subjected to those grubby insults — and at times I have heard them from all sides. This issue is principally about planning. Planning is a very important issue in my electorate. It is the issue that comes up at my office and at street stalls all the time, because it goes to livability. It goes to managing growth in what is the fastest growing capital city in Australia. It goes to our natural and built environment. That is what planning should be about, but the truth is that in the four years that the Leader of the Opposition was the Minister for Planning it was about none of those things.

All of the evidence — and we have mountains of evidence — suggests that what this was about was looking after your mates and your donors, and there is a pattern of behaviour. Ventnor of course is a monumental example, but it was not the only example. Ventnor of course was an example where you ignore the local council, you ignore two planning panels, you ignore your department, you ignore your legal advice, but because you have been lent on by a Kennett-era minister, you make a decision that will not benefit the community of Ventnor or Victorians; you make a decision that will line the pockets of Liberal Party members and their mates.

Now, at the heart of this, the reason why it was important to release these documents is that it has shone a light on the hush money that was paid, but Ventnor is not the only example. Do we all remember the Forrest Hill development at South Yarra? A Liberal Party donor only owned that land for a few months, but courtesy of a rezoning that was not supported by the Stonnington City Council, that developer in the space of a few months made a windfall profit of \$36 million, all for a \$25 000 donation to the Liberal Party. Do we remember the penthouse? Ten thousand dollars for entry to this policy forum. You get up there and there is one property developer. It was \$10 000 for access to

the former Minister for Planning, the current Leader of the Opposition.

Then there is Fishermans Bend. The only people who benefited from what happened at Fishermans Bend were people who had very, very clear links to the Liberal Party. These are just a few examples, a few transgressions of the Leader of the Opposition when he was Minister for Planning. He is unfit to be Premier; he is unfit to hold office.

**Mr BATTIN** (Gembrook) (15:39) — I rise to oppose the ridiculous motion put forward by the Deputy Premier, the censure motion against the Leader of the Opposition. The reason I will go against it is that first and foremost he is a good leader of our opposition, but also I look forward to him being a great Premier of Victoria. I look forward to him delivering on a vision.

Whilst we are talking about planning, we will talk about the decentralisation plan that the Leader of the Opposition, as Premier, will bring to this state. He will ensure that as Victorians move in we have housing affordability for all in our state for the future. He will ensure that regional towns like Ballarat, Warragul, Warrnambool and Geelong all have an opportunity to grow, that they get an increase in their population to get the best out of their productivity, and best of all give people in those communities a fantastic opportunity to increase their wealth and have fantastic growth in their local communities, because we know many of those towns we should be very proud of, and we should be very proud to live in them.

When you travel through Warragul, it is fantastic to see some of the growth going on down there at the moment. There are many blocks going on sale in Warragul and Drouin, and I encourage people to go down and have a look. What a fantastic place to live. With decentralisation the Leader of the Opposition will ensure that those areas will have the opportunity to develop and grow fairly and ensure that Victorians have a fair go.

He will ensure that in Victoria crime that is out of control under this government is brought back under control. He will ensure that not only integrity out in the streets and making sure that criminals —

**Mr Nardella** — On a point of order, Speaker, the motion before the house is a very tight motion. I ask you to bring the honourable member back to the motion before the house.

**Mr BATTIN** — On the point of order, Speaker, I think it is only fair that if you put a censure motion against someone, you give them the ability to talk about why that censure motion is bad, and it is bad. The

simple reason is that the Leader of the Opposition would be a fantastic Premier. The member for Melton should not even be in this Parliament.

**Mr Gidley** — On the point of order, Speaker, we have just heard the member for Bentleigh talk about every different planning decision supposedly from Forrest Hill, Stonnington and a whole range of other areas. The member for Gembrook, the honourable shadow minister, is doing exactly the same in terms of talking about planning and our laudable and great goals to improve planning and establish a decentralised system. If we are going to be consistent, the member for Gembrook should be allowed to continue.

**The SPEAKER** — Order! Members on both sides of the house have canvassed a range of issues to place this motion in context. I will allow the member for Gembrook to continue.

**Mr BATTIN** — Thank you very much, Speaker. I appreciate the leeway there.

We are talking about crime, and part of this censure motion is going towards trying to focus on integrity. If you want to talk about integrity, you have to talk about the red shirts scandal that has gone on from this government; the red shirts scandal where they used taxpayers money to win elections in marginal seats across the state. I note the member for Mordialloc would be aware of this, with taxpayers money having been used for his specific campaign. It was proven to be an absolute rort of our system and theft from the Victorian parliamentary and taxpayers funds. That is the integrity that the current government brings to this place, and I assure you that if you have a government led by the Leader of the Opposition, integrity will be returned to government and the crime that is currently happening within the Parliament under the Labor Party will stop.

We are talking about some of the documents that have been released. I know many have raised issues around the documents, and I note that the Labor Party has continuously got up saying, ‘What is in these documents?’. They are telling us that they have read the documents and they understand them, yet they had to move a motion today, Speaker, to pass to you directly the responsibility of reading them, because it is obvious that the Labor Party has failed to read the 80 000 documents they have had since 28 March and then publicly released on the record. These are documents of people’s mental health; documents of post-traumatic stress disorder from Vietnam veterans; documents of solicitors, including their financial wealth, their superannuation details, their personal address, their child’s details. Details of a seven-year-old

child have been put on the public record. All of this information has ended up on the public record because the Labor Party were too interested in throwing mud. They were too interested in trying to tarnish our side of politics. They did not care who got in the way, and that includes innocent victims out in the community.

What is worse is that once they passed that across to you, Speaker, passed that responsibility to you, they tried to then say that they were not responsible for these documents ending up in the public domain. They were the ones that moved the motion to get these documents out there. It was the Premier who, against the advice of his own department, against legal advice, forced these documents to be made public online for everyone to see. Then they turned around and went, 'It's only the Liberal Party that has made sure these documents have got out'.

Let me assure you, Brendan Donohoe, Tom Minear, Angus Livingston, Andrew Lund — you could name anyone in the media — they would all be more than willing to go through those documents themselves and see exactly how bad this Labor government is. They do not need the Liberal Party to do that. They are journalists, and part of their role is to ensure the integrity of government. That is part of the role they have. I was pleased when the *Herald Sun* came out and called this government out for what it is, called this government out for the rotten, rotting government it is — they are more than happy to release documents of a personal nature which are of innocent victims caught up in this scandal of the Labor government.

This government has been full of scandal since they arrived. Obviously since I have been here we have had the incidents around the Country Fire Authority (CFA) volunteers and what has happened within the CFA. We have lost so many people in the CFA because of a government trying to stand up for one specific union and one specific person. It is interesting, while some of them will sit there and say it is a lie, I am sure Jane Garrett is not saying it is a lie. She was forced out —

**The SPEAKER** — I ask the member to use correct titles.

**Mr BATTIN** — The member for Brunswick was forced out, and bullied out of the Labor government to ensure that they could get through a deal and an enterprise bargaining agreement that was not in the best interests of the community. That is what we continually see from the Andrews Labor government. They are more than happy to push through deals. They are more than happy to avoid scrutiny. They are more than happy to go above and beyond what would be cast as anything

to do with integrity to ensure they get through things that only focus on them and their power going forward.

The Premier of this state has proven yet again he does not care about the community. He does not care about those in the community who are just in the way of him keeping power.

**Ms Allan** — On a point of order, Speaker, the member for Gembrook was doing much better earlier in his contribution when he was being relevant to the motion and expressing great adulation and love for his leader. I would suggest that he go back to that frame because that is actually relevant to the motion before the house. This is a motion about the scandalous behaviour of the Leader of the Opposition, and I would suggest he come back to that matter.

**The SPEAKER** — The member for Gembrook is straying a long way from the motion. The member for Gembrook to come back.

**Mr BATTIN** — I do agree with one thing you said: how fantastic it would be to have the Leader of the Opposition as Premier. Wouldn't it be just wonderful to have the Leader of the Opposition as Premier?

We are talking about a censure motion that has been put forward by none other than the member for Monbulk. The integrity of the member for Monbulk should be judged solely on —

**Ms Allan** — On a point of order, Speaker, you just pulled him up. I suggest we need to remind the member for Gembrook — he might have forgotten in the 30 seconds since you last mentioned this to him — that the member for Monbulk is not the subject of this motion, the Leader of the Opposition is, and the member for Gembrook needs to come back to that.

**Mr BATTIN** — On the point of order, Speaker, the integrity of the member for Monbulk should be exactly brought into line. It was he who brought forward a censure motion when he is a man who has had statutory declarations signed against him by his own volunteers. His integrity is shot.

**The SPEAKER** — Order! The member for Gembrook will resume his seat. The member for Gembrook should come back to the motion before the house.

**Mr BATTIN** — In closing, why I do not support this censure motion is that Victoria needs a future that it can be proud of. Victoria needs to return integrity to this place, and there is only one way to return integrity to the Victorian Parliament. There is only one

opportunity, and I am sure the Victorian people are well and truly getting ready to do that on 24 November. I am sure plenty of members on the backbench over there must be very uncomfortable about what will happen on 24 November. We look forward to waking up on 25 November with a Matthew Guy government because this government's rotten rotting and thieving of Victorian taxpayers money has well and truly gone too far.

**Ms D'AMBROSIO** (Minister for Energy, Environment and Climate Change) (15:49) — I move:

That the question be now put.

### House divided on question:

*Ayes, 48*

Allan, Ms	Knight, Ms
Andrews, Mr	Languiller, Mr
Blandthorn, Ms	Lim, Mr
Bull, Mr J.	McGuire, Mr
Carbines, Mr	Merlino, Mr
Carroll, Mr	Nardella, Mr
Couzens, Ms	Neville, Ms
D'Ambrosio, Ms	Noonan, Mr
Dimopoulos, Mr	Pakula, Mr
Donnellan, Mr	Pallas, Mr
Edbrooke, Mr	Pearson, Mr
Edwards, Ms	Perera, Mr
Eren, Mr	Richardson, Mr
Foley, Mr	Sandell, Ms
Garrett, Ms	Scott, Mr
Graley, Ms	Spence, Ms
Green, Ms	Staikos, Mr
Halfpenny, Ms	Suleyman, Ms
Hennessy, Ms	Thomas, Ms
Hibbins, Mr	Thomson, Ms
Howard, Mr	Thorpe, Ms
Hutchins, Ms	Ward, Ms
Kairouz, Ms	Williams, Ms
Kilkenny, Ms	Wynne, Mr

*Noes, 37*

Angus, Mr	O'Brien, Mr D.
Asher, Ms	O'Brien, Mr M.
Battin, Mr	Paynter, Mr
Britnell, Ms	Pesutto, Mr
Bull, Mr T.	Riordan, Mr
Burgess, Mr	Ryall, Ms
Clark, Mr	Ryan, Ms
Crisp, Mr	Smith, Mr R.
Dixon, Mr	Smith, Mr T.
Fyffe, Mrs	Southwick, Mr
Gidley, Mr	Staley, Ms
Guy, Mr	Thompson, Mr
Hodgett, Mr	Tilley, Mr
Katos, Mr	Victoria, Ms
Kealy, Ms	Wakeling, Mr
McCurdy, Mr	Walsh, Mr
McLeish, Ms	Watt, Mr
Morris, Mr	Wells, Mr
Northe, Mr	

### Question agreed to.

### House divided on motion:

*Ayes, 48*

Allan, Ms	Knight, Ms
Andrews, Mr	Languiller, Mr
Blandthorn, Ms	Lim, Mr
Bull, Mr J.	McGuire, Mr
Carbines, Mr	Merlino, Mr
Carroll, Mr	Nardella, Mr
Couzens, Ms	Neville, Ms
D'Ambrosio, Ms	Noonan, Mr
Dimopoulos, Mr	Pakula, Mr
Donnellan, Mr	Pallas, Mr
Edbrooke, Mr	Pearson, Mr
Edwards, Ms	Perera, Mr
Eren, Mr	Richardson, Mr
Foley, Mr	Sandell, Ms
Garrett, Ms	Scott, Mr
Graley, Ms	Spence, Ms
Green, Ms	Staikos, Mr
Halfpenny, Ms	Suleyman, Ms
Hennessy, Ms	Thomas, Ms
Hibbins, Mr	Thomson, Ms
Howard, Mr	Thorpe, Ms
Hutchins, Ms	Ward, Ms
Kairouz, Ms	Williams, Ms
Kilkenny, Ms	Wynne, Mr

*Noes, 37*

Angus, Mr	O'Brien, Mr D.
Asher, Ms	O'Brien, Mr M.
Battin, Mr	Paynter, Mr
Britnell, Ms	Pesutto, Mr
Bull, Mr T.	Riordan, Mr
Burgess, Mr	Ryall, Ms
Clark, Mr	Ryan, Ms
Crisp, Mr	Smith, Mr R.
Dixon, Mr	Smith, Mr T.
Fyffe, Mrs	Southwick, Mr
Gidley, Mr	Staley, Ms
Guy, Mr	Thompson, Mr
Hodgett, Mr	Tilley, Mr
Katos, Mr	Victoria, Ms
Kealy, Ms	Wakeling, Mr
McCurdy, Mr	Walsh, Mr
McLeish, Ms	Watt, Mr
Morris, Mr	Wells, Mr
Northe, Mr	

### Motion agreed to.

## SAFE PATIENT CARE (NURSE TO PATIENT AND MIDWIFE TO PATIENT RATIOS) AMENDMENT BILL 2018

*Second reading*

**Debate resumed from 22 August; motion of Ms HENNESSY (Minister for Health).**

**Ms KEALY** (Lowan) (15:58) — I rise to speak on the Safe Patient Care (Nurse to Patient and Midwife to

Patient Ratios) Amendment Bill 2018. It is somewhat surprising that, given what we have heard from the Labor government about this bill and how important it is, we have been left only 1 hour on the last sitting day of the week to debate this. I am somewhat shocked. I think it is disrespectful to the nurses, the midwives, the other health professionals and of course the patients who will be impacted by this bill.

I was ready to debate this bill early yesterday. To think that we have been debating such issues as have been reported in the media as a priority over what has been purported to be one of the most important bills in this term of government is quite astounding to me. I think that nurses, midwives and patients deserve a lot more respect than political pointscoring in what was otherwise a pointless debate.

Something else has come up which is deeply concerning to me. This is called a safe patient care bill. In my experience working in the health sector one of the fundamental ways that you can support safe patient care is ensuring the safety, the integrity and the security of private and confidential health information. I was absolutely disgusted to see that personal health records have been released by this government and to hear, earlier today, the Minister for Health nonetheless backing this in and defending the actions of this government in releasing these documents to the public without them being redacted in any way, with personal information included in that. Mental health information, very sensitive information —

**Ms Williams** — On a point of order, Deputy Speaker, the member for Lowan is straying from the subject of the bill quite substantially. She is talking about a totally unrelated issue, and I urge you to bring her back to the bill.

**The DEPUTY SPEAKER** — Order! Member for Lowan, I ask you to return to the bill.

**Ms KEALY** — As is outlined in the second-reading speech provided by the minister:

This bill will improve workload arrangements and have a significant and lasting impact on the provision of safe, empathetic and high-quality patient-centred care in line with community values.

And I think that the community values of every single Victorian are that when you speak to a health professional, when you have any blood test, when your HIV or hepatitis status is known, when you have had perhaps some fertility treatment, if you have had a termination of pregnancy, if you have got drug treatment records, if you have been in the drug injecting

room in North Richmond or if you have a record of any chronic or acute illnesses that may preclude you from employment or jeopardise your workplace, you certainly have a right to have that information kept private and confidential. And I have seen the most gross breach of that in my experience within the health sector —

**Ms Williams** — On a point of order, Deputy Speaker, the member for Lowan continues to defy your previous ruling. I again urge you to bring her back to the substance of the bill. She is again speaking about an entirely unrelated matter, which I would say is offensive to the nurses, midwives and other health professionals who are affected by this legislation and who have been calling for it for a significant period of time, the same people who were represented strongly here last sitting week when they came to see this bill introduced into Parliament.

**Ms KEALY** — On the point of order, Deputy Speaker, this bill is called the safe patient care bill. Within the second-reading speech put forward by the minister it is clear that this will have a lasting impact on the provision of safe, empathetic and high-quality patient-centred care in line with community values. I was actually making that exact argument, that securing the private and confidential medical information of Victorians is completely in line with community values. Therefore all of my comments are absolutely in order and need to be put forward today.

**Ms Hennessy** — On the point of order, Deputy Speaker, this is a bill about nurse-patient ratios. In my submission you should indeed lead the lead speaker for the opposition back to keeping her contribution to the content of the bill, and we would welcome your intervention to that end.

**Mr Clark** — On the point of order, Deputy Speaker, the member for Lowan is making the point that the house is being asked to agree to this bill as a measure to improve patient safety. The member for Lowan is entitled to talk about what matters are important for patient safety and to assess this bill in the context of a range of measures that she is entitled to argue should be attended to by the government in order to secure patient safety. In doing that, she is perfectly in order with the bill. Just as the Speaker ruled that the comparison and contrast of matters were relevant on the motion that we have just been dealing with, comparing and contrasting different measures that may contribute to patient safety are fully in order in relation to this bill.

**Mr Foley** — On the point of order, Deputy Speaker, with the greatest of respect to the member for Box Hill, a censure motion with its wider set of parameters is one

thing when it comes to compare and contrast, but in this space — even allowing for a lead speaker having some latitude on a bill — this bill is very specific. It deals with safe patient care, nurse-to-patient and midwife-to-patient ratios. It is not an opportunity for the lead speaker of the opposition to go on a wideranging, opportunistic attempt to take this debate well beyond the breadth of the bill. With the greatest of respect to the member for Box Hill and the member for Lowan, the point of order that the member for Dandenong has raised here should be supported, and the member for Lowan should be invited to stick to the narrow confines albeit allowing for a wideranging contribution from a lead speaker of the opposition in this space.

**Ms Ryan** — On the point of order, Deputy Speaker, it is well established in this place that a lead speaker has a degree of latitude on a bill, as the Minister for Mental Health has just pointed out. The member for Lowan was being entirely relevant to the bill in talking about the safety of our health services and community values with respect to that. It is a shameful reflection on those opposite, after wasting the time of this house for hours on a motion about the Leader of the Opposition, that they would now seek to shut down the member for Lowan. It is not the fault of those on this side of the house that they have given themselves barely an hour to debate a bill that they have been telling us is of great importance. It is now perfectly within reason for the member for Lowan to give her contribution as she sees fit. She is a former health professional and well across the issues contained within this bill and the issues of safety within the health system.

**The DEPUTY SPEAKER** — I will rule on the point of order. It has been the practice of this house traditionally that lead speakers do have some latitude in respect of the bills that they are speaking to; however, I do ask the member for Lowan to be mindful of the content of the bill.

**Ms KEALY** — Thank you very much, Deputy Speaker. In relation to the way that we provide safe care, particularly in hospitals, nurses and midwives do an absolutely amazing job, and I have certainly worked amongst some of the finest. I pay credit to all of the nurses that I have worked with and have had the benefit of being in contact with. In particular I make note of my fantastic midwife, Sarah, who I caught up with under not-so-great circumstances recently after she was impacted by the bushfires earlier this year. Thank you so much, Sarah, for all of your amazing support for me over my pregnancy and in the safe delivery of my lovely little boy, Harvey.

In relation to nurses and midwives, they do go to every length possible to support their patients. One of the fundamental things that you are taught when you enter into the health services is the importance of treating every piece of health information you have with the utmost respect. You know the consequences of releasing certain information to the public. It can be very difficult when you are in country areas. You know everybody that you deal with. In particular you are often in contact with very, very sensitive information, and there is an enormous amount of weight put on the essential element of keeping certain medical information private and confidential. This is one of the fundamental parts of being a good professional.

Again, I am deeply concerned that nurses have been completely disrespected over the last few days in that their respect for the way in which our health records are maintained has been completely thrown out the window and violated by the Andrews Labor government.

**Ms Williams** — On a point of order, Deputy Speaker, we are now over 10 minutes into this contribution, and the member for Lowan is still speaking on a matter that is unrelated to the bill. I think we have been quite clear that this bill is about nurse-to-patient ratios. It is a bill that is of extreme importance in our health sector, with a stakeholder group that is keen to see members in this place speak to this issue in a meaningful way rather than politicking, which quite frankly there has been plenty of opportunity to do in the previous proceedings in this place. I remind the member for Lowan that this is a bill contribution and not the censure motion, and she should address her commentary to the substance of the bill, which is fundamentally about nurse-to-patient ratios.

**Ms Ryan** — On the point of order, Deputy Speaker, this is a blatant attempt by the member for Dandenong to waste the member for Lowan's time as the lead speaker on this debate. In her second-reading speech the minister said that this this bill will create positive, healthy and productive environments and advance the health system for better patient safety, deliver the best outcomes for all Victorians and also provide safe, empathetic and high-quality patient care in line with community values. That is directly the point to which the member for Lowan is going, because you cannot just leak the private and confidential, sensitive, personal health information of everyday Victorians and expect that it will be okay. That is the point that the member for Lowan is going to, and she is entirely entitled to do so within the context of this debate and the minister's second-reading speech.

**Ms Hennessy** — On the point of order, Deputy Speaker, I think that the member for Euroa has certainly belled the cat in terms of the lead speaker's contribution on this bill. Reference was made to the second-reading speech, and I note that it was a convenient extraction from the second-reading speech, because the second-reading speech is linked to and goes to ratios between nurses and patients. We are now 17 minutes in on the lead speaker's time. We have not got to any form of the content of the bill. With the greatest of respect to the lead speaker, I would absolutely urge you, Deputy Speaker, to draw the lead speaker on behalf of the opposition back to the content of the bill. There has been a fair and adequate opportunity for them to canvass the issues that they clearly wanted to canvass, as revealed by the member for Euroa, but the opportunity now — with almost less than half of the allotted speaking time left — is to come back to the technical and substantive content of the bill.

**The DEPUTY SPEAKER** — No more points of order? I rule on the point of order that the member for Lowan has been given quite a considerable amount of latitude. I do ask the member for Lowan to come back to the bill.

**Ms KEALY** — The sheer irony that I am being told that I have wasted my time when members of the Labor government are the ones who are on their feet raising frivolous points of order rather than wanting to talk about the need to improve patient safety by adhering to privacy and confidentiality, which are fundamentals of a safe health system in Victoria, is a disgrace and a blight on this government and shows how political things are getting in this. I do not think you can accuse one side of this without having a good, hard look at yourselves and seeing how you are raising time-wasting points of order.

There are a number of issues that we do have with this bill, and I would like to go through them. Again, we need to ensure that we do support our fantastic nurses and midwives. I reiterate my strong support for the medical community, including the nursing community and midwives, who do an amazing job in all of their efforts to provide the best clinical outcomes for patients to ensure that they are cared for during their time in a healthcare setting, at home or in another environment. They do a great job to adapt to that and to make sure that people get not only the health care they need but the emotional support they need as well. I thank each and every nurse and midwife for doing that.

The concerns that have been raised with me about this bill are around how we will actually fund this. There is an intention for this legislation to come into effect in six

months. There has been some information provided as to how this will be rolled out. However, hospitals are yet to be told when that money will flow, how this will be delivered or even how much they will receive, which is leaving a huge number of questions on workforce recruitment to be answered.

Obviously if this is going to result in a significant increase in salary and wage costs for a health service, then they will have to make that decision. Do they cut back the number of beds that they have and the services that they are able to provide to the community, or do they look at perhaps breaching this legislation? Or are they just going to have to beg the government for more money and hope that that finally is delivered? I do not think that patients in Victoria deserve that level of uncertainty. I think that it is quite cruel on the nursing community as well not to have a clear understanding of how this will be funded over the coming five years. I do urge the government to be more forthcoming with the full budgeting for how these legislative changes will be funded so that it can be properly delivered by our healthcare sector.

Something that is certainly also true in my part of the state in western Victoria is that there are significant workforce shortages, particularly in the clinical environment, including nurses. They are incredibly difficult positions to fill. These increased ratios are going to put additional pressure on this workforce shortage. While there has been some money put aside to assist with recruiting nurses, there is really not a plan for how we can ensure that trained nurses do make it out to rural and regional areas. We have not seen a health workforce strategy drawn up by this government, and unfortunately it is becoming harder and harder to attract clinical professionals to the rural and regional areas of Victoria. As a result, positions are vacant for extended periods of time, which puts a lot of additional pressure on the existing workforce through increased demands on people to do overtime, which really wears people out in an unnecessary way.

We need to properly make sure that we have got enough people in the workforce trained not just for today but for the future to make sure that nurses are well supported but also that patients receive the quality of care that they deserve. While this bill of course is putting ratios into legislation, the ratios will not necessarily be delivered in a full and proper way if those costings are not there and if the workforce is not there. This is something that I know is of great concern to many nurses right across the state — nurses who have raised this issue with me directly.

There is also a concern that this will drive up recruitment costs, and given the removal of understaffing provisions and redistribution, if a health service with workforce challenges is unable to reach an agreement with the Australian Nursing and Midwifery Federation, they will be forced to spend on recruitment and face the consequences of non-compliance or even have to close beds. This would be extraordinarily damaging for the health sector. We just simply cannot afford to be closing beds across the state. We cannot afford in our health system to be forced to spend more and more money on administration, including recruitment, rather than delivering the health services that Victorians need.

It costs a lot of money to transfer patients. Should there be further bed closures across the state, putting somebody in an air ambulance, whether it is a fixed-wing or an air wing, or even transferring them by road is a huge additional burden, which comes of course out of the government's spend. It is a huge extra cost. Sometimes those additional costs for patient transport do go back to the hospital as well. Again, it is another hit on a hospital, and sometimes it is very, very difficult to make ends meet and to make sure that you are able to deliver the maximum number of patient care services rather than pouring all your money into other administrative functions of the hospital, whether it is into recruitment or whether it is into providing further details and data to the government for number crunching — and you get no information back, which anyone who has ever been an administrator in a hospital has experienced.

We need to make sure when we do set up any legislation or any structural framework for delivering health services in this state, particularly within a hospital, that as much money as possible can be moved away from bureaucracy and put into what really matters, and what really matters is that we provide the health care and the care that patients need and patients deserve to keep them well or to help them get well if they are unwell. Something that is more important than anything else is how our patients are supported in Victoria.

I will also refer to the way that nurse-to-patient and midwife-to-patient ratios will impact on special care nurseries. This was something that was raised by the member for Sandringham, who is a fantastic local member and who always puts an enormous amount of work into scrutinising legislation. He has come forward with some concerns, and I ask the minister to consider making some changes to tidy up the legislation prior to its carriage to the upper house — or perhaps it is an amendment that could be made in the upper house. This is in relation to substituted section 27, 'Special care

nurseries', of the Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios) Act 2015. So in clause 10, section 27 substituted reads:

- (1) The operator of a hospital must staff a ward that is a special care nursery as follows on all shifts—
  - (a) in the case of a special care nursery with 9 or fewer occupied cots—
    - (i) one nurse; and
    - (ii) for every 4 additional occupied cots beyond 4, one person, being either a nurse or a midwife ...

A concern that has been raised by a constituent of the member for Sandringham, who has subsequently and diligently forwarded it onto me and the shadow Minister for Health in the other house, Ms Wooldridge, is that there are concerns that in this context a midwife is not necessarily a nurse if they have qualified in the first pathway of going through an accreditation scheme, rather than a midwife who has qualified through other pathways — that is, they may not necessarily be registered as a nurse as well as a midwife.

It is the position of the member for Sandringham's constituent that the language of the clause places midwives in a subordinate position to nurses. I do not think this is the intention of the bill. I do think there is the intention that it is equitable, and that nurses and midwives are treated equally in that environment. I do believe that is how it operates in practice, but in this current version of the clause a midwife holding a bachelor of midwifery would become reliant upon the presence of a nurse in the special care nursery, despite being highly trained in postnatal, maternal and newborn care themselves. I ask the minister to review that clause and consider an amendment to substituted section 27(1)(a)(i) so that it be amended from 'one nurse' to 'one nurse or midwife'. I think that will ensure there is equal respect for nurses and midwives, and it will provide the respect for the particular skills and qualifications that midwives have and the support and care they provide in special care nurseries. If this was considered by the minister it would be appreciated, or if she has the opportunity to provide feedback to the house on that clause within the bill and perhaps why that has been specifically outlined as being 'one nurse' rather than being 'one nurse or one midwife' that would be greatly appreciated. I know the member for Sandringham would appreciate that feedback, as would his constituent, who is deeply concerned about the way the current bill is outlined and that midwives may be subordinate to nurses within the workplace. Again, I do not think this is a deliberate attempt, but I do seek some feedback from the minister regarding that.

While we do have a number of areas of concern, I think the key point really goes to how we support our fabulous health professionals to deliver the best possible patient care in a hospital environment, but also out in the community. Again I refer back to patient safety. I think if there is one lesson learned today and over this week, it is how important it is that we respect the privacy and confidentiality of patients. Whether you are a mental health patient, whether you are an inpatient of a hospital or whether you are in the community environment, if you have had the courage to have a discussion — and particularly around mental health — you should have every confidence that information will be kept private and confidential. For this to be breached by the government I think is a gross violation of the foundations to provide safe patient care in the state of Victoria. I do not know how that can be fixed, and I do not know how the violations of patient confidentiality —

**Ms Williams** — On a point of order, Deputy Speaker, I was pleased for the brief time that the member for Lowan did address the substance of the bill to see her doing so, and I think the conduct in the house reflected that: people listened respectfully. But yet again, and I suspect it is because she has not done any research on this bill and therefore is struggling to fill 30 minutes on the substance of the bill, I would ask you to reprimand the member for Lowan for straying from the content of the bill onto, again, an unrelated matter. Please direct the member for Lowan to redirect her remarks to the content of the bill so that the conduct in this chamber can again return to being respectful in listening to her. At the moment she is straying into very disrespectful territory on a very important bill.

**The DEPUTY SPEAKER** — Member for Lowan, I do ask you to speak on the bill. I have given you some latitude.

**Ms KEALY** — I will pick up on some elements of that point of order. I have worked in many, many hospitals right across Australia, and I have worked closely with nurses and I have enormous respect for nurses. As I have said, I respect nurses because I know the lengths they go to to protect health privacy and confidentiality, and I stand by each and every one of my comments. That is entirely respectful for nurses because they go to such great lengths to keep our information private. They take such great steps to keep that information private and confidential, often under extremely difficult circumstances, where it might be someone who is a friend or a family member of somebody they know. The respect that they have for privacy and confidentiality is something that must be respected by the government of the day. It is grossly

disrespectful to think that the information that nurses have gone to extreme lengths to keep private can then be just printed publicly by the government of the day for anybody to see. That is a gross violation of every single nurse —

**Mr Foley** — On a point of order, Deputy Speaker, the honourable member for Lowan has not taken up the opportunity that you have respectfully given her to address the substance of the bill, and I find myself in support of the earlier points of order made by the honourable member for Dandenong. Whilst we all admire the health contributions that the honourable member for Lowan has made in her career, can we perhaps bring the honourable member back to the bill. If the honourable member wants to continue to take issue with the points of order, then she had the opportunity to do so; she did not. I would ask that you bring her back to the substance of the bill, rather than this merry-go-round that she seems intent on pursuing.

**Ms KEALY** — On the point of order, Deputy Speaker, I pick up the comments by the Minister for Mental Health. I am quite surprised that he is defending some of the actions of his government in me speaking about how important patient privacy and confidentiality is to provide safe patient care. Again I go back to the minister's second-reading speech, where it quite clearly outlines the community values and expectations of the health sector in Victoria.

This is core to what I am speaking to. I believe that my experience in the health sector, which I was referring to, and my great respect for the time and the commitment that nurses make to uphold that backbone of health, which is key to the ethical commitment to keep certain information private and confidential, should be upheld.

**The DEPUTY SPEAKER** — Member for Lowan, you have a very short time left, and I have given you a lot of latitude. I ask you to return to the bill.

**Ms KEALY** — I do go back to some of those issues that I have raised. I ask the minister to ensure that this legislation is appropriately funded, that hospitals are provided with the full details of the budget, and when that money will flow to ensure that they can make sure they can continue to provide the best possible patient care by supporting their nursing and midwifery workforces, which they do very, very well. I do again uphold the great work of nurses and midwives and the work that they do in the state of Victoria. There are other issues around the special care nurseries, and I trust that the minister will provide some feedback around them, but in particular we need to make sure

that anything we do around health care provides the greatest benefit to patient care in the state of Victoria.

**Ms WILLIAMS** (Dandenong) (16:28) — It is my pleasure to rise in support of the Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios) Amendment Bill 2018. It is somewhat concerning that the lead speaker for the opposition, the member for Lowan, in the half an hour allocated to her was only able to make a relevant contribution for about 10 minutes, and the bulk of that was actually provided by the member for Sandringham, which is an indictment indeed on the lead speaker for the opposition. I would like to not waste my time reflecting on that but instead go to the substance of what is a very important bill, one that will make an enormous difference to the lives of so many Victorians and to such a significant and important workforce in our community.

Labor proudly took a commitment to the election in 2014 that if elected, we would protect nurse-to-patient and midwife-to-patient ratios in law. In 2015 we legislated the Safe Patient Care Act 2015 and delivered on that commitment. We also made a commitment that we would consider and introduce improvements to ratios over time, and we are delivering on that commitment. These changes introduce new ratios in new settings and improved ratios in current settings. They also seek to end the unfair rounding rule on priority shifts, which has the effect of undermining minimum ratios. Under this bill, where it says ‘one nurse to four patients’, it means one nurse to four patients, which is exactly what nurses and midwives would want and of course the patients who are the beneficiaries of their care would also rightly demand.

Before getting into some of the details of the bill, I want to give a little bit of background into nurse and midwife-to-patient ratios. As many in this place would be aware, nurse and midwife-to-patient ratios have maintained the safety of the Victorian public since they were first introduced into an enterprise agreement in 2000. However, nurse-to-patient and midwife-to-patient ratios have largely remained unchanged since 2000, and as such the current ratios reflect service models that were utilised over 18 years ago. Following the introduction of the Safe Patient Care Act 2015 the government committed to continuing, as I outlined, working with nurses, midwives and health services to make further improvements to legislated ratios that are no longer fit for purpose and where those ratios may not or may no longer reflect current best practice or safe staffing levels.

In response to that commitment the nurse/midwife-to-patient ratio improvements task force was established in 2016 to provide expert advice to the Minister for Health on improvements to ratios. The task force conducted a public consultation process and received 82 submissions from various stakeholders, including health services, the representative union, being the Australian Nursing and Midwifery Federation, the relevant employer association, which is the Victorian Hospitals Industrial Association, professional colleges, peak bodies and individual nurses and midwives.

The evidence, the clinical guidelines and the professional experience outlined in the submissions was then used to underpin the task force’s recommendations and inform the amendments to ratios that are contained in the bill. The amendments reflect a continuous improvement process to ensure that minimum safe nursing and midwifery staffing ratios acknowledge the increasing patient complexity that is being experienced, the changing models of care and the growing demand for health services here in Victoria.

The changes in the bill will see the employment of an additional 600 nurses and midwives who will be employed right across Victoria from our busiest metropolitan hospitals to our important rural services. This has all been budgeted for, and I think that is an important point to make given the brief relevant point made by the member for Lowan in her contribution. I say that meaning one of the few points she made that was actually directed to the bill, but again it seems to be somewhat off the mark in terms of accuracy. So to go to that, I wanted to highlight that the changes in the bill are backed up with funding — approximately \$250 million — which will be invested over the next five years to fund the 600 new nurses and midwives, and hospitals have been advised of this.

In addition, a re-elected Labor government will invest an additional \$50 million in a Nursing and Midwifery Development Workforce Fund. This fund will create training opportunities and scholarships for nurses and midwives to further specialise so they can fill the new positions that will be created in wards, such as haematology and inpatient oncology. It will also fund more registered nurse graduate places and for the first time establish a statewide enrolled nurse graduate program. There will be 400 places in this program, which is an incredible initiative and one that I am sure will be welcomed by this very important workforce. This will mean Victorians will be able to study a diploma of nursing for free at TAFE, as one of the Labor government’s free priority TAFE courses, and then start working as an enrolled nurse as soon as they

graduate, which is a wonderful outcome. Ten million dollars of this fund will be dedicated to rural and regional applicants so that people can study a diploma of nursing at their local TAFE and then work at their local rural or regional hospital. I know so many members in this place have argued and would certainly continue to argue that this is so very important, so I would expect to see a certain amount of enthusiasm from our rural and regional members on that point.

I would also make the point that if those opposite are true to form, they cannot hope to deliver better patient outcomes of the nature described in this bill through slashing the health budget as they have done so many times before. I was not at all surprised to hear them talking about how much this will cost, because at the front of mind of the opposition — of all coalition MPs — is what they can cut next. Already they are trying to work that out. That was very evident from the member for Lowan's contribution. In their last term they cut \$1 billion from the health system, and they are already looking at these changes and working out how they can undo them when they — as they hope — return to government. On this side of the house we know that patients across Victoria are better served by a Labor government, as this legislation demonstrates.

In terms of other changes outlined in this bill, I referred earlier to the rounding rule. The changes improve existing ratios by removing this unfair rounding rule method from priority shifts. The rounding methodology for the determination of staffing numbers has been amended such that if the number of patients in a ward is not divisible into a whole number when a ratio is applied, the number of nurses or midwives must be rounded up to the next whole number. Specific shifts in rehab and aged-care wards are exempt from the amendment, reflecting circumstances where the nursing workload is a bit lower.

We are also improving ratios in palliative care. Existing ratios in palliative care inpatient units on afternoon and night shifts have been improved, with the effect that one nurse will be required for every four patients on morning and afternoon shifts, with a one-nurse-to-six-patient ratio for the night shift. An additional nurse in charge will also apply across all shifts.

We are also improving ratios in birthing suites and special care nurseries. A hospital with six or more nominated birthing suites will now be required to staff an additional midwife in charge on a morning shift, and special care nurseries with eight cots or more will be required to staff an additional midwife in charge on morning and afternoon shifts. We are improving ratios

in emergency departments (EDs). New staffing ratios for EDs will require that specified emergency departments staff one nurse for each resuscitation bed on afternoon shifts and on night shifts as well.

We are also introducing new ratios in new settings, which I know is something that is particularly dear to the hearts of some of the nurses and midwives who visited this place last sitting week and who have been instrumental in some of these changes. In particular I have in mind a nurse I met who has been advocating for these changes in the haematology area. Some of these new settings include haematology, as I have outlined, acute stroke wards and acute inpatient oncology wards as well.

Members will recall the last time the Liberals were in government and the terrible record that they had, and I have alluded to part of that in terms of the \$1 billion that they cut from the health system. It is also worth mentioning the industrial war with our nurses, when they engaged in protracted and delayed negotiations in an attempt to remove ratios from the enterprise agreements. I could list so many more reasons why you just cannot trust the Liberals when it comes to health care.

Ratios are vitally important not just in protecting patient safety but also in creating the working conditions that our nurses and midwives so desperately deserve. I commend the bill to the house.

**Mr THOMPSON** (Sandringham) (16:38) — I am very pleased to make a contribution to the Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios) Amendment Bill 2018. The role of nurses within the Sandringham electorate has been a very strong and significant one, including in what was the Sandringham and District Memorial Hospital. That hospital was actually given its name by those who wished to dedicate it to people who had served in World War I and World War II. The genesis of that hospital goes back to the late 1930s, but it was not opened till 1964. It was built jam jar by jam jar, Lamington Drive by Lamington Drive, with many functions organised by the Black Rock Sports Auxiliary. It has a unique and novel design that has served the Sandringham district very well over a long period of time.

There was great consternation in the local community in the context of a federal-state funding stoush in 2016 as to the potential cutback of the Sandringham Hospital emergency department's hours of operation from 24/7 down to 12/7. The Sandringham Hospital emergency department is a world-class emergency service facility,

and part of its role is dependent upon it serving the community 24 hours a day, seven days a week.

I pay tribute to the great work of Dr James Taylor, the emergency department director over the period of a number of years, who brought it up to a world-class standard. There would be no family within the Sandringham electorate that has not had occasion to visit the hospital at some stage or another for emergency treatment that may have related to cuts or breaks or assessment in relation to the onset of a stroke or a heart attack.

There are many, many good services provided through the hospital. Recently there was the opening of the day procedure centre, and this was well supported by many community groups within the Sandringham electorate — the Lions Club, the Beta Sigma Phi organisation and other local community groups and organisations. I make a special comment about the great work of Graham Ludecke, who has run the sports auxiliary over many years now. That was started by his late father-in-law, Arthur Beckett, a former mayor of Sandringham. There is some tremendous work being undertaken in the local community under Judy Reeves and Kerry Stratford, and a number of people have helped raise moneys, including Alistair Murray and Felicity Frederico. There was tremendous work undertaken in the development of the new day procedure centre.

In addition I place on record that the coalition has committed some \$2.5 million towards the development of outpatient facilities at the Sandringham Hospital after the next state election to further strengthen the role of the hospital. Whether the hospital will be based in Sandringham serving the local community or in Dimboola serving the local community, it is imperative that local communities have great facilities that meet the needs of their communities during the life cycle of people from birth.

There is a very strong midwifery unit at the Sandringham Hospital that is aligned with the Royal Women's Hospital to provide the best level of practice of tertiary care possible. That has been a great outcome with the strategic health networks which have been reorganised. Originally the Sandringham Hospital was aligned with the Monash Medical Centre, but it later became part of the Alfred Health group, with the midwifery services being aligned with the Royal Women's Hospital. Margaret Fitzherbert has done great work too in her former board role and with her knowledge of the local community and developing hospital needs.

During my time as local member, nurses have done a great job in the dialysis unit, which has only been started in the more recent history of the hospital. That has grown to be a very strong and important service. There is general surgery and orthopaedic work that is undertaken at the hospital. Ophthalmic work is another great feature of the hospital. A great community member, a great community contributor, is a lady by the name of Dawn Odgers, who has been a long-term resident in Black Rock. Her expertise is more in the realm of optometry, but as a community hospital the hospital has been supported by every key local group and organisation — kindergartens, service clubs, schools and sporting groups.

On the sporting frontier the hospital has had a more significant role in recent years with the great increase in cycling along Beach Road. There were a number of accidents involving fractures, and Dr James Taylor presented at my office on one occasion to point out the importance of a clearway being declared along Beach Road between 6.00 a.m. and 10.00 a.m. More work needed to be done to align the data of when the accidents were occurring and what steps needed to be undertaken. There was a great study undertaken that helped better define and inform what would improve safety outcomes, and the clearway has eliminated the rear-ending of motor vehicles by cyclists, which had in the past caused horrific injuries. Ongoing vigilance nevertheless is required, as many of the cyclists along Beach Road lack the experience and skills to deal with a range of contingencies in that particular circumstance.

There is a strong need for ongoing reinvestment in the hospital. A number of years ago Mr Ron Brownlees, a former radiographer at the hospital, suggested that the hospital be relocated to the former Gas and Fuel Corporation land on the Nepean Highway and a new service be built. The then government, in 2008, commissioned a report as to what could be done and whether that was possible, but there was not the resourcing applied to it, and the hospital has its long-term and secure future in the Sandringham electorate. It is important to point out that at the time there was concern about the emergency department. The Leader of the Opposition shortly after the consternation of the *Age* newspaper in March 2016 came down to the hospital site and guaranteed that as long as a coalition government was in power the service would always operate 24/7, serving the important needs of the district.

In relation to other matters affecting the hospital, there needs to be ongoing good work with the local community. Importantly, with the medical work between the Alfred hospital and the Sandringham and

District Memorial Hospital, the discernment of which services need to be provided on an ongoing basis from Sandringham and which services are supplied in public health from the Alfred hospital will be ones that will be defined into the future.

A number of years ago a point was made by a federal health minister that the number of hospital beds in Boston had been halved. That was the result of the improvements in medical treatment and diagnosis, the role of medical resonance imaging, the role of day procedure centres and the increased precision of surgery. The general treatment of injuries has changed dramatically. So rather than patients spending one, two or three weeks in hospital, they are able to be surgically operated upon and then discharged to the community in a much-accelerated rate. This has made a difference in the management of hospital beds.

I would like to pay tribute to a number of nurses in the district too. Jo Goss has done a great job during her more than 40-year nursing career and has engaged in the life of the community in a number of different areas. She worked at Moorabbin Hospital, Sandringham Hospital and also Linacre Private Hospital during her nursing years, as well as some wider work on a number of occasions too. I pay tribute to the ongoing commemoration work done by nurses in Victoria, marking and honouring the life of Vivian Bullwinkel. I had the privilege of being at the Nurses Memorial Centre in St Kilda Road on the anniversary date of the nurses who were killed in the north of Australia by the Japanese. Vivian Bullwinkel miraculously survived and became a great nurse in Victoria and a keen advocate.

Another nurse in my electorate was a lady who died in her 90s. She was in charge of the Frankston Hospital for a period of time. Her fiancé was killed in World War II and she never married, but for the rest of her life wore her engagement ring around her neck. While she did not have the opportunity to raise a family, she did serve the people of Victoria magnificently through her nursing work.

**Mr McGuire** (Broadmeadows) (16:48) — Victorians fighting cancer, women giving birth to some of our state's most vulnerable babies and the elderly will all get better care and the care that they need under the Andrews Labor government's new stronger nurse-to-patient ratios and midwife-to-patient ratios. For too long nurses and midwives have been forced to trade away their own pay and conditions to guarantee ratios, which make sure they have enough time to spend with their patients and to provide the necessary care. The Labor government fixed this in 2015, making

Victoria the first state to enshrine in law a minimum number of nurses and midwives in public hospitals. Historically Victoria was the second place in the world after California to actually introduce nurse and midwife-to-patient ratios.

This is another step, another initiative, to taking better care. I remember, going back to the 1980s, that it was a Labor government that did it then. We have since seen how the Andrews Labor government has approached it, and we have got huge support from the Australian Nursing & Midwifery Federation. Its secretary, Lisa Fitzpatrick, put it this way. She said:

Hospitals' ability to round down —

the ratios —

has caused enormous stress and pressure on nurses and midwives trying to provide the best possible patient care.

'These improvements are visionary and critical. They demonstrate the Andrews government's commitment to Victoria's public health system and its respect for the vital role that nurses and midwives play.'

That goes to the heart of the matter. It is actually about respect for the nurses and midwives for their incredibly important role, and backing it up as well. These changes will see the employment of an additional 600 nurses and midwives. They will be employed throughout Victoria — from our major metropolitan teaching hospitals to rural services. I hope the National Party joins in and supports this, because this is part of the strategy of the Andrews Labor government to make sure that the benefit of the services that are provided go throughout Victoria.

We are not just putting in the changes; we are backing them up financially as well. About \$250 million will be invested over the next five years to fund the 600 new nurses and midwives. So there it is: here is the strategy, here is the partnership, here is the funding and here is the better care that will follow — and the greater respect for nurses and midwives. That is the way the government has done business.

I would also like to acknowledge the Minister for Health. I think it is a fair and objective assessment to say that she is Australia's best health minister for bringing another piece of legislation to improve care, take care of the workforce and improve the entire system throughout Victoria.

In addition, a re-elected Labor government will invest another \$50 million in a nursing and midwifery workforce development fund. This fund will create training opportunities and scholarships for nurses and

midwives to further specialise so they can fill the new positions that will be created in wards such as haematology and inpatient oncology. It will also fund more registered nurse graduate places and for the first time establish a statewide enrolled nurse graduate program. There will be 400 places in this program.

This initiative underscores the crucial free TAFE proposal in this year's Victorian budget. This was widely applauded throughout the community, particularly by young people coming through who are struggling with fees for tertiary education and who are wondering about their chances. Will they be able to get through tertiary education, get a job and then be able to afford to buy a home? They are wondering how they will actually be able to do that, so this has had enormous cut-through right across the community. It shows how the Andrews Labor government is connected to the community, understands its wants and needs and is willing to give the next generation the hand up that most of us previously received in various ways.

This particular initiative means that Victorians will be able to study a diploma of nursing free at TAFE, as one of the government's free priority TAFE courses, then start working as an enrolled nurse as soon as they graduate. That is a fantastic result. That sets you up for life. It gets you into a career. You are up, you are away, you are working and you are earning, and that is why this is really significant for the generation coming through. There will be \$10 million of this fund dedicated to rural and regional applicants so that people can study a diploma of nursing at their local TAFE and then work at their local rural or regional hospital. This is how it is going to be staged and how it is going to be rolled out, as I said, to underscore the benefits throughout our state. I look forward to the applause from the National Party on this. The government's strategy is making sure it is inclusive for all Victorians.

One of the issues that had to be addressed was the rounding issue. The changes improve existing ratios by removing the unfair rounding method from priority shifts. The rounding methodology for the determination of staffing numbers has been amended such that if the number of patients in a ward is not divisible into a whole number when a ratio is applied, the number of nurses or midwives must be rounded up to the next whole number. That in effect just means that we are going to have more staff where they are needed and where it is most appropriate for them to be. Specific shifts in rehabilitation and aged-care wards are exempt from the amendment, reflecting circumstances where nursing workload is lower. That is a critical definition to make sure we have a balanced position.

The Labor government is also improving ratios in palliative care. We all know how significant that is and how important it is for the care of a patient, and the social work that nurses do in those sets of circumstances as well with families. Existing ratios in palliative care inpatient units on the afternoon and night shifts have been improved to the effect that one nurse will be required for every four patients on morning and afternoon shifts, with a one-nurse-to-six-patient ratio for the night shift. An additional nurse in charge will apply across shifts. There will be more nurses where they are needed, adding to management as well. I think that works collaboratively with the hospitals and with the workforce in delivering better care.

The government is also improving ratios in birthing suites and special care nurseries. A hospital with six or more nominated birthing suites will now be required to staff an additional midwife in charge on a morning shift. Special care nurseries with eight cots or more will be required to staff an additional midwife in charge on morning and afternoon shifts.

I have given a fair bit of the big picture view on this and then defined some detail. I think it just goes to the historic connection and the leadership that Victoria has taken. It is a proud Labor Party tradition, and these are the key changes that have been made and the way this will evolve. I want to sum up with something probably best put by Lisa Fitzpatrick, if I can just repeat it:

These improvements are visionary and critical. They demonstrate the Andrews Labor government's commitment to Victoria's public health system and its respect for the vital role that nurses and midwives play.

That says it beautifully and succinctly, and with that I commend the bill to the house.

**Mr CRISP (Mildura) (16:58)** — I rise to make a brief contribution on the Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios) Amendment Bill 2018. Health in Mildura is vital, as a community that is some distance from the major health centres. Be it Ballarat, Bendigo or Melbourne, the services that are required are really important. The Mildura Base Hospital is at the centre of our health system in Mildura. It cannot go on bypass so it has to manage with what comes through the door and deliver the services that are necessary.

The hospital has grown in recent times with our growing community, but it needs to grow more. Services were added in the coalition's last term in government. We doubled the size of our accident and emergency department, we added another birthing suite, there was work done in the special care nursery,

mental health came under the one roof and oncology was expanded, as well as making the financial commitment to the prevention and recovery care unit. Those were important expansions, and as the Minister for Health is at the table, I say that there is work currently underway to extend the intensive care section of the hospital.

But our communities are growing and our communities are ageing, and Mildura is no different. There continues to be the need for work to be done at the Mildura Base Hospital. It is my belief that the next step for that hospital is more ward beds in order to allow services to be provided and continued. A shortage of ward beds can choke up a hospital, as happens from time to time in Mildura. However, Mildura is unable to be bypassed, and therefore it needs the services.

**The SPEAKER** — The time set down for the consideration of items on the government business program has arrived, and I am required to interrupt business.

**Motion agreed to.**

**Read second time.**

*Third reading*

**Motion agreed to.**

**Read third time.**

**TRANSPORT LEGISLATION  
AMENDMENT (BETTER ROADS  
VICTORIA AND OTHER AMENDMENTS)  
BILL 2018**

*Second reading*

**Debate resumed from 5 September; motion of Mr DONNELLAN (Minister for Roads and Road Safety); and Mr HODGETT's amendment:**

That all the words after 'That' be omitted with the view of inserting in their place the words 'this bill be withdrawn and redrafted to provide for an increase in the guaranteed level of funding for rural, regional, outer suburban and interface communities from Better Roads Victoria funding and to ensure that such funding is not reduced over time by a reduction in the total funding pool'.

**The SPEAKER** — The minister has moved that the bill be now read a second time. The Deputy Leader of the Opposition has moved a reasoned amendment to this motion. He has proposed to omit all the words after 'That' with the view of inserting in their place the

words which appear on the notice paper. The question is:

That the words proposed to be omitted stand part of the question.

Those supporting the reasoned amendment moved by the Deputy Leader of the Opposition should vote no.

**House divided on question:**

*Ayes, 48*

Allan, Ms	Knight, Ms
Andrews, Mr	Languiller, Mr
Blandthorn, Ms	Lim, Mr
Bull, Mr J.	McGuire, Mr
Carbines, Mr	Merlino, Mr
Carroll, Mr	Nardella, Mr
Couzens, Ms	Neville, Ms
D'Ambrosio, Ms	Noonan, Mr
Dimopoulos, Mr	Pakula, Mr
Donnellan, Mr	Pallas, Mr
Edbrooke, Mr	Pearson, Mr
Edwards, Ms	Perera, Mr
Eren, Mr	Richardson, Mr
Foley, Mr	Sandell, Ms
Garrett, Ms	Scott, Mr
Graley, Ms	Spence, Ms
Green, Ms	Staikos, Mr
Halfpenny, Ms	Suleyman, Ms
Hennessy, Ms	Thomas, Ms
Hibbins, Mr	Thomson, Ms
Howard, Mr	Thorpe, Ms
Hutchins, Ms	Ward, Ms
Kairouz, Ms	Williams, Ms
Kilkenny, Ms	Wynne, Mr

*Noes, 38*

Angus, Mr	O'Brien, Mr D.
Asher, Ms	O'Brien, Mr M.
Battin, Mr	Paynter, Mr
Britnell, Ms	Pesutto, Mr
Bull, Mr T.	Riordan, Mr
Burgess, Mr	Ryall, Ms
Clark, Mr	Ryan, Ms
Crisp, Mr	Sheed, Ms
Dixon, Mr	Smith, Mr R.
Fyffe, Mrs	Smith, Mr T.
Gidley, Mr	Southwick, Mr
Guy, Mr	Staley, Ms
Hodgett, Mr	Thompson, Mr
Katos, Mr	Tilley, Mr
Kealy, Ms	Victoria, Ms
McCurdy, Mr	Wakeling, Mr
McLeish, Ms	Walsh, Mr
Morris, Mr	Watt, Mr
Northe, Mr	Wells, Mr

**Question agreed to.**

**Motion agreed to.**

**Read second time.**

*Third reading*

**Motion agreed to.**

**Read third time.**

**TREASURY AND FINANCE LEGISLATION  
AMENDMENT BILL 2018**

*Second reading*

**Debate resumed from 4 September; motion of  
Mr SCOTT (Minister for Finance).**

**Motion agreed to.**

**Read second time.**

*Third reading*

**Motion agreed to.**

**Read third time.**

**JUSTICE LEGISLATION AMENDMENT  
(UNLAWFUL ASSOCIATION AND  
CRIMINAL APPEALS) BILL 2018**

*Second reading*

**Debate resumed from 4 September; motion of  
Mr PAKULA (Attorney-General).**

**The SPEAKER** — The question is:

That this bill be now read a second time and a third time.

**House divided on question:**

*Ayes, 82*

Allan, Ms  
Andrews, Mr  
Angus, Mr  
Asher, Ms  
Battin, Mr  
Blandthorn, Ms  
Britnell, Ms  
Bull, Mr J.  
Bull, Mr T.  
Burgess, Mr  
Carbines, Mr  
Carroll, Mr  
Clark, Mr  
Couzens, Ms  
Crisp, Mr  
D'Ambrosio, Ms  
Dimopoulos, Mr  
Dixon, Mr  
Donnellan, Mr  
Edbrooke, Mr  
Edwards, Ms  
Eren, Mr

McCurdy, Mr  
McGuire, Mr  
McLeish, Ms  
Merlino, Mr  
Morris, Mr  
Nardella, Mr  
Neville, Ms  
Noonan, Mr  
Northe, Mr  
O'Brien, Mr D.  
O'Brien, Mr M.  
Pakula, Mr  
Pallas, Mr  
Paynter, Mr  
Pearson, Mr  
Perera, Mr  
Pesutto, Mr  
Richardson, Mr  
Riordan, Mr  
Ryall, Ms  
Ryan, Ms  
Scott, Mr

Foley, Mr  
Fyffe, Mrs  
Garrett, Ms  
Gidley, Mr  
Graley, Ms  
Green, Ms  
Guy, Mr  
Halfpenny, Ms  
Hennessy, Ms  
Hodgett, Mr  
Howard, Mr  
Hutchins, Ms  
Kairouz, Ms  
Katos, Mr  
Kealy, Ms  
Kilkenny, Ms  
Knight, Ms  
Languiller, Mr  
Lim, Mr

Smith, Mr R.  
Smith, Mr T.  
Southwick, Mr  
Spence, Ms  
Staikos, Mr  
Staley, Ms  
Suleyman, Ms  
Thomas, Ms  
Thompson, Mr  
Thomson, Ms  
Tilley, Mr  
Victoria, Ms  
Wakeling, Mr  
Walsh, Mr  
Ward, Ms  
Watt, Mr  
Wells, Mr  
Williams, Ms  
Wynne, Mr

*Noes, 4*

Hibbins, Mr  
Sandell, Ms

Sheed, Ms  
Thorpe, Ms

**Question agreed to.**

**Read second time.**

*Third reading*

**Motion agreed to.**

**Read third time.**

**Business interrupted under sessional orders.**

**ADJOURNMENT**

**The SPEAKER** — The question is:

That the house now adjourns.

**Main Street, Mornington, traffic count**

**Mr MORRIS** (Mornington) (17:13) — (14 963) I raise a matter this evening for the Minister for Roads and Road Safety, and the action I am seeking from the minister is that he direct VicRoads to immediately undertake a tube traffic count in the southern section of Main Street, Mornington, and to transmit the resulting count to me and the Mornington Peninsula Shire Council.

This is a locale that I have raised on a number of occasions in adjournments over the last 18 months or so. It is a very highly trafficked area. It is an area that is under the control of and managed by VicRoads, although they have been trying to off-load it to the council for a number of years now. In August 2017 I asked the minister to provide traffic counts for Main Street, and he came back to me with a figure of just under 15 000 vehicles a day as a two-way count. In

February this year I asked him when those counts were undertaken as they seemed to be a little bit low. He responded and indicated that they were in fact undertaken in February 2014, so it is very close to five years since those counts were undertaken and of course there has been significant growth in traffic in that time.

In that second response the minister also indicated that VicRoads had undertaken traffic counts using the traffic signal detectors at the intersection of Nepean Highway and Main Street in January 2016, January 2018 and May 2018 and had come up with volumes of around about 18 000 vehicles a day, slightly lower in May. The issue with those more recent counts, though, is that if they are using the traffic signal indicators to count them, you would capture traffic from vehicles turning right into Main Street from the southbound lane of Nepean Highway and you would capture traffic continuing on to Main Street from Mornington-Tyabb Road but you would not capture the traffic — or I do not believe you would capture the traffic — turning left from the northbound lane of the Nepean Highway onto Main Street. If that is a notional 25 per cent of total volume, and it could easily be that high, then in fact we are not talking about 18 000 vehicles a day, we are potentially talking about 22 500 vehicles a day.

The minister has already indicated that the two-way traffic capacity for Main Street would be between 20 000 and 28 000 vehicles a day. If it has not reached that point already, it is getting very, very close to that tipping point. The main concern with this locale is pedestrian safety. There is a refuge in the middle of the street but there is a dire need for a crossing. VicRoads is reluctant to put one in, but we need those traffic counts to give us accurate figures so we know what we need.

### **Broadmeadows railway station**

**Mr McGUIRE** (Broadmeadows) (17:16) — (14 964) My adjournment request is to the Minister for Public Transport. The action I seek is for the minister to visit my electorate to discuss what steps are being taken to revitalise Broadmeadows train station and the benefits that will flow from the biggest public transport initiative in Australia's history, the proposed \$50 billion.

Broadmeadows is fast becoming one of the busiest stations in Melbourne's outer north. That is why the Labor government is delivering improvements to get more people to where they need to be sooner. The government has committed funding to revitalise the station in the short term, and the most recent budget also includes funding for the development of a business case for an improved Broadmeadows station.

The development of the business case will position the Victorian government to make critical improvements, futureproofing Broadmeadows station to accommodate the area's rapidly growing population as the designated capital of Melbourne's north. The recent announcement of the longer term vision of a, with Broadmeadows as a key station, has been applauded in my community and my constituents are keen to know what benefits they will derive from this infrastructure investment which will help redefine Melbourne and is of nation-building significance. Also, the development of the Broadmeadows station is a priority project in the Revitalising Broadmeadows plan — I was delighted to chair that task force — and of course it fits within the strategy to have a city deal for Melbourne's north and Melbourne's west.

The proposal I put forward on that is to anchor it on the two nation-defining unity tickets that we have between the Australian government and the Victorian government, the first of which is the rail link to Melbourne Airport — there is \$5 billion allocated from the Australian government and \$5 billion from the Andrews Labor government here in Victoria, and then the private sector is to come in. The second one of course is the missing link in the road network, the north-east link, and that is another multibillion-dollar project there. If we can aggregate the assets and create better opportunities, that is vital and urgent for Melbourne's north and Melbourne's west because both regions will have populations greater than Adelaide soon.

I will be delighted to see the minister in Broadmeadows to discuss how we can get these deals done and to see if we can finally get some infrastructure funding from the Australian government so we do not have that tale of two cities between Melbourne and Sydney as to who actually gets the money, unlike the Victorian government, which puts the money in and delivers and gets things done.

### **Pearl Point Road, Bemm River**

**Mr T. BULL** (Gippsland East) (17:19) — (14 965) The adjournment matter I raise tonight is for the Minister for Energy, Environment and Climate Change, and the action I seek is that the minister fix Pearl Point Road at Bemm River. Tourist brochures describe Pearl Point as a very picturesque and beautiful location. We have just been chatting about it in the chamber. The members for Euroa, Mornington, Sandringham and Brighton have all been there and seen what a great location it is. You have been there too, Mr Speaker? Fantastic. The member for Sandringham is going back next year — he enjoyed it that much. But the problem

at the moment is that the corrugations in that road are so deep it is basically undrivable for a regulation family car, and indeed even four-wheel drive owners are not using that road.

The Bemm River Progress and Improvement Association is a very active and community focused group. They provide a rubbish collection service and they provide water to those who are down at Pearl Point camping. There is also a whale watching platform there, which has proven extremely popular. The problem is you cannot get there at the moment because the road is inaccessible. Over the years this community has advocated very strongly when the road is in poor condition to have it graded, but it seems to be an ongoing battle for them. I ask the minister to not only get a grader out there and grade it prior to the summer period — maybe not grade it herself but she could get some work crews to do it — but also then to put in place a regular work schedule so that it is kept up to standard. It is a popular tourist location and it ought to be looked after.

The other element of Pearl Point Road of course is it is a very important fire access track. We are heading into summer and it has been extremely dry in East Gippsland — as I have spoken about in this chamber on a number of occasions — with the drought conditions that our farmers are facing. But we are on the verge of a fire season that is extremely concerning and has the potential to be catastrophic if the circumstances and conditions come about that we all fear. Our fire services need access to Pearl Point and along that stretch of coastline via this road, so from a tourist perspective and also a fire safety perspective we encourage the minister to get a grader out there in the next week or two and then make sure we have a plan in place so that this road is maintained on a regular basis into the future.

### Victorian Energy Compare

**Mr PEARSON** (Essendon) (17:22) — (14 966) I direct my adjournment matter to the Minister for Energy, Environment and Climate Change, and the action I seek is that her department conduct a workshop in my electorate to help senior Victorians and recently arrived migrants to register for the \$50 power saving bonus. This has been a very successful initiative by the government, which was announced in the budget, but there is an issue for some people who might not be familiar with the internet or might have issues in terms of accessing the website to try and familiarise themselves with the bonus. I think that if there was a capacity to operate a workshop, that would provide a really good opportunity for senior Victorians but also newly arrived migrants in my community.

### Gardenvale railway station

**Ms ASHER** (Brighton) (17:22) — (14 967) I have an adjournment issue, which is the last I will raise after a career of over 26 years, for the Minister for Public Transport. The action I am asking of the minister is that she fix the problems at Gardenvale station. Previously I have written to the minister about a gap between the train carriages and the platform at Gardenvale railway station. There is a gap on both sides of the station — the Sandringham side and the Melbourne side — and whilst this gap is extant elsewhere on the Sandringham line, it is the Gardenvale station that elicits the most complaints to my office.

I have written to the minister about this matter. The minister wrote back to me on 14 August 2015, saying that she was conducting an audit of all stations in Victoria. She went on to say, and I quote her letter:

To assist passengers with mobility restrictions to safely and independently board trains, PTV has begun to install raised boarding platforms at some metropolitan stations.

She went on to say that Gardenvale was not suitable for a range of reasons, and obviously I am asking her to consider that upgrade that she said would be required to fix this problem.

The minister then went on to suggest that if my constituents wanted to, they could have a ramp. But this is not about a ramp. My constituents do not want a ramp — they just want the platform fixed, and it is being fixed at other stations throughout the network.

There are other problems at this station. For example, anyone who travels on the Sandringham line would note that the way to access the Melbourne train at the Gardenvale station is by walking up a very steep access way, and a lot of people do not feel they can climb that ramp. It is a very steep slope. The suggestion has been made that this could be addressed with the installation of a lift. In my request to the minister to fix the problems at the station, I would ask that she consider that solution.

### Hampton Park Secondary College

**Ms GRALEY** (Narre Warren South) (17:25) — (14 968) My adjournment matter is for the Minister for Education and concerns Hampton Park Secondary College in my electorate. The action I seek is that the minister continues to provide funding for facilities at Hampton Park Secondary College. As part of the 2018–19 state budget, the Andrews Labor government has provided Hampton Park Secondary College with \$2.6 million to begin works on their master plan,

redevelop some classrooms, upgrade the gymnasium and build some new shared spaces. I have worked very closely with Hampton Park Secondary College during my time in Parliament, and I am thrilled that they are receiving the funds they need to provide every child in Hampton Park with the best education. I would like to take this opportunity to thank principal David Finnerty for his dedication to the public education system and for his feisty advocacy for Hampton Park Secondary College, and I wish him well in his retirement.

I am very glad to be able to say that under the Andrews Labor government, schools in Narre Warren South electorate have received \$21.5 million in funding for new facilities. This funding has made several major upgrades possible. Narre Warren South P-12 College was funded with \$5.5 million to build a new performing arts facility, new playing fields and a pavilion. Narre Warren South P-12 College is now a leading local school, and these extra facilities will enhance its reputation. Principal Rob Duncan and his team do an extraordinary job of providing a quality education for every child at that school.

Kambrya College has received \$3 million to construct a brand-new shared facility that will transform the classroom environment and give the students access to a broad range of different learning environments. Thank you to principal Keith Perry for really guiding this project and making sure it is a first-class learning space. In a win-win, the facility will also be available for community use.

Similarly, Hampton Park Primary School has recently completed a \$5.7 million science, technology, engineering, arts and maths facility. It is amazing, and it will equip their students with the skills they need to tackle the problems of the future. There is some really innovative learning going on, and it is fun for the students too. And student performance is improving. We are making sure that every child has every opportunity to succeed in life by ensuring they have access to the best education possible.

I really do hope that the minister will be able to ensure that Hampton Park Secondary College continues to receive further support.

### **Traralgon train stabling facility**

**Mr NORTHE** (Morwell) (17:27) — (14 969) My adjournment matter is for the Minister for Public Transport. The action that I seek is for the minister to consider an alternate location for a proposed train stabling facility other than the one that has been

earmarked for the eastern area of Traralgon, in the Minniedale Road precinct.

By way of background, the residents in this area of Traralgon have for years been subjected to issues with the Traralgon bypass route and are now having to contend with the prospect of a train stabling facility in their backyard. The current train stabling facilities at the Traralgon station are inadequate and need to be relocated; no-one argues this particular point. However, I was recently contacted by a number of local residents from the eastern end of Traralgon who have expressed strong concerns that the proposed location for a new train stabling area was to be in their neighbourhood. Subsequently the residents held a community meeting, which I attended along with some local councillors, and they aired a number of grievances, including issues around a lack of consultation, the acquisition of some local farming land, noise, lighting, impact to amenity and the devaluation of property prices, among other issues.

At that meeting it is fair to say that councillors and residents believed that the already endorsed Gippsland intermodal freight terminal in Morwell would have been a far more appropriate location, particularly because this government has provided funding for that particular asset. I do understand that this option may be a little bit more problematic from an operational perspective. However, my local residents have stated very firmly that the Minniedale Road option is not acceptable.

I appreciate the minister's office and representatives of the regional rail revival program meeting with me yesterday, and I thank them for taking on board the concerns that I raised with them. I understand that whilst Minniedale Road is the preferred location from the authority's point of view, there are many more considerations that have to be factored in before a final decision is made. I also understand that when the Ballarat line was subject to a new train stabling location, the authority's preferred site was ruled out and an alternative location was approved. This gives hope to the residents in the Minniedale Road, Traralgon, precinct that a precedent has been set and hopefully the same can apply on this particular issue.

In closing, the action I seek is that the minister consider an alternate location for a proposed train stabling facility, other than the one that has been proposed for the Minniedale Road precinct in Traralgon.

### **Hurstbridge rail line**

**Ms GREEN** (Yan Yean) (17:30) — (14 970) My adjournment matter tonight is for the Minister for

Public Transport, as is my wont. The action I seek is for the minister to advise the Nillumbik community as to how the Hurstbridge line stage 2 can deliver improvements in rail services to Diamond Creek, Wattle Glen and Hurstbridge, specifically 20-minute services.

The minister and the Premier visited Eltham just last month, and the member for Eltham and I were absolutely delighted that they announced that a re-elected Andrews Labor government would deliver a further upgrade to the Hurstbridge line — Hurstbridge line stage 2. It is important — and I know this is also important to you, Speaker — that the heritage and the livability of that region, particularly the trestle bridge in Eltham, be maintained. The plan announced by the minister and the Premier was to build a new station at Greensborough, which I know you and I both support, Speaker, along with a new bus interchange. Duplication of the line would go from there all the way through Montmorency to the trestle bridge. Then we have Eltham station to Diamond Creek, and the duplication between Diamond Creek and Wattle Glen.

My community is very concerned about the recent ask by the Liberal-led Nillumbik council in its election wish list tabled at last week's council meeting, some 20 pages. I do not know why they dish out advice about delivering major projects given they seem to be unable to deliver any of their own. However, one of their plans is to deliver 20-minute services to Diamond Creek, Wattle Glen and Hurstbridge. It asks for a full duplication to Hurstbridge but still only 20-minute services. It also proposes the shifting of train stabling from Eltham — to where, I ask? Diamond Creek? Eltham? Where is their plan? They ask for a new station at Eltham North and the upgrading of Allendale Road to an arterial road.

The mayor of this Liberal-led council was the Leader of the Opposition's man when he was the Minister for Planning. The mayor then headed up the Victorian Planning Authority and was forced to stand down because he ripped off a whole lot of older Victorians, but now I think he is working hand in glove with the Leader of the Opposition on his plan to bust the green wedge and create 250 000 additional lots for Melbourne. You can only do that if you break up the green wedge. I urge the minister to provide advice to my community.

### **Heritage Golf and Country Club**

**Mrs FYFFE** (Evelyn) (17:33) — (14 971) My request for action is to the Minister for Energy, Environment and Climate Change. The action

requested is an urgent matter in regard to disconnection threats by Origin Energy. I ask this on behalf of the residents of the Heritage golf club and the individual room owners of the Yarra Valley Lodge at Heritage, who have been represented to me by Vasco Investment Managers.

The issue is that power has already been disconnected from the Retreat at Heritage. This is a swimming pool and associated social area. There is now the threat of disconnection of power to essential services at 150 privately owned homes, the golf club, spa and the 103-room Yarra Valley Lodge hotel. If the electricity service to the maintenance facility which houses the sewerage pump and associated plumbing system for all the properties within the Heritage Golf and Country Club was disconnected, it would cause the failure of the entire sewerage system and the likely consequence would be that untreated sewage would flow into the Yarra River, which borders the property.

Heritage golf club is owned by Kylie Bao and her husband, Wang Hua. I am advised the current company name they are operating under is HGC Properties Pty Ltd, but as the company identity is ever changing I have felt obliged to provide the owners' names. I am aware there is a substantial amount owing to Origin and I understand they have every right to disconnect. However, if this disconnection goes ahead, the pollution of the Yarra River will cause immense environmental issues downstream through Warrandyte and to the city. There are huge issues with the ownership and management of this property, and the non-payment of Origin's account is just one in a series of outstanding creditors, including staff entitlements. I ask the minister to take urgent action and ask Origin not to disconnect power to the essential infrastructure to prevent a possible environmental disaster.

### **Kyneton Magistrates Court**

**Ms THOMAS** (Macedon) (17:35) — (14 972) The matter I wish to raise is for the attention of the Attorney-General, who I am glad to see is in the house tonight. The action I seek is that he join me in officially opening the Kyneton courthouse following the completion of its \$1.2 million redevelopment.

Minister, in October last year you unveiled the Andrews Labor government's plans for this upgrade to make the court safe and secure for the community. The 160-year-old bluestone building will now include a revamped public entry with disability access, a foyer with separate waiting spaces and interview rooms, a new registry counter and improved public amenities. These upgrades respect the building's heritage while

meeting the needs of modern court users and have been undertaken by well-known Riddells Creek firm Raysett Constructions.

This significant upgrade is part of our government's work to end family violence and is in response to concerns expressed by community legal services, family violence services, magistrates and community members about safety at the court — concerns, I should add, which were ignored by the previous Liberal government. I am pleased that once the court reopens new court security officers will provide a roving security presence on sitting days and provide escort services for vulnerable people, including women and children who have been victims of family violence. Minister, I look forward to welcoming you back to Kyneton for this very important occasion.

**Mrs Fyffe** — Speaker, I draw your attention to the state of the house.

**Quorum formed.**

### Responses

**Mr PAKULA** (Attorney-General) (17:38) — The member for Macedon raised a matter for me in regard to a visit to the Kyneton courthouse to open that \$1.2 million redevelopment. I would be delighted to join her. Of course I went to Kyneton in the early days of my time as Attorney-General given that the necessary work at that courthouse had been ignored by the previous government. We made that commitment, as the member recalls, last year and the work commenced. I would certainly be very interested to see the conclusion of that work and to be there for the official opening. I am very grateful to the member for Macedon for that request, and I will look forward to getting a date in the diary.

There were a number of other matters raised. The member for Mornington raised a matter for the Minister for Roads and Road Safety in regard to Main Street, Mornington, traffic counts. The member for Broadmeadows raised a matter for the Minister for Public Transport regarding a visit to discuss the revitalisation of the Broadmeadows railway station. The member for Brighton raised a matter in regard to Gardenvale station, also for the Minister for Public Transport. The member for Gippsland East raised a matter for the Minister for Energy, Environment and Climate Change regarding Pearl Point Road at Bremm River. The member for Essendon raised a matter for the Minister for Energy, Environment and Climate Change regarding a workshop being held in his electorate regarding the \$50 power saving bonus.

The member for Narre Warren South raised a matter for the Minister for Education regarding Hampton Park Secondary College. The member for Morwell raised a matter for the Minister for Public Transport regarding an alternative location for a train stabling facility in Traralgon. The member for Yan Yean raised a matter also to the Minister for Public Transport regarding improvements on the Hurstbridge line and the effects on Nillumbik residents, and the member for Evelyn raised a matter for the Minister for Energy, Environment and Climate Change. I will pass those matters on.

**The SPEAKER** — The house now stands adjourned.

**House adjourned 5.40 p.m. until Tuesday, 18 September.**