

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE COUNCIL**

**FIFTY-SEVENTH PARLIAMENT**

**FIRST SESSION**

**Wednesday, 15 October 2014**

**(Extract from book 14)**

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

**By authority of the Victorian Government Printer**



## **The Governor**

The Honourable ALEX CHERNOV, AC, QC

## **The Lieutenant-Governor**

The Honourable Justice MARILYN WARREN, AC

## **The ministry**

(from 17 March 2014)

Premier, Minister for Regional Cities and Minister for Racing . . . . .	The Hon. D. V. Napthine, MP
Deputy Premier, Minister for State Development, and Minister for Regional and Rural Development . . . . .	The Hon. P. J. Ryan, MP
Treasurer . . . . .	The Hon. M. A. O'Brien, MP
Minister for Innovation, Minister for Tourism and Major Events, and Minister for Employment and Trade . . . . .	The Hon. Louise Asher, MP
Minister for Local Government and Minister for Aboriginal Affairs. . . . .	The Hon. T. O. Bull, MP
Attorney-General, Minister for Finance and Minister for Industrial Relations. . . . .	The Hon. R. W. Clark, MP
Minister for Health and Minister for Ageing . . . . .	The Hon. D. M. Davis, MLC
Minister for Education . . . . .	The Hon. M. F. Dixon, MP
Minister for Sport and Recreation, and Minister for Veterans' Affairs . . . . .	The Hon. D. K. Drum, MLC
Minister for Planning, and Minister for Multicultural Affairs and Citizenship . . . . .	The Hon. M. J. Guy, MLC
Minister for Ports, Minister for Major Projects and Minister for Manufacturing . . . . .	The Hon. D. J. Hodgett, MP
Minister for Housing, and Minister for Children and Early Childhood Development . . . . .	The Hon. W. A. Lovell, MLC
Minister for Public Transport and Minister for Roads . . . . .	The Hon. T. W. Mulder, MP
Minister for Energy and Resources, and Minister for Small Business. . . . .	The Hon. R. J. Northe, MP
Minister for Liquor and Gaming Regulation, Minister for Corrections and Minister for Crime Prevention . . . . .	The Hon. E. J. O'Donohue, MLC
Assistant Treasurer, Minister for Technology and Minister responsible for the Aviation Industry . . . . .	The Hon. G. K. Rich-Phillips, MLC
Minister for Environment and Climate Change, and Minister for Youth Affairs. . . . .	The Hon. R. Smith, MP
Minister for the Arts, Minister for Women's Affairs and Minister for Consumer Affairs . . . . .	The Hon. H. Victoria, MP
Minister for Higher Education and Skills . . . . .	The Hon. N. Wakeling, MP
Minister for Agriculture and Food Security, and Minister for Water. . . . .	The Hon. P. L. Walsh, MP
Minister for Police and Emergency Services, and Minister for Bushfire Response . . . . .	The Hon. K. A. Wells, MP
Minister for Mental Health, Minister for Community Services, and Minister for Disability Services and Reform . . . . .	The Hon. M. L. N. Wooldridge, MP
Cabinet Secretary . . . . .	Mrs I. Peulich, MLC

## Legislative Council committees

**Privileges Committee** — Ms Darveniza, Mr D. Davis, Mr Drum, Ms Lovell, Ms Pennicuik, Mrs Peulich and Mr Scheffer.

**Procedure Committee** — The President, Mr Dalla-Riva, Mr D. Davis, Mr Drum, #Mr Jennings, Mr Lenders, Ms Pennicuik and Mr Viney

# Participating member

## Legislative Council standing committees

**Economy and Infrastructure Legislation Committee** — Mr Barber, Mrs Coote, #Ms Crozier, Mr Finn, #Ms Hartland, #Mr Leane, Mr Lenders, Mr Melhem, Mr D. D O'Brien, #Mr Ondarchie, Ms Pulford, Mr Ramsay and #Mr Scheffer.

**Economy and Infrastructure References Committee** — Mr Barber, Mrs Coote, #Ms Crozier, Mr Finn, #Mr Leane, Mr Lenders, Mr Melhem, Mr D. D O'Brien, #Mr Ondarchie, Ms Pulford and Mr Ramsay.

**Environment and Planning Legislation Committee** — Mr Dalla-Riva, #Mr Finn, #Ms Hartland, Mrs Kronberg, #Mr Leane, Mr Ondarchie, Ms Pennicuik, #Mrs Peulich, Mr Ronalds, Mr Scheffer, #Mr Tarlamis, Mr Tee and Ms Tierney.

**Environment and Planning References Committee** — Mr Dalla-Riva, #Mr Finn, #Ms Hartland, Mrs Kronberg, #Mr Leane, Mr Ondarchie, Ms Pennicuik, #Mrs Peulich, Mr Ronalds, Mr Scheffer, #Mr Tarlamis, Mr Tee and Ms Tierney.

**Legal and Social Issues Legislation Committee** — Ms Crozier, Mr Elasmr, Mr Elsbury, Ms Hartland, #Mr Leane, Ms Lewis, Mrs Millar, Mr D. R. J. O'Brien, #Mrs Peulich, #Mr Ramsay and Mr Viney.

**Legal and Social Issues References Committee** — Ms Crozier, Mr Elasmr, Mr Elsbury, Ms Hartland, #Mr Leane, Ms Lewis, Mrs Millar, Mr D. R. J. O'Brien, #Mrs Peulich, #Mr Ramsay and Mr Viney.

# Participating member

## Joint committees

**Accountability and Oversight Committee** — (*Council*): Mr D. R. J. O'Brien and Mr Ronalds. (*Assembly*): Ms Kanis, Mr McIntosh and Ms Neville.

**Dispute Resolution Committee** — (*Council*): Mr D. Davis, Mr Drum, Mr Lenders, Ms Lovell and Ms Pennicuik. (*Assembly*): Ms Allan, Ms Asher, Mr Clark, Ms Hennessy, Mr Merlino, Mr O'Brien and Mr Walsh.

**Economic Development, Infrastructure and Outer Suburban/Interface Services Committee** — (*Council*): Mr Eideh, Mrs Millar and Mr Ronalds. (*Assembly*): Mr Burgess and Mr McGuire.

**Education and Training Committee** — (*Council*): Mr Elasmr, Mrs Kronberg and Mrs Millar. (*Assembly*): Mr Brooks and Mr Crisp.

**Electoral Matters Committee** — (*Council*): Mr Finn, Mrs Peulich, Mr Somyurek and Mr Tarlamis. (*Assembly*): Mr Delahunty.

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

**Family and Community Development Committee** — (*Council*): Mrs Coote. (*Assembly*): Ms Halfpenny, Mr Madden, Mrs Powell and Ms Ryall.

**House Committee** — (*Council*): The President (*ex officio*) Mr Eideh, Mr Finn, Ms Hartland, Mr D. R. J. O'Brien and Mrs Peulich. (*Assembly*): The Speaker (*ex officio*), Ms Beattie, Mr Blackwood, Ms Campbell, Ms Thomson, Mr Wakeling and Mr Weller.

**Independent Broad-based Anti-corruption Commission Committee** — (*Council*): Mr Viney. (*Assembly*): Ms Kanis, Mr Kotsiras, Mr McIntosh and Mr Weller.

**Law Reform, Drugs and Crime Prevention Committee** — (*Council*): Mr Ramsay and Mr Scheffer. (*Assembly*): Mr Carroll, Mr McCurdy and Mr Southwick.

**Public Accounts and Estimates Committee** — (*Council*): Mr D. R. J. O'Brien and Mr Ondarchie. (*Assembly*): Mr Angus, Ms Garrett, Mr Morris, Mr Pakula and Mr Scott.

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

**Rural and Regional Committee** — (*Council*): Mr D. R. J. O'Brien. (*Assembly*): Mr Howard, Mr Katos, Mr Trezise and Mr Weller.

**Scrutiny of Acts and Regulations Committee** — (*Council*): Mr Dalla-Riva. (*Assembly*): Ms Barker, Ms Campbell, Mr Gidley, Mr Nardella, Dr Sykes and Mr Watt.

## Heads of parliamentary departments

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

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

*Parliamentary Services* — Secretary: Mr P. Lochert

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

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

**Deputy President:** Mr M. VINEY

**Acting Presidents:** Ms Crozier, Mr Eideh, Mr Elasmr, Mr Finn, Mr Melhem, Mr D. R. J. O'Brien, Mr Ondarchie, Ms Pennicuik,  
Mr Ramsay, Mr Tarlamis

**Leader of the Government:**

The Hon. D. M. DAVIS

**Deputy Leader of the Government:**

The Hon. W. A. LOVELL

**Leader of the Opposition:**

Mr J. LENDERS

**Deputy Leader of the Opposition:**

Mr G. JENNINGS

**Leader of The Nationals:**

The Hon. D. K. DRUM (from 17 March 2013)

The Hon. P. R. HALL (to 17 March 2013)

**Deputy Leader of The Nationals:**

Mr D. R. J. O'BRIEN (from 17 March 2013)

Mr D. K. DRUM (to 17 March 2013)

Member	Region	Party	Member	Region	Party
Atkinson, Hon. Bruce Norman	Eastern Metropolitan	LP	Lovell, Hon. Wendy Ann	Northern Victoria	LP
Barber, Mr Gregory John	Northern Metropolitan	Greens	Melhem, Mr Cesar <sup>2</sup>	Western Metropolitan	LP
Broad, Ms Candy Celeste <sup>9</sup>	Northern Victoria	ALP	Mikakos, Ms Jenny	Northern Metropolitan	ALP
Coote, Mrs Andrea	Southern Metropolitan	LP	Millar, Mrs Amanda Louise <sup>4</sup>	Northern Victoria	LP
Crozier, Ms Georgina Mary	Southern Metropolitan	LP	O'Brien, Mr Daniel David <sup>8</sup>	Eastern Victoria	Nats
Dalla-Riva, Hon. Richard Alex Gordon	Eastern Metropolitan	LP	O'Brien, Mr David Roland Joseph	Western Victoria	Nats
Darveniza, Ms Kaye Mary	Northern Victoria	ALP	O'Donohue, Mr Edward John	Eastern Victoria	LP
Davis, Hon. David McLean	Southern Metropolitan	LP	Ondarchie, Mr Craig Philip	Northern Metropolitan	LP
Davis, Mr Philip Rivers <sup>5</sup>	Eastern Victoria	LP	Pakula, Hon. Martin Philip <sup>1</sup>	Western Metropolitan	ALP
Drum, Mr Damian Kevin	Northern Victoria	Nats	Pennicuik, Ms Susan Margaret	Southern Metropolitan	Greens
Eideh, Mr Khalil M.	Western Metropolitan	ALP	Petrovich, Mrs Donna-Lee <sup>3</sup>	Northern Victoria	LP
Elasmr, Mr Nazih	Northern Metropolitan	ALP	Peulich, Mrs Inga	South Eastern Metropolitan	LP
Elsbury, Mr Andrew Warren	Western Metropolitan	LP	Pulford, Ms Jaala Lee	Western Victoria	ALP
Finn, Mr Bernard Thomas C.	Western Metropolitan	LP	Ramsay, Mr Simon	Western Victoria	LP
Guy, Hon. Matthew Jason	Northern Metropolitan	LP	Rich-Phillips, Hon. Gordon Kenneth	South Eastern Metropolitan	LP
Hall, Hon. Peter Ronald <sup>7</sup>	Eastern Victoria	Nats	Ronalds, Mr Andrew Mark <sup>6</sup>	Eastern Victoria	LP
Hartland, Ms Colleen Mildred	Western Metropolitan	Greens	Scheffer, Mr Johan Emiel	Eastern Victoria	ALP
Jennings, Mr Gavin Wayne	South Eastern Metropolitan	ALP	Somyurek, Mr Adem	South Eastern Metropolitan	ALP
Koch, Mr David Frank	Western Victoria	LP	Tarlamis, Mr Lee Reginald	South Eastern Metropolitan	ALP
Kronberg, Mrs Janice Susan	Eastern Metropolitan	LP	Tee, Mr Brian Lennox	Eastern Metropolitan	ALP
Leane, Mr Shaun Leo	Eastern Metropolitan	ALP	Tierney, Ms Gayle Anne	Western Victoria	ALP
Leanders, Mr John	Southern Metropolitan	ALP	Viney, Mr Matthew Shaw	Eastern Victoria	ALP
Lewis, Ms Margaret <sup>10</sup>	Northern Victoria	ALP			

<sup>1</sup> Resigned 26 March 2013

<sup>2</sup> Appointed 8 May 2013

<sup>3</sup> Resigned 1 July 2013

<sup>4</sup> Appointed 21 August 2013

<sup>5</sup> Resigned 3 February 2014

<sup>6</sup> Appointed 5 February 2014

<sup>7</sup> Resigned 17 March 2014

<sup>8</sup> Appointed 26 March 2014

<sup>9</sup> Resigned 9 May 2014

<sup>10</sup> Appointed 11 June 2014



# CONTENTS

## WEDNESDAY, 15 OCTOBER 2014

### PETITIONS

*Melbourne rail link*..... 3299

### VICTORIAN FLOODS DISASTER RELIEF FUND

*Final report*..... 3299

### PROCEDURE COMMITTEE

*Standing orders review*..... 3299

### PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

*End-of-term report*..... 3299

PAPERS..... 3300

NOTICES OF MOTION..... 3301, 3303

### SUSPENSION OF MEMBER

*Mr Leane*..... 3302

### MEMBERS STATEMENTS

*Puppy farms*..... 3303

*Frances Penington and Molly Hadfield awards*..... 3303

*Magpie Nest at Hamodava Cafe*..... 3303

*Jindi Woraback Children's Centre*..... 3303

*My Human Family exhibition*..... 3303

*Members and parliamentary staff*..... 3304

*Ann Nichol House*..... 3304

*LangTech International*..... 3304

*Wycheproof Planned Activity Group*..... 3305

*Disability services*..... 3305

*Violence against women*..... 3305

*Family violence*..... 3305

*Employment*..... 3306

*South Gippsland government initiatives*..... 3306

*March for the Babies*..... 3306

*Mavis McCrossin*..... 3307

*Transport infrastructure*..... 3307

*National School Chaplaincy program*..... 3307

*Labor Party*..... 3308

GOVERNMENT PERFORMANCE..... 3308, 3335, 3346

### QUESTIONS WITHOUT NOTICE

*Bushfire management overlay*..... 3324

*Ambulance Victoria performance*..... 3325, 3326

*Planning zone reform*..... 3325, 3326

*Ambulance Victoria funding*..... 3327

*Docklands development*..... 3328

*Margaret Court Arena*..... 3329

*Ann Nichol House*..... 3329

*Early childhood facilities*..... 3330

*Midwifery services*..... 3331

*Medical technology strategy*..... 3331

### QUESTIONS ON NOTICE

*Answers*..... 3332

### TRANSPARENCY IN GOVERNMENT BILL 2014

*Introduction and first reading*..... 3344

JUMPS RACING..... 3355

### STATEMENTS ON REPORTS AND PAPERS

*Department of the Legislative Council: report 2013–14*..... 3364, 3365, 3373

*Law Reform, Drugs and Crime Prevention*

*Committee: supply and use of*

*methamphetamines, particularly 'ice', in*

*Victoria*..... 3365

*VicForests: report 2013–14*..... 3366

*Auditor-General: Coordinating Public*

*Transport*..... 3367

*Linking Melbourne Authority: report 2013–14*..... 3368

*Auditor-General: Management and Oversight of*

*the Caulfield Racecourse Reserve*..... 3369

*Family and Community Development*

*Committee: social inclusion and Victorians*

*with disability*..... 3369

*Department of Education and Early Childhood*

*Development: report 2012–13*..... 3370

*Outer Suburban/Interface Services and*

*Development Committee: livability options in*

*outer suburban Melbourne*..... 3371

*Economic Development, Infrastructure and*

*Outer Suburban/Interface Services*

*Committee: marine rescue services in*

*Victoria*..... 3372

*Right of reply: Cr Geoff Lake*..... 3373

### SENTENCING AMENDMENT (HISTORICAL

HOMOSEXUAL CONVICTIONS EXPUNGEMENT)

BILL 2014

*Statement of compatibility*..... 3374

*Second reading*..... 3375

*Third reading*..... 3377

### CRIMES AMENDMENT (SEXUAL OFFENCES AND

OTHER MATTERS) BILL 2014

*Second reading*..... 3378

*Committee*..... 3383

*Third reading*..... 3385

### ROAD SAFETY AMENDMENT (MANDATORY

DRUG TESTING) BILL 2014

*Introduction and first reading*..... 3385

### ADJOURNMENT

*Sandhurst Centre*..... 3386

*East–west link*..... 3386

*Cybersecurity strategy*..... 3387

*Orbost Snowy Rovers Football Netball Club*..... 3387

*Beechworth Secondary College*..... 3387

*Ararat Active City*..... 3388

*South Eastern Centre Against Sexual Assault*..... 3388

*Responses*..... 3389



**Wednesday, 15 October 2014**

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

### PETITIONS

Following petition presented to house:

#### Melbourne rail link

To the Legislative Council of Victoria:

This petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council Denis Napthine's state budget and his rail tunnel plan.

In particular, we note that under this plan:

1. much-needed stations will not be built at Melbourne University and the Royal Children's Hospital;
2. the Frankston rail line will no longer run to Flinders Street or Richmond stations.

Petitioners therefore request that the Legislative Council calls on Denis Napthine to abandon this plan and commit to building Melbourne Metro.

By **Mr LENDERS (Southern Metropolitan)** (1528 signatures).

Laid on table.

### VICTORIAN FLOODS DISASTER RELIEF FUND

#### Final report

**Hon. W. A. LOVELL (Minister for Housing)**, by leave, presented final report, March 2014.

Laid on table.

### PROCEDURE COMMITTEE

#### Standing orders review

**Hon. R. A. DALLA-RIVA (Eastern Metropolitan)** — presented report, including appendices, together with extracts of proceedings.

Laid on table.

Ordered that report be printed.

### PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

#### End-of-term report

**Mr ONDARCHIE (Northern Metropolitan)**, by leave, presented report, including appendix.

Laid on table.

Ordered that report be printed.

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

That the Council take note of the report.

This *End-of-Term Report* is the 122nd report presented to the Parliament by the Public Accounts and Estimates Committee. In summary, over the past four years this very important committee has delivered 26 tabled reports, made 569 recommendations and held 65 full committee meetings and 31 audit subcommittee meetings. Briefs and evidence were taken from 25 interstate organisations and 23 international organisations. There were 268 public hearings, with 1113 witnesses having appeared before the committee; 34 inquiry submissions were received; and 243 responses to inquiry questionnaires were received.

It has been a privilege to serve as a member with my fellow committee members of the Public Accounts and Estimates Committee. This committee has a proud tradition of being the longest established committee in the Parliament of Victoria and the oldest public accounts committee in Australia. The committee has been established for nearly 120 years, since 1895. One of the primary roles of the committee then and now is to examine by gathering evidence any aspects of public receipts and expenditure. Today the committee continues to be Parliament's primary representative mechanism for the financial security of past, present and future receipts and expenditure by Victorian public sector departments and agencies. Taking into account its other statutory functions, it is Parliament's busiest joint investigatory committee.

The end-of-term report is a biennial initiative of the committee and follows on from its mid-term report tabled in 2013. In this report the committee documents its efforts, outputs and outcomes in fulfilling its extensive statutory responsibilities under the Constitution Act 1975, the Parliamentary Committees Act 2003 and the Audit Act 1994. Throughout the four-year term, the committee has taken its roles very seriously and has reported to the Parliament on various inquiries and matters in 26 reports.

I take a moment to acknowledge my fellow committee members: David Morris, the member for Mornington in the Legislative Assembly as current committee chair; Martin Pakula, the member for Lyndhurst in the Legislative Assembly as deputy chair; Neil Angus, the member for Forest Hill in the Legislative Assembly; Jane Garrett, the member for Brunswick in the Legislative Assembly; and my colleague David O'Brien, the member for Western Victoria Region here in the upper house; and Robin Scott, the member for Preston in the Legislative Assembly.

I particularly acknowledge the previous chair of the committee, a man who sat alongside me during most of this parliamentary term, the Honourable Philip Davis, who chaired the Public Accounts and Estimates Committee from February 2011 to February 2013 and who was a great, wise sage and counsel for me. I also acknowledge the role of the member of the Altona in the Assembly, Jill Hennessy, who was on the committee from February 2011 to February 2014.

It would be inappropriate if I did not today acknowledge the great work of the Public Accounts and Estimates Committee secretariat: executive officer Valerie Cheong; senior research officers Leah Brohm, Christopher Gribbin and Anita Madden; those who did lots of research for us, including Simon Kennedy, Alejandro Navarrete and Bill Stent; our business support officer, Melanie Hondros, who does a torrent of work to make sure this committee fulfils its statutory obligations to the people of Victoria; and our desktop publisher, Justin Ong.

This is a very important report which summarises the great work of the Public Accounts and Estimates Committee, a committee it has been a privilege and honour to serve on. I commend the report to the house.

**Mr D. R. J. O'BRIEN** (Western Victoria) — I too rise to briefly add some remarks on the motion to take note of the Public Accounts and Estimates Committee's (PAEC) *End-of-Term Report*. I listened to the contribution of my colleague Mr Ondarchie and endorse all of his remarks.

I should begin by complimenting and thanking the committee members for their bipartisanship and acknowledging, as my colleague did, the chairmanship — firstly in producing this report — of David Morris, the member for Mornington in the Assembly. He has stepped into the role of chair very well and in his foreword has produced an excellent summary of the work of the committee, which I will not go into now but which demonstrates the range of things this important committee does, including

oversighting the public accounts and estimates; providing a review of reports of the Victorian Auditor-General's office and liaising with that office; conducting a number of inquiries, including an important inquiry into infrastructure delivery as well as inquiries on other matters such as performance reporting; and providing that accountability to the people of Victoria through the Victorian Parliament in the way all that is done.

I compliment Mr Morris and Mr Pakula, the member for Lyndhurst in the Assembly, as the deputy chair, for the way they have conducted themselves. I acknowledge the work of Mr Philip Davis, a former member for Eastern Victoria Region, in his role as chair, particularly during that important inquiry. I acknowledge Jill Hennessy, the member for Altona in the Assembly, for her time on the committee, and my colleague Neil Angus, the member for Forest Hill in the Assembly, who is an auditor of particular note and who provided a great contribution. It is important to have people with financial acumen in the Parliament and in the government. I note that Gordon Rich-Phillips, the Assistant Treasurer, spent approximately 11 years on PAEC, and that time certainly served him well — and if not, he served PAEC well.

I acknowledge Jane Garrett, the member for Brunswick in the Assembly; my colleague Mr Ondarchie; Robin Scott, the member for Preston in the Assembly; and I wish to conclude by sincerely thanking the PAEC secretariat — Valerie Cheong, Leah Brohm, Christopher Gribbin, Anita Madden, Simon Kennedy, Melanie Hondros, Justin Ong, Alejandro Navarrete and Bill Stent. I thank them, and I commend the report to the house.

**Motion agreed to.**

## PAPERS

### Laid on table by Acting Clerk:

Alexandra District Hospital — Report, 2013–14.

Ambulance Victoria — Report, 2013–14.

Auditor-General's Reports on —

Information and Communications Technology Controls, October 2014.

Mental Health Strategies for the Justice System, October 2014.

Public Sector Performance Measurement and Reporting, October 2014.

Bairnsdale Regional Health Service — Report, 2013–14.

Beechworth Health Service — Report, 2013–14.

Benalla Health — Report, 2013–14.

Budget Sector — 2013–14 Financial Report, incorporating Quarterly Financial Report No. 4.

Central Gippsland Health Service — Report, 2013–14.

Cohuna District Hospital — Report, 2013–14.

Colac Area Health — Report, 2013–14.

Djerriwarrh Health Services — Report, 2013–14.

East Grampians Health Service — Report, 2013–14.

East Wimmera Health Service — Report, 2013–14.

Echuca Regional Health — Report, 2013–14.

Education and Early Childhood Development Department — Report, 2013–14.

Environment and Primary Industries Department — Report under section 30L of the Surveillance Devices Act 1999, 2013–14.

Gippsland Southern Health Service — Report, 2013–14.

Harness Racing Victoria — Report, 2013–14.

Heathcote Health — Report, 2013–14.

Kooweerup Regional Health Service — Report, 2013–14.

Kyabram and District Health Service — Report, 2013–14.

Mallee Track Health and Community Service — Report, 2013–14.

Maryborough District Health Service — Report, 2013–14.

National Parks Advisory Council — Report, 2013–14.

Ombudsman — Investigation following concerns raised by Community Visitors about a mental health facility, October 2014.

Parliamentary Committees Act 2003 — Government Response to Public Accounts and Estimates Committee's Report on the 2014–15 Budget Estimates — Part One.

South West Healthcare — Report, 2013–14.

State Development, Business and Innovation Department — Report, 2013–14.

Statutory Rules under the following Acts of Parliament:

- Estate Agents Act 1980 — No. 153.
- Infringements Act 2006 — No. 152.
- Mineral Resources (Sustainable Development) Act 1990 — No. 154.
- Victorian Inspectorate Act 2011 — No. 151.
- Wildlife Act 1975 — No. 155.

Stawell Regional Health — Report, 2013–14.

Subordinate Legislation Act 1994 — Legislative Instruments and related documents under section 16B in respect of —

- Ministerial Order No. 790 of 7 October 2014 — Amendment to Ministerial Order No. 615 Fixing Fees Administered by the Victorian Registration and Qualification Authority.
- Variation to the Best Practice Environmental Management — Sitting, Design, Operation and Rehabilitation of Landfills of 13 August 2014 under the Environment Protection Act 1970.

Surveyors Registration Board of Victoria — Minister's report of receipt of 2013–14 report.

Swan Hill District Health — Report, 2013–14.

Treasury and Finance Department — Report, 2013–14.

Victims of Crime Assistance Tribunal — Report, 2013–14.

Victoria State Emergency Service Authority — Report, 2013–14.

Victorian Multicultural Commission — Report, 2013–14.

Western District Health Service — Report, 2013–14.

Wimmera Health Care Group — Report, 2013–14.

## NOTICES OF MOTION

### Notices of motion given.

#### Hon. M. J. GUY having given notice of motion:

**Hon. M. J. GUY** (Minister for Planning) — By leave, I move:

That the Road Safety Amendment (Mandatory Drug Testing) Bill 2014 be introduced and receive its first reading later this day.

#### Motion agreed to.

#### Mr JENNINGS having given notice of motion:

**Mr JENNINGS** (South Eastern Metropolitan) — By leave, I move:

That the Transparency in Government Bill 2014 be introduced and receive its first reading later this day.

**Hon. D. M. Davis** — Is Mr Jennings intending to debate this bill later today, or is he intending to put it on the notice paper and allow a period for examination?

**The PRESIDENT** — Order! Mr Jennings might well wish to respond to that. I indicate the generosity of Mr Jennings in granting leave to the government on the government's bill without seeking an explanation. Does Mr Jennings wish to make any comment?

**Mr JENNINGS** — I will respond to the interjection by the Leader of the Government by saying that in fact the opposition gave leave for the government's bill on the assumption that the government wanted to first and second read that bill today. Whether the issue will be debated is a subject we did not explore with the government, and we ask for a reciprocal arrangement and goodwill to allow us to second read the bill that I will be introducing.

**Hon. D. M. Davis** — Further to that, I am seeking information as to whether the member intends to seek to debate the bill today, or whether in line with general practice — —

**Ms Pennicuik** interjected.

**Hon. D. M. Davis** — Ms Pennicuik might want to ask the same question; that would be quite legitimate. I am seeking to understand whether Mr Jennings is seeking to put the bill on the notice paper as is the normal process, which would later see briefings provided to other parties. I can indicate we are not intending to debate the other bill today; I can give Mr Jennings that assurance.

**Mr JENNINGS** — Now that we have had that disclosure from the government, I reciprocate in kind by suggesting that if we can second read but not debate this bill, that would be as far as the opposition would be seeking to take these matters today.

**Motion agreed to.**

**Further notices given.**

**Mrs MILLAR having given notice of motion:**

**The PRESIDENT** — Order! Before we go further, these motions will be listed on the notice paper, but I doubt there will be an opportunity to have them debated. None of the motions were presented to me before the convening of the sitting today. Had they been, I would have expressed a concern. The concern is in regard to calling on members of the other house to account to this house. I can understand how, for instance, in the case of Mr Melhem there is every opportunity for this house to ask him for an explanation because he is a member of this house, but for this house to ask members of another house to provide an explanation to this house is an issue in need of some further consideration by the Chair.

As I said, at this point in time and given how late in the day we are, I will not stop these motions from being added to the notice paper. However, I would indicate that had they been brought to me, we might well have

had a discussion on how these motions were worded, because I am not sure that this house necessarily has the power to require from members of the other place the sort of explanation that I understand, or seem to understand, is being requested in the motions.

There are other aspects of the motions that are quite legitimate in terms of some of the requirements of members. It is within the power of this house to convey an opinion on some of those aspects, but to ask members of the other house to provide an explanation to this house could well be outside the scope of the power of this house. The Chair would need to consider that further if these matters are to go further.

**Hon. D. M. Davis** — On a point of order, President, I do not believe it is out of order. Perhaps we could have a further discussion about that matter at a different time that is convenient, because I think there is a long practice whereby notices of motion can reflect on other members of other parliaments, but there are obviously parameters around that.

**The PRESIDENT** — Order! I understand that point.

**Mr Leane** interjected.

**The PRESIDENT** — Order! I thank Mr Leane — I think I can handle it. First of all, there is no impediment to these notices of motion being given today. I am quite happy to have that discussion, and I think we ought to have it to establish this position for the future. My concern is not that motions can be made asking members of another house to do something in general terms — asking them to withdraw from unions and so forth is fair enough — but asking them to account to this house is quite a different matter. I think that needs to be looked at in terms of the powers of this house.

**Further notices of motion given.**

**Mr FINN giving notice of motion:**

**Mr Leane** interjected.

**Notices interrupted.**

## SUSPENSION OF MEMBER

**Mr Leane**

**The PRESIDENT** — Order! I ask Mr Leane to leave the chamber for 10 minutes. That should see me through these notices of motion.

**Mr Leane withdrew from chamber.**

**NOTICES OF MOTION**

**Notices resumed.**

**Mr FINN continued giving notice of motion.**

**Further notice of motion given.**

**Hon. W. A. LOVELL giving notice of motion:**

**Mr Lenders** — On a point of order, President, to assist the member, the opposition is happy to give leave for the amendments to be circulated rather than read.

**The PRESIDENT** — Order! Ms Lovell has indicated that she wants to keep reading.

**Hon. W. A. LOVELL continued giving notice of motion.**

**MEMBERS STATEMENTS****Puppy farms**

**Ms PULFORD** (Western Victoria) — At the last election the then Leader of the Opposition in the Assembly, Ted Baillieu, promised to end puppy farming. By now, all puppy farms were supposed to be all but eradicated. But this government is not the one Victorians voted for. If the government had kept the promises made by Ted Baillieu, operators of puppy farms would already be out of business, yet we could not be further from this outcome.

Members will have seen media reports of raids on puppy farms over recent days and weeks. The community is demanding that as members of Parliament we respond to its very great level of concern. Over 22 000 people have now signed Victorian Labor's petition and are adding their voices to our campaign to end puppy farms. With only 44 days until the election and with a Premier who happens to be a vet, the only action we have seen on puppy farming has been ineffective and tokenistic. Animal lovers across Victoria are saying that this is not enough. They are saying that they voted for a government that promised to end puppy farming and this is not that government.

In addition to Labor's policy announced in May, which included a commitment to limit the number of litters for each breeding dog to five, introduce mandatory vet checks before and after litters, provide additional resources to the RSPCA, work with the RSPCA and local councils to provide the right-of-entry powers that are needed and create an inspectorate to ensure compliance, on 4 October Labor made further

commitments, including limiting the maximum number of female breeding dogs — —

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

**Frances Penington and Molly Hadfield awards**

**Hon. W. A. LOVELL** (Minister for Housing) — I recently had the pleasure of once again presenting the Frances Penington and Molly Hadfield awards, which recognise the outstanding achievements of the public and community housing tenants who have been nominated for these awards. I would like to acknowledge all nominees for the 2014 awards for their contributions to their communities and congratulate Derrick Bwihambi from Shepparton, who received the Frances Penington Award, and Ana Rufatt-Ruiz, a tenant at the Horace Petty estate, who was the recipient of the Molly Hadfield Award.

**Magpie Nest at Hamodava Cafe**

**Hon. W. A. LOVELL** — It was wonderful to officially open the Magpie Nest at Hamodava Cafe with a member for Northern Metropolitan Region, Craig Ondarchie, and the Liberal candidate for the Assembly seat of Melbourne, Ed Huntingford. Through the hard work of the Salvation Army and the Collingwood Football Club, whose partnership created the Magpie Nest Housing Project, the cafe now provides free meals and drinks and, importantly, direct links to a range of support services for vulnerable people sleeping rough in Melbourne.

**Jindi Woraback Children's Centre**

**Hon. W. A. LOVELL** — I am thrilled that Jindi Woraback Children's Centre in St Albans is the third Victorian service to be awarded an 'excellent' rating under the national quality standard. The service was acknowledged for exceptional educational practices across a range of areas, including a commitment to children that reflects and celebrates their culture and diversity. The Napthine government is very supportive of the national quality framework and has led the way. Victorian services are performing particularly well, with 78 per cent either meeting or exceeding the national quality standard, against a national average of 62 per cent.

**My Human Family exhibition**

**Ms PENNICUIK** (Southern Metropolitan) — Members and visitors to Queen's Hall this week will notice the photographic display there. I am very pleased to be sponsoring this exhibition of 40 photos from My

Human Family, a community project which shares the stories of families who have fostered or adopted dogs that have been abandoned and encourages people to adopt animals from rescue shelters. The exhibition was also on display in the New South Wales Parliament in August. I hope everyone enjoys the wonderful photos.

### Members and parliamentary staff

**Ms PENNICUIK** — On another matter, I would like to follow my colleague Ms Hartland and thank her and Mr Barber for the pleasure and privilege of working with them, and thank the staff and volunteers in our offices for all they do for us. I also take this opportunity to thank the excellent staff of the parliamentary library and Hansard, and the Legislative Council staff in the Clerk's office and the table office, as well as the committee staff and the attendants for the professional and courteous way in which they always carry out their duties. We recognise and appreciate it very much.

I pay tribute to the former Clerk, Mr Wayne Tunnecliffe, and Deputy Clerk, Mr Matthew Tricarico, for their superlative work over so many years. Congratulations to our new Clerk, Andrew Young, and Deputy Clerk, Anne Sargent. We look forward to working with them. I thank the President and his office, and the Deputy President, Matt Viney, for their leadership this term. My best wishes to Matt Viney for his recovery and retirement. Many thanks to the catering and dining room staff, who sustain us. Finally, thank you to the protective services officers and other security staff for looking after the safety of everyone who visits or works at Parliament house.

### Ann Nichol House

**Ms TIERNEY** (Western Victoria) — I wish to register my dismay at the government's handling of the Ann Nichol House aged-care facility at Portarlington. Ann Nichol House has been an important part of the fabric of the North Bellarine community for many years. It was established based on a need in the community that had to be met, and the local community came together and organised and fundraised to meet this need. It is a credit to all those involved over the years, and it provides a place of care that allows people to remain in their community.

Why is it that Ann Nichol herself is now publicly demanding that her name not be associated with the facility? Does it have something to do with the fact that Ann Nichol House has been sold to a for-profit organisation? Does it have something to do with the Napthine government rezoning Ann Nichol House

from Crown land so it could be sold off? Does it have something to do with coalition MPs not wanting to listen? Does it have something to do with coalition MPs simply wanting to deflect attention from the issue and accusing the community of being misguided? Does it have something to do with the Liberal candidate for the seat of Bellarine in the Assembly, Ron Nelson, not being prepared to listen and take on the issue like every other issue that is of concern for local residents? He simply runs in the opposite direction.

The Napthine government cannot hide from this issue. A full independent inquiry is needed to get to the bottom of this rancid exercise that has allowed Crown land and Ann Nichol House to be sold off.

### LangTech International

**Mr ONDARCHIE** (Northern Metropolitan) — More than 100 skilled food manufacturing jobs will be secured or created at the former Golden Circle site in Mill Park in my electorate of Northern Metropolitan Region following negotiations and significant assistance from the Victorian coalition government. On Monday this week I was delighted to join the Deputy Premier and Minister for State Development, Peter Ryan, who worked with his department and local members to ensure that 35 former Golden Circle workers would be re-employed. The coalition will help expand the site into a modern facility, exporting to the world and creating significantly more jobs.

Food and ingredients manufacturer LangTech International will continue to produce conventional juices at the site as well as more modern, innovative products. LangTech has negotiated to relocate its headquarters from New South Wales and various operations from around Australia to the site. Once completed, the project is expected to generate \$45 million worth of exports a year, replace \$13 million worth of imports per year on the domestic market and invest up to \$5 million in research and development a year.

The Napthine coalition government is focusing on securing jobs and creating more jobs for Victorians, unlike members of the Labor Party, who are only interested in preserving their own jobs. Daniel Andrews, the Leader of the Opposition in the Assembly, has gone out of his way to ensure that the devious dictaphone distributors and destroyers keep their jobs. He has gone out of his way to ensure that the Bali-holidaying slush fund king holds his job. We are focused on creating jobs for Victorians; Labor members are focused on themselves.

### Wycheproof Planned Activity Group

**Ms DARVENIZA** (Northern Victoria) — The Wycheproof Planned Activity Group is disappointed it no longer has a bus service after the East Wimmera Health Service decided that it would not repair or replace its bus. The 10-year-old bus has a fractured chassis, making it unroadworthy, and it has been off the road for a number of weeks. The bus was originally funded by a grant and through the group's fundraising activities, and it provided a service for two towns, Charlton and Wycheproof. It transported elderly and younger disabled people to a range of activities, including water exercise classes and tenpin bowling. In the past the bus has also been used by other community groups, such as Probus and church groups.

The group is now stranded with no accessible transport for those who are elderly or use wheelchairs. The once-a-day V/Line service requires passengers to use stairs, which makes it unsuitable for those with mobility issues. The problem has been further exacerbated by Buloke Shire Council ceasing its home and community care car service earlier this year. This service helped to transport patients to medical appointments. This is just another example of the savage cuts made by the Liberal-Nationals government that are directly impacting on those in small rural communities.

### Disability services

**Mrs COOTE** (Southern Metropolitan) — This is my last 90-second statement in this place. I will put on the record my acknowledgement of the contribution of the disability sector in this state. I want to name them, but in naming people you can leave people out, so I apologise up-front for anyone I may miss: National Disability Services, Yooralla, Melba Support Services, Scope, Jewish Care, Karingal, St Laurence Community Services, LISA, the Victorian Advocacy League for Individuals with Disability, Down Syndrome Victoria, the MS Society of Victoria, BrainLink, the Self Advocacy Resource Unit, Young People in Nursing Homes, Women with Disabilities Victoria, Colanda Parents and Friends Association, and parents of children with a disability. There is also one individual in this sector for whom I would like to put my praise on the record: Christine Mathieson from Vicdeaf. All of these people have given me so much time and support over the last four years, and I owe them an enormous debt of gratitude. The individuals within these organisations are doing work that is really challenging.

People with a disability in this state have taught me an enormous amount. I owe them a huge debt. I wish them all the very best, and I hope our paths will cross again. I

want to thank them very much indeed for all they have done for me. Thank you.

### Violence against women

**Mr TARLAMIS** (South Eastern Metropolitan) — Most of us who choose the path of public service do so because we believe in fairness and opportunity for all and the need to initiate change that will point towards a fairer and productive society. Of course the path towards change is oftentimes a slow one. The results of the recent VicHealth survey into community attitudes towards violence against women certainly show this. Simply put, the majority of the findings are troubling.

The survey includes the results of 20-minute telephone interviews with 17 500 Australians over the age of 16 from a cross-section of the community. Participants were asked about their understanding of what they considered to be violent behaviour and laws protecting women from violence, and their attitude towards violence against women and the shifting of blame from the perpetrator to the victim. As I mentioned earlier, there are some very disconcerting results. The results show that 1 in 5 people maintain that domestic violence is excusable if a person becomes so angry that they lose control. They also reveal that 4 in 10 people believe that men who rape do so because they are unable to control their need for sex.

As a White Ribbon ambassador I, along with many other men, have taken the pledge never to commit, condone or remain silent about men's violence against women. I will not remain silent. This survey provides much-needed information that we can use to improve as a society. We know that violence against women is a matter that affects us all. We must continue to create awareness that violence against women is never an option and make services available to women who find themselves in these circumstances. I am proud to be a part of a party that has committed to establishing a royal commission into family violence. As a society it is necessary that we use all tools available to us to ensure that violence against women becomes a thing of the past.

### Family violence

**Mrs MILLAR** (Northern Victoria) — Last week it was a privilege to represent the Minister for Crime Prevention, the Honourable Edward O'Donohue, in opening the statewide conference Violence Prevention — It's Everybody's Business, in Bendigo. I congratulate Women's Health Loddon Mallee as the organiser of this two-day conference, funded as part of the Women's Health Loddon Mallee Take a Stand

program. The issue of violence against women and children is one of the most difficult and pressing to address, but it is also one of the most important challenges we face as a community. In the opening address I noted that domestic violence does not discriminate amongst those it affects. There is no one-size-fits-all approach to dealing with this issue; it crosses all cultures, all economic backgrounds, all education levels and all ages.

I congratulate the Premier; the Deputy Premier; the Attorney-General; the Minister for Community Services, Mary Wooldridge; and Minister O'Donohue on the announcement this week of \$150 million for further initiatives to end violence against women and children, including initiatives for prevention, safety and accountability. Much has been achieved by this government in this term, but there remains a long way to go to eliminate violence against women and children. Even with all of the legislative and court reform in this space and the additional 1700 police officers and new facilities, including the multidisciplinary centres, like the one underway in Bendigo, and all of the efforts of our dedicated community service workers, all of this will be for nothing if we do not change the mindset and thinking of each person in the community about violence against women and children. It is never acceptable or excusable. Every Victorian needs to take a stand.

### Employment

**Ms MIKAKOS** (Northern Metropolitan) — After four years of ignoring growing unemployment in Victoria, we are facing a 13-year-high unemployment rate of 6.7 per cent, the highest unemployment rate in mainland Australia. Unemployment has increased from 4.9 per cent in December 2010 to 6.7 per cent in September 2014 — almost 68 000 more Victorians are out of work. Many suburbs in my electorate of Northern Metropolitan Region have been affected by job losses in manufacturing, especially in the car industry. We have seen the educational and vocational needs of Victorian youth neglected, with \$1.2 billion slashed from TAFE budgets, so it comes as no surprise that in August youth unemployment reached a 15-year high of 13.8 per cent.

The coalition offers Victorians a bleak future, as it clearly has no idea how to create new jobs. Premier Denis Napthine was caught out when he tried to fudge how little of the funding for his jobs plan, which was announced last week, was actually new money.

The coalition has spruiked the east-west tunnel as the jobs saviour, but one of the first jobs advertised for one

of the companies involved in this project, Acciona, was for an immigration advisor on the lodgement of 457 visa applications by overseas workers. By contrast, in its back-to-work plan Victorian Labor has a vision for 100 000 full-time jobs through payroll tax relief, a jobs and investment fund and a future industries fund. It will create jobs in a diverse range of high-growth industries, including alternative energy, an industry the coalition has decimated. Only Victorian Labor has a plan for more jobs for Victorians.

### South Gippsland government initiatives

**Mr D. D. O'BRIEN** (Eastern Victoria) — The coalition government is delivering for South Gippsland. We are delivering for tourism, families, agriculture, jobs and manufacturing. I have been pleased to join the Deputy Premier, the member for Gippsland South in the Assembly, in the last few weeks for a number of very good announcements for the region, including the \$1.3 million to complete an important link in the Great Southern Rail Trail. This \$1.3 million from the state government will deliver the Black Spur section of the Great Southern Rail Trail, which has been an enormous success for tourism and the communities along the old railway line in South Gippsland. This section will complete the 2.6-kilometre section between Koonwarra and Meeniyan, creating a 69-kilometre route between Leongatha and Welshpool. In total this section alone is expected to deliver \$1.9 million in benefits.

The Deputy Premier also announced \$1.6 million for a children's hub at the Korumburra Integrated Children's Centre. This will deliver maternal and child health, kindergarten and child services all under one roof. This is a fantastic announcement and has been well supported by the Korumburra community, which has managed to raise \$100 000 towards the cost.

The Deputy Premier also announced \$1.5 million towards the \$50.4 million expansion of the Toora dairy plant, which ViPlus Dairy is expanding. This will create 45 new jobs in an area where the former Bonlac plant closed 10 years ago. No-one ever thought it would reopen, but it has. The Nationals in the coalition government are delivering better facilities, more support for families and more jobs for the people of South Gippsland.

### March for the Babies

**Mrs KRONBERG** (Eastern Metropolitan) — On Saturday, 11 October, the March for the Babies was attended by over 7000 people. They assembled on the steps of Parliament to express their concern over abortion legislation in Victoria. This year Victoria

Police, led by Superintendent Peter O'Neill, provided magnificent security for the marchers and kept them safe from others, some of whom were protesting with signage that read, and I quote verbatim, 'The only good baby is a dead baby'. What were they on? Yesterday I was told that apparently the same young men menaced two parents attending the march with their two little children in pushers, and told them they were going to kill their children too. Like all the listeners in this chamber, I was shocked and stunned by the fact that this form of depravity knows no bounds.

### **Mavis McCrossin**

**Mrs KRONBERG** — On another matter, on 4 October, Mrs Mavis McCrossin of Brighton, who preferred to be called Mollie, passed away after a short illness. Even though she was seriously ill, Mollie, aged 87 years, was an utterly beautiful woman, blessed as she was with her English peaches-and-cream complexion and her approach to grooming. I had the privilege of spending some end-of-life time with Mollie until her daughter, Susan McCrossin, arrived back home from Boulder, Colorado. May her dear soul rest in peace and may her daughter Susan, her son Peter and her granddaughters, Alex, Holly and Meredith, be comforted at this sad time for the family.

### **Transport infrastructure**

**Ms CROZIER** (Southern Metropolitan) — Last week a community forum was held in Carnegie with the Minister for Public Transport and the Liberal candidate for the Assembly seat of Oakleigh, Theo Zographos, in attendance. More than 50 local residents and community members attended the forum where Minister Mulder gave an in-depth overview of the work being done in his portfolio area, including the upgrade of the Cranbourne and Pakenham rail corridor. This \$2 billion to \$2.5 billion project will deliver significant benefits not only to commuters on that rail line but also to motorists who will benefit from the level crossing removals that have been identified with this project, including those at Murrumbeena Road, Murrumbeena and at Koornang Road, Carnegie.

I note that the Labor candidate for Oakleigh, Steve Dimopoulos, has made the assertion that Labor will remove a number of frustrating level crossings, including those two mentioned. He is a little late with his messaging. This issue has been frustrating commuters for years. The current member for Oakleigh had 11 years to bring this issue to the attention of the government of which she was a member and did nothing about it. The residents of Oakleigh know that only a coalition government has the ability and track

record to deliver projects on time and on budget. They remember the disastrous legacy of Labor's projects — the desalination plant, myki and the north-south pipeline, to name just a few — and the enormous amount of money that those projects cost Victorian taxpayers.

Victorians cannot trust Labor. Daniel Andrews, the Leader of the Opposition in the Assembly, has proved that by stating he will rip up the east-west link contracts if Labor is elected on 29 November. And what is to stop him ripping up other contracts and creating uncertainty in the Victorian economy, which will drive jobs and investment out of the state? His decision on the east-west link is irresponsible and designed to appease a few. The coalition government, by contrast, is economically responsible and governs for all Victorians.

I look forward to the Cranbourne-Pakenham rail corridor project commencing and, like many other Victorians across the state, I look forward to the commencement of the east-west link, the construction of which will create thousands of jobs and which will ease traffic congestion.

### **National School Chaplaincy program**

**Mr RONALDS** (Eastern Victoria) — I would like to take this opportunity to recognise the positive outcomes this government's participation in the National School Chaplaincy program will have in public schools across our state. Speak to any school principal who has the benefit of a school chaplain, and they will tell you they simply cannot do without them. Chaplains have a unique ability to provide a link between the physical, psychological and spiritual wellbeing of students, teachers and parents. They are valued assets in their school communities and complement a system of professionals that can support a student across many areas of life.

I recently met with chaplains in Gippsland and was impressed with the work they are doing to increase parent engagement, especially that of fathers and positive role models. Corey Siebel is one chaplain in my electorate who has worked hard at Rosedale Primary School and Boisdale Consolidated School to increase parents' engagement and strengthen their connection with their children's learning. He began hosting a 'dads night' where students could bring their fathers, grandfathers, uncles, big brothers or other significant male role models along to school. In Rosedale more than 50 per cent of the school population was represented at one such dads night, a level of engagement the school has never had before.

This connection between fathers, students and schools helps to create a supportive learning environment that helps students achieve their best.

I am proud of the Victorian government's commitment to participate in this program and to enable vital programs like this one to continue. Furthermore, I congratulate chaplaincy organisations on ensuring that the program is staffed by a skilled, educated, ethical and committed workforce. I look forward to seeing the results as chaplains in Victoria continue their valuable work at public schools under the National School Chaplaincy program over the next year.

### Labor Party

**Mr RAMSAY** (Western Victoria) — It would seem that the opposition is so desperate to win government that it is willing to fabricate truth and deceive its own communities and constituencies with published propaganda that has no element of truth. A case in point is a letter Ms Pulford wrote to the Hamilton *Spectator* in which she said she did not support the east–west link and did support the threat made by the Leader of the Opposition in the Assembly, Dan Andrews, to rip up contracts, and then topped it off with the mistruth to the Hamilton community that they would not benefit from this important infrastructure project — a stupid comment from a stupid Labor position.

Ms Pulford's next mistruth was the union swan song blaming the Napthine government for TAFE cuts. There was no mention that it was Labor that introduced a contestable competitive model for vocational training, no mention that Labor underfunded TAFE by \$200 million as it struggled to adjust to a commercial market of tertiary delivery, no mention of the Napthine government's record investment of \$1.2 billion in vocational training and the \$200 million it put into TAFE to fix Labor's mess, and no mention of the 47 per cent increase in enrolments and 72 per cent of students now being trained in a job-ready market under the Napthine government.

The member for Ballarat East in the other place, Geoff Howard, also has the Labor disease of telling mistruths, with a letter sent to residents in the new Assembly electorate of Buninyong claiming new planning zones would create small subdivisions and skyscrapers in Buninyong — just pure lies to scare and frighten a community he purports to represent. He should apologise to every one of those home owners he sent letters to and admit he was wrong. The fact it was the first time many had ever heard from Geoff Howard should not be an excuse for calculated mistruths.

## GOVERNMENT PERFORMANCE

**Mr LENDERS** (Southern Metropolitan) — I move:

That this house notes that —

- (1) over the last four years, the coalition government has failed to live up to the promise it made to Victorians in 2010;
- (2) the Liberals promised to fund 800 new hospital beds, invest in schools, reduce crime, improve public transport, provide support for families, reduce emissions and cut spending on government advertising;
- (3) instead Victorians are now faced with —
  - (a) an ambulance service in crisis and only 43 new hospital beds;
  - (b) crumbling school buildings, TAFE education in crisis and no education maintenance allowance;
  - (c) soaring crime rates;
  - (d) a road and tunnel project of dubious benefit that nobody voted for;
  - (e) reduced kindergarten hours and no investment in public housing;
  - (f) a renewable energy industry in crisis;
  - (g) unprecedented spending on government advertising, an IBAC in need of urgent reform and FOI overseen by political staffers; and
  - (h) a manufacturing industry in crisis and the highest unemployment on the mainland;

and further notes the 2010 comment of the member for Hawthorn, the Honourable Ted Baillieu, MP, stating, 'If you want to change things for the better, you have to change the government'.

I will go through the paragraphs in this motion one by one and deal with the issues they cover. Firstly I will put a context to this. At this time four years ago we were — as we are now — a few weeks out from an election, and debate was heating up in Victoria. Right up until the election at the end of November both sides of politics were putting forward their views as to what state they wanted Victoria to be in. A lot was being said by those who wished to form government as to what the choices for government would be in Victoria.

The house is being asked to note that after all that debate, and over the last four years, the coalition government has failed to live up to the promises it made to Victorians in 2010. I am sure that in his contribution to the debate Mr Leane will produce a how-to-vote card that graphically shows some of those promises. The Liberals promised to fund 800 new hospital beds, invest in schools, reduce crime, improve

public transport, provide support for families, reduce emissions and cut spending on government advertising. Instead Victorians are faced with contrasts, and I will go through them one by one.

While we are talking about the government living up to its promises, I remember adjournment debates in this house when members of the now government demanded capital improvements to schools in their electorates. There were adjournment matters and debates in committee-of-the-whole stages on appropriation bills when members opposite demanded work on schools. The first item in the first budget introduced by Mr Wells was to cut expenditure on school capital from \$500 million a year to \$200 million a year. Expenditure on school capital works was cut by 60 per cent. This is state government expenditure, not the federal Building the Education Revolution money. That was the consequence of this government's cut to funding.

If we talk about what Victorians were promised in that space alone, the then opposition leader, the member for Hawthorn in the Assembly, Mr Baillieu, promised to make Victorian teachers the highest paid in Australia, and members in this house — I could name them, but in the interests of other people's speeches I will not — again and again demanded that the Brumby Labor government fund these school projects when they went into the election campaign promising to cut expenditure on capital works by 60 per cent. At least the promise to fund expenditure on capital — —

**Mrs Peulich** interjected.

**Mr LENDERS** — I will take up the interjection. If people wish to work out what it was, perhaps they should start by looking at Mr Wells's Yates Partners dodgy document lodged on the Thursday before the election, which was at least honest enough to say that expenditure on school capital would be \$200 million a year and not the \$500 million it had been. If any member of this house wishes to find out, I suggest they look at the committee stage of the debate on that appropriation bill in *Hansard*. If they bother to read it, they will find that virtually every Liberal and Nationals member of this house called for further funding of schools in their electorates.

One of the first things to note is the promise to make our teachers the highest paid, and I challenge any member of the government to deny that Mr Baillieu made that promise at the Australian Education Union (AEU) state council. He attended a union state council and promised to make Victorian teachers the highest paid in Australia. In the end the only way the teachers

enterprise bargaining agreement (EBA) was resolved as it was because Mr Baillieu's uncle made an obscene sign outside a window to a group of protesters, which ended up seeing a rapid resolution of the teachers EBA — call that good public policy or call it what you like.

We had the debate on education. Mr Baillieu said, 'We will make teachers the highest paid in Australia', and that statement was repeated by Mr Hall, who was then the shadow minister for the teaching profession, and parroted by numerous coalition candidates. On day one the teachers went to the new government and were told, 'Government wages policy is 2.5 per cent plus real bankable productivity'. It is fine to have a government wages policy, but when you say you are going to make teachers the highest paid in Australia and you then say, 'But no, government wages policy is 2.5 per cent plus real bankable productivity' straightaway you have a broken promise.

There was no mention at the AEU state council that teachers would be the highest paid in Australia subject to a 2.5 per cent wages policy and real bankable productivity. There was an unequivocal statement: 'We will make them the highest paid in Australia'. At least there was transparency in the coalition's budget documents where they said the government would cut educational capital by 60 per cent. But the issue is of saying one thing and meaning another, and virtually every coalition candidate was running around the place saying, 'Spend more on my schools; Labor has neglected them' rather than delivering for even some of the schools.

While we are talking about rhetoric and narrative on schools, in my electorate the Labor leader, the member for Mulgrave in the Assembly, Daniel Andrews, and the Labor candidate for the Assembly seat of Bentleigh, Nick Staikos, announced more funding for schools in McKinnon and Bentleigh. The Liberal member for Bentleigh in the Assembly said, 'That is reckless. That is irresponsible. Who can possibly manage that? Fancy promising stuff you can't do. It's not necessary'. Then she copied Daniel Andrews and Nick Staikos — go figure.

On the education front we have seen teachers promised one thing but delivered something else, and capital works slashed by 60 per cent. In the education space the one area where you thought you had elected a government to do something but which it did not achieve was in the whole Victorian certificate of applied learning (VCAL)/vocational education and training (VET)/TAFE space. I do not say many good things about John Howard, but one of the things he got

was the VCAL/VET/TAFE area, call it what you like — apprentices, training, technical schools — or however you wish to describe the debate. He got that it is critical for our community to have involvement in this space. What was fascinating was that under Labor there was an expansion of support for the TAFE system. There was a big debate about it. Mr Hall, Mr Baillieu and others had a big discussion about Labor's reforms, but what happened when they got into government was fascinating.

The Governor's speech in December 2010 contained effusive praise for the reforms. When you listened to Mr Hall, Mr Baillieu, Mr Wells and a number of members in the first quarter of 2011, you heard enormous praise. In fact people were claiming credit for the system, saying that it was fantastic and that it was all the new government's doing. Government members were claiming credit for it, they were receiving Dorothy Dixers on it, they were talking about it and they were spruiking the wonderful changes to the system. By the time the second budget was presented several months later, it was all Labor's fault. Suddenly it was a proposal that was unfunded, needed cutting back, needed fixing, needed repair — and it was all Labor's fault. The situation was that suddenly the government realised it was in trouble.

If you go back to the first budget, you see that one of the first acts of this coalition government was to slash funding for VCAL. I have raised this issue in this house before when talking about a number of schools in this state. When you cut out VCAL coordinators you are taking away the opportunity for a number of vulnerable youths to be engaged in the workforce. In the election campaign no-one said, 'We will cut out VCAL before we get stuck into TAFE'. What we have is a government that callously cut out VCAL coordinators and said to schools, 'If you reprioritise your budgets, you can keep your VCAL coordinators'. Anyone with even the vaguest understanding of VCAL and the general education system knows that a VCAL program is not going to work unless there is time for VCAL coordinators to line up student X with employer Y. They need time to get the connectivity and the connection so that the student who is not necessarily interested in a general academic path but wishes to take a more trade-focused path can find a matching employer and get all the benefits that come from the dignity of work and the relevance that comes from having that opportunity. It is also the starting point for the employers to get the skilled workers they need.

In the first budget we saw the VCAL coordinators cut. We had a mealy-mouthed defence of it. We had all this sort of stuff: 'It was all Labor's waste', 'Schools can do

more with less' and all the rest of it. We had the cuts. The following year the TAFE cuts came in. We had \$1.2 billion of cuts to TAFE funding over four years. It was not a winding back of the system; it was a cut to the public part of the TAFE system. It was a cut to the courses for people for whom this is their only link into the workforce. They are the courses that are dealing with many employers who need the skills that come forward. It is a blind approach to say that the market will do everything and there is no role for the state. Of course a blend of the two is required.

That the market will do everything is just an ideological obsession. Government members say, 'We will cut funding for libraries and for community support and will let a free market run'. When those cuts are made we have the bizarre consequence that government members claim they are spending more. We see the ill-fated brochures of members such as those of Mr Dalla-Riva stoically telling their electorates what a wonderful TAFE reform it has been and that there has been more funding rather than less.

When we go into the education space, what we see is less, not more. Then members of the government, including Mrs Peulich, get up here parroting government lines and say things like, 'Oh, there is \$8.4 million more over four years', or some nonsense like that. They are talking bureaucratic or public sector speak. They are not engaging but are repeating lines from the Premier's private office and doing all the rest of those things. What you see is not what you get. We have seen crumbling school buildings, TAFE education in crisis and no education maintenance allowance. None of these cuts were promised.

I will spend a bit of time on the ambulance service, because I know some other colleagues will want to spend more time on that issue. Again what we see here is a government that dwells on whether there is a one ambulance service or two ambulance services, a minister who prides himself on sacking the board of the ambulance service because he is in charge and it is disposable and it is going to be his mark on the world. Then suddenly he hides the data of the ambulance services, pretty much forever. The public sees a minister who selectively puts out bits of information. I have yet to meet a person who believes any of the information being put out. What people see are ambulances ramping again and again at hospitals. Ambulances have always ramped — it has always been part of the system — but that has always been part of a relief when things are not working in hospital emergency departments. We are seeing unprecedented numbers of it and a government in total denial and hiding the data to pretend it is not happening.

Who could not notice the promise to fund 800 new hospital beds? My colleague Mr Jennings has shown me from national data that we have a miniscule number of new hospital beds compared to what was promised. We know the Minister for Health has a hospital bed in his electorate office. He should not have a hospital bed in his electorate office to be pulled out for stunts and displays, as he did when he was in opposition. What we should have is the 800 new beds in public hospitals across the state, as promised. It is an extraordinary debate.

We get up in this house during question time after question time. Mr Davis gets questions from Mr Jennings, the Labor spokesperson on health. Do we hear much conversation about people being healed, about people receiving pain relief and about rehabilitation — that is, about the services that are supplied in our hospitals? Occasionally the minister will stray to service delivery, but what we hear endlessly is, ‘In Bendigo we’ve got the biggest bunkers in the inner solar system — bigger bunkers in a hospital than Labor would ever have promised’. He has an obsession with the Labor government and its plans on building hospitals in Bendigo, Box Hill and a range of other places that this government has proceeded with in a form.

If I hear Mr Davis talking once more about bigger bunkers in Bendigo and not mentioning patients, I will truly give up hope that he understands service delivery and patients to even a minuscule degree. We have the crumbling schools; we have the ambulance service; we have 43 new hospital beds, not 800; and we have the data hidden.

I will move on. I am glad to see that the Minister for Crime Prevention is in the house; we are seeing soaring crime rates. This is the first government in the history of the state to have a Minister for Crime Prevention, which the minister boasts about, yet we see crime going up. The minister also boasts to the effect that it is such a badge of honour that the government has a Minister for Crime Prevention and that Labor should be held up to shame. If that is the criteria this government uses, I could say: why is there not a minister for prevention of family violence? Why is there not a minister for financial services, as there was, when the industry is collapsing? Why is there not a minister in a dozen other portfolio areas that could be named? If the sole measure is naming a minister in the given area — if that is how you measure government performance — then we have come to a very sorry state.

Liberal and Nationals members should perhaps look at what their Prime Minister, Mr Abbott, has done. He has

stripped down the names of portfolios. He has a Minister for Social Services, an Assistant Minister for Social Services and a Parliamentary Secretary to the Minister for Social Services. Does that indicate that all those former named areas are no longer being dealt with? No, it does not. If state ministers are so desperate that they have to grab at the titles they are using as a way of measuring performance rather than measuring it by what people are actually doing, that in itself is a reflection of how this government is driven by spin and by anything other than service delivery.

In terms of soaring crime rates, the fear campaigns, constantly designed to shore up votes, are just amazing when in the end crime rates are going up. There are reasons why they go up. As I say, it is extraordinary: if those rates had gone up under a Labor government, those opposite would have carried on absolutely endlessly, saying that was an indication of Labor members not being fit to govern. The rates have gone up under this government, and those opposite will undoubtedly try to defend that, saying one thing and doing another.

That leads me to government members saying one thing and doing another in relation to transparency. We have seen the Free Enterprise Foundation dragged before the Independent Commission Against Corruption in New South Wales as a vehicle for developers to put money into most political parties. In particular nine Liberal members of the New South Wales Parliament have had to stand aside — and some Labor ones. Nine Liberal MPs, including at least one state minister, have had to stand aside from the Liberal Party — and so did the federal Assistant Treasurer — because of the dodgy practices of the Free Enterprise Foundation, which also contributes in Victoria. We had an interesting series of notices of motion this morning, and I was tempted to jump to my feet and present one calling on various Liberal Party members to give back any money the Free Enterprise Foundation had given them.

During the life of this government we have also had debates in this house over the role of the 500 Club in paying the legal bills of David Davis in defending himself in a defamation case. At the last election there was no mention that the Free Enterprise Foundation would continue to contribute, or the Cormack Foundation, Vapold Pty Ltd, the 500 Club or the Higgins 200 Club — you can just name them. In relation to these matters the government had been talking about a style of government that it has not lived up to in so many ways.

I refer next to a road and tunnel project of dubious benefit that no-one voted for. I will spend just a couple of minutes on this, because colleagues will probably spend more time on it. The words in the motion are quite deliberate. Capital works proposals are good proposals; most people support capital works. The issue here is why this particular tunnel has taken priority over all other forms of infrastructure expenditure. The Labor Party's proposition to fix the 50 worst and most dangerous level crossings, adding economic and social benefits and making places safer, versus this road and tunnel project is an issue of debate. The issue of whether the rail link should be built ahead of this is an issue of debate. The issue of whether local roads should be built ahead of this is an issue of debate. All of those are issues of debate, and they will be contested right until election day.

What is interesting about this project, of course, is that not only was it not on the horizon and not campaigned upon, but Mr Mulder, now the Minister for Public Transport and formerly the shadow Minister for Roads, said during the ABC debate with Tim Pallas, the then Minister for Roads, in the lead-up to the election, 'It's not on our agenda'. Governments are certainly entitled to add things that were not on the agenda as circumstances arise, but to campaign on this project as the critical mandate issue that the government is going to force the state to have whether it wants it or not — with the prospect of massive financial penalties — when the government's roads minister had said the project was not on the agenda before the last election exemplifies in so many ways the way this government says one thing and does another, drifts around and tries to find political purpose in anything it can possibly do.

We also have reduced local kindergarten hours and no investment in public housing. We listen forever to the Minister for Children and Early Childhood Development and Minister for Housing, who still thinks she is in opposition and that anything that has happened in her four years of government is somehow or other Labor's fault. She is obsessed with Richard Wynne, the member for Richmond in the Assembly, Candy Broad and Bronwyn Pike instead of being obsessed with fixing the issues in the housing and early childhood development portfolio areas.

In the first few weeks of this government Ms Lovell articulated that the single biggest issue was that there were lapsing programs — that the greatest sin of Labor was that it had funded programs to go on until the end of the financial year or the end of the second financial year. 'That was gross irresponsibility. How could Labor be so bad? The Liberals would never do this', she said. She talked about sound financial management and

service delivery. You name it: every single political sin known to humanity was listed by Ms Lovell. What has happened this year? The super fix of 15 hours for kindergartens is a program that runs until 30 June, conveniently after the next election. By any of the measures this minister used in her question time responses and in debates in the lead-up to the first budget and by any measure of responsible management of a portfolio, she has failed. They were the tests she laid out. She said the worst thing that could be done for service organisations or for vulnerable citizens or in terms of sound financial management was to have lapsing programs, and that is exactly what she has brought about during this term of government.

As for public housing, in the lead-up to the last election we heard all the dog whistling from those opposite. It beggars belief that members of the current government, who were against any form of social housing, are suddenly claiming credit for state and federal Labor-funded programs.

The renewable energy industry is in crisis, and Victoria is in a jobs crisis. We are losing jobs as a percentage of the population that is employed and jobs growth is not keeping up with population growth. The Ministry of Truth spin experts opposite will continue to say there are more jobs, but those same experts are ignoring the fact that the population is growing at the rate of 1.8 per cent per annum. The labour force is growing, and members of the government are not keeping up, hence the unemployment rate is going up.

But let us not forget the individual aspects of that. Let us forget the macro and go to the individual. Firstly, let us talk about the car industry. While it was Mr Hockey, the federal Treasurer, and not a state minister, who did so, it beggars belief that a government minister could have dared automobile companies to leave the country.

Secondly, there are opportunities in the renewable energy industry. In the Premier's own electorate there is Keppel Prince in Portland, perhaps the second-largest employer in Portland. I stand to be corrected. Alcoa's Portland Aluminium would be bigger, but Keppel Prince certainly is one of the largest employers in Portland. It is laying off workers because this government cannot get its renewable energy policy right. Members of this government are obsessed with tugging their forelocks to Tony Abbott's rants on anything to do with energy, and Victoria is shedding Victorian jobs because of that.

Then there is the unprecedented spending on government advertising, which also beggars belief. Mr Davis, the Leader of the Government, said in 2010

that the first act of a coalition government would be to bring in a bill to set up a panel to monitor government advertising. After four years a pale imitation of a panel, which is feeble and secretive, operates within the Department of Premier and Cabinet, and presumably all the information from it is locked in the minister's Man Safe, as is anything else that the public may have an interest in. The big and heroic words of coalition members in opposition was that they would act to bring in this scrutiny. Now we are hearing their unbelievably mealy-mouthed words. There will be an orgy after the election when the Auditor-General investigates the statements about advertising made by Mr Davis, Dr Napthine and other government members. We have all heard their carefully constructed words, including that during the last financial year government advertising was less than it was in the last year of the Labor government. That is the defence government members use. They say, 'Let's leave aside the winding down of safety programs, WorkCover, the TAC and a whole lot of other areas so that we can free up some money for government spending'.

Let us put that aside for just a moment and turn to the language they use — their feeble, fig-leafed defence of the 'last financial year'. It is probably not appropriate to offer wagers in this house, but I would bet a lot of money that, when the end of financial year reports come out on 30 June next year, we will see record government expenditure on advertising that would make the spin artists in George Orwell's *1984* blush. The amount of this government's advertising makes even the Howard government's *Unchain Your Heart* GST ads or even the WorkChoices ads look pale. We see an unbelievable amount of government advertising.

Mr Davis and other government members think they are so clever to make last financial year comparisons between the third year of a government and the fourth year of a government. The Labor government did spend money on advertising — I am not pretending it did not — but that money was spent on advertising government programs, which governments should do. The current government should be spending money on advocating work safety, TAC safety and fire prevention. Money should be spent on those areas, but what we see is an amazing farce, which we did not see before the last election. Now we are seeing glossy ads telling us of fast rail to the airport, which is going to happen in 12 years time if the government is re-elected several times and does not change its mind, with iteration upon iteration. We see amazing spin coming from the government that would make members of any previous government in this state blush.

Undoubtedly government members will say that Labor spent money on advertising, which it did, and yes, the coalition government has spent money on advertising. Every government spends money on advertising, but I cannot recall a government saying that its first piece of legislation would be to set up an inquiry headed by a retired judge to monitor advertising and then not do so. This government has spent more money on advertising than any other government in the history of this state, and that figure will be shown at the end of the financial year, no matter how many ministers try to hide it.

The final matter I will touch on is the crisis in the manufacturing industry. Again it beggars belief that members of this government are so caught up in their own ideological obsession that there should be no state role in supporting, facilitating and helping this industry. Members of this state government either did not care or were so totally sidelined by the federal government that under their watch Ford, General Motors and Toyota — that is, the entire auto industry — decided to leave. But that was only the start. Now we are faced with the decline of the component parts manufacturers, which employ countless more workers than the major auto companies did.

This is not just about the jobs lost to workers. For each of the individual workers in the thousands of statistics it is a tragedy. Their tragedy is having to ask themselves where their next pay cheque is coming from. They also ask how they are going to find training for a new job when the TAFE system has been slashed. They ask, 'Where do I find a new job; where do I get the skills for the new job?'. They have mortgages, children at school, cars and living costs. Every individual relies on an income, and the loss of a job can be very real. That is magnified by thousands upon thousands of real people who are now experiencing the anxiety of trying to find out where they can get a job.

Governments have to do their bit, and government members have to care and roll up their sleeves. Governments cannot necessarily save jobs, but they can certainly try to save them. The government could have kept the TAFE system in place so that when people lose their jobs they can be retrained for other jobs. If you do not have a certificate IV course in aged care, or indeed certificate III and other courses that help people transition from being auto workers or auto components workers to somewhere else, then you are condemning people to the scrap heap of unemployment.

Members of this government just do not seem to get it. There is a crisis, and that crisis has been noted not just by me but by the statistics which show Victoria has the highest unemployment rate of any state on the

Australian mainland. If we put that in context, during 2009, which was the peak year of the global financial crisis, 91 per cent of Australia's new full-time jobs were created in this state. Under the watch of this government we have now drifted to the highest unemployment on the mainland, and that does not even begin to touch on youth unemployment or job losses in regional areas.

On election day in 2010 people walked up to polling booths in Victoria and were greeted by smiling members of the Liberal Party and The Nationals, who handed them brochures and said, 'Vote Liberal and Nationals and you will get no cuts to services or benefits, you will get strong job growth and you will get sound financial management. The world will be rosy, the world will be better, you will be safer and the state will be in good hands'. Very few of those promises have been delivered, and the state is now in a worse place than it was then.

My final comment is that prior to the last election the member for Hawthorn in the Assembly, Mr Baillieu, who was Premier for two years until he was dropped by his party, stated:

If you want to change things for the better, you have to change the government.

I do not often agree with Mr Baillieu, but in October 2014, prior to next month's election, I echo Mr Baillieu's terms: if you want to change things for the better in Victoria, you need to change the government — and this is contrary to what Mr Baillieu asked for — by voting for Daniel Andrews, the member for Mulgrave in the Assembly, and the Labor Party. I urge the house to support the motion.

**Mrs PEULICH** (South Eastern Metropolitan) — Can I just say how much I will miss opposition business when Mr Lenders is gone from the Parliament, especially these comprehensive motions that invariably appear on opposition business day. I look upon these motions as an opportunity to reflect on and communicate why Victorians voted the coalition into office, what has been achieved to fix Labor's mess and what is being achieved to develop a vision, and to implement actions that underpin that vision, moving to the future. However, one thing that I will not miss is Mr Lenders's capacity to embellish fact or to own fact.

**Mr Barber** interjected.

**Mrs PEULICH** — What was the expression, Mr Barber? I am going to give him credit. We can all have our own versions of the truth, but people do not own fact. Mr Lenders gives it a darn good go and fails

miserably. I will have a great opportunity to go through his contribution line by line. If that is the best that Mr Lenders can do after so many years in Parliament and with the seniority he has held in his own party, regrettably it is probably time for him to move on, because reiterating claims that are unsubstantiated and not factual — that are outright lies — does not make what he says right, correct or a fact.

It is my great pleasure on behalf of the government to speak on this motion and take the opportunity to reflect on the government's achievements over the last four years. As mentioned, the coalition was elected to fix Labor's mess. We all recall the state of the public transport system. We all recall the lack of investment in infrastructure, such as roads across the south-east, which was one of the significant reasons the coalition was elected. We all recall the waste and mismanagement. That has been confirmed by the Auditor-General in a range of reports, including, for example, a finding that publicly funded projects often cost 30 per cent more to build in Victoria than they do in the private sector, which means that taxpayers get 30 per cent less in value.

We all remember Labor's chronic neglect of schools and its tricks to force schools to consolidate. It then failed to complete its plan by failing to deliver money for the capital works and upgrades. After losing office in 2010 Labor left a \$420 million backlog for those works. Schools were crumbling at the end of Labor's term in office. Schools do not crumble in four years. They crumble as a result of years of neglect, and 11 years of neglect cannot be turned around in 4 years. This government cannot do in 4 years what the former Labor government failed to do in 11 years. Herein lies the absolute hypocrisy of the contribution of Mr Lenders and the lies that are being peddled by Labor members of Parliament to electors.

We all remember the appalling state of law and order in the community. Mr Lenders cries that more crooks are being apprehended under the coalition. Of course more crooks are being apprehended, because we have 1700 more police on the beat, we have 940 protective services officers (PSOs) at railway stations from 6 o'clock until the last train and we have more transit police. These are the reasons more crimes are being recorded — we are actually catching the crooks, and the community is feeling safer as a result.

There are also cost of living pressures. We are still paying a big price for Labor's legacy of losses. We pay for losses from the overblown desalination plant; each and every day \$2 million is lost by Victorians as a result of that. It will hang like a noose around our neck

for 27 years. Mr Lenders was responsible for that project, along with the former member for Lyndhurst in the other place, Tim Holding, and the then Premier, John Brumby.

There was also \$3 billion lost on the botched pokie auction, which denied Victorians the funds to invest in infrastructure and better services. That pokies licence system was reformed under guarantees by former Premier Brumby and the Labor Party, and the cabinet table around which the now Leader of the Opposition in the Assembly, Daniel Andrews, sat, that it was going to be safe to unpick a duopoly and that there was no risk to Victoria, even though as a result of that Victoria has recently had to pay compensation to one of the parties to the tune of \$560 million. This money could have wiped out the \$420 million backlog in school maintenance. Here is another example of the absolute financial ineptitude of Labor. It cannot manage projects, it cannot manage money and not only has it left Victorians with a mess in terms of major projects but it has wasted so much money and denied us so many opportunities that Victorians deserve and that we are still paying the price for. Can Victorians afford to return Labor to the Treasury bench? Not on your nelly!

The unions are desperate to reclaim some ground. Doorknocking teams are being organised by Luke Hilakari out of Trades Hall because Labor does not have grassroots party members who are prepared to work as committed volunteers for their local candidates and MPs. Labor has to marshal and transport paid unionists to do that work. Some of them have done so while wearing uniforms or T-shirts, as has been reported, and pretending to be active members of a particular service, when they are not.

The government has been working hard in challenging times to fix Labor's mess and deliver on its commitments to Victorians. We have delivered improvements to community safety and critical services such as transport and health. We are addressing the cost of living pressures that have been exacerbated by Labor's waste and mismanagement. We have stood up for Victoria on crucial issues like the GST and the carbon tax and to secure funding for families and communities affected by the terrible floods which hit Victoria earlier this year. We have eased cost of living pressures by reducing stamp duty for first home buyers, expanding electricity concessions and reducing the cost of ambulance subscriptions.

We are determined to deliver on the commitments we made to the people of Victoria, and every member of Parliament sitting on the Liberal-Nationals benches elected to government in 2010 is methodically working

through those commitments to make sure they are honoured. Despite facing difficult financial situations, including the large shortfalls left by Labor, we will be responsible in managing the economy. We are the only economy in Australia with a stable AAA credit rating. Our aim is to make Victoria the best and to build for the future by securing jobs, investment and interest in our state.

I will address each of the points in Mr Lenders's motion one by one. The first point is in relation to health. At the outset I point out that the investment in health services across my electorate, South Eastern Metropolitan Region, has been phenomenal. There has been a \$125 million investment in the building of the Monash Children's hospital adjacent to the Monash Medical Centre; a further \$120 million — some of which is public money and some of which is private money — for the development of a new specialist heart hospital at the Monash Medical Centre; a huge investment in mental health in Dandenong; investment in the Casey Hospital; investment in the Frankston Hospital; and indeed investments across the board in our health system to try to rebuild it after 11 years of mismanagement by Labor.

The key tasks of government are to respond to the community's service needs and plan for the future, and we are delivering on both. Compared to Labor's last full year in office, the coalition government has increased the health portfolio budget by \$3.6 billion — some 32.2 per cent — to a record \$14.9 billion in 2014–15. This investment clearly shows the coalition government's genuine commitment to the good health and wellbeing of all Victorians. The achievements delivered include 961 more doctors, 1748 more nurses, 856 more allied health professionals, increased capacity across the health system, additional resources for elective surgery and additional resources for health services equipment replacement.

In relation to ambulance services, the coalition government has delivered a 50 per cent reduction in ambulance subscription fees; more than 530 additional paramedics statewide, exceeding the coalition's election commitment of an additional 340 paramedics; more than 20 000 additional shifts worked by paramedics; over 20 upgraded and new ambulance stations completed; new mobile intensive care ambulance services for Warrnambool, Wonthaggi, Shepparton, Mildura, Wodonga, Wangaratta, Horsham, Swan Hill, Bairnsdale and Sale; and a motorcycle paramedic unit. In 2014–15 we committed \$550 million to replace the ambulance helicopter fleet, which will provide patients, in particular those in rural and regional Victoria, with rapid transport to major trauma, cardiac

and specialist hospitals in the event of a medical emergency.

The coalition government has also delivered on drug and alcohol services, mental health services and community health services.

In addition to the \$14.9 billion in the 2014–15 health budget, the coalition government has \$4.5 billion worth of capital projects underway. I have mentioned one of them already — the \$250 million Monash Children’s hospital — but there is also the \$1 billion Victorian Comprehensive Cancer Centre, the \$630 million Bendigo Hospital and the \$448 million Box Hill Hospital redevelopment. Newly funded infrastructure projects announced in the 2014–15 budget include \$78 million for the Latrobe Regional Hospital redevelopment, \$28.1 million for Barwon Health North, \$14 million for the Boort Hospital redevelopment and \$7.8 million for the Healesville Hospital expansion. That is 524 more beds than under Labor. On every measure we are delivering better health services to make sure that members of our community are looked after, in particular when they need that high quality of health care.

Mr Lenders moved on to talk about education and how we are responsible for crumbling school buildings, cuts to TAFE and the ceasing of the education maintenance allowance. Each one of those is an outright, unmitigated lie. I will begin by quoting from Mr Lenders’s election flyer most recently distributed throughout the Bentleigh electorate, where my mother still lives. As a dutiful and devoted Liberal and keen follower of local political affairs, she always brings me the latest things from her letterbox.

This flyer was printed courtesy of the Department of Parliamentary Services — public funds — and says on the front, ‘Who do you trust to upgrade our schools?’. On the back Mr Lenders says, ‘School rebuilds completed by Labor: Bentleigh Secondary College stage 1’. I used to be an English teacher, and I am not sure I have ever thought of a particular stage of a rebuild being a completion, so how he can call a stage 1 completion a school rebuild completion is beyond me. It highlights how Mr Lenders is so economical with the truth. It goes on to say ‘Bentleigh Secondary College stage 2’, and Mr Lenders counts that as a school rebuild completed — another Labor lie. The flyer then says, ‘McKinnon Secondary College science wing’. Mr Lenders counts that as a school rebuild completed.

On the other side of the ledger, Mr Lenders goes on to say ‘School rebuilds completed by the Liberals’. There is a big cross and then ‘None’. Again, Mr Lenders is

being economical with the truth and he is being so by having this paid for with public funds. I think that is offensive. In a larger font the flyer says:

FACT: the last time a state Liberal government funded a new permanent building at McKinnon Secondary College was in 1965.

Mr Lenders knows full well that Labor repeatedly left the education system in a shambles. It did that until 1992, which is when I was first elected as the member for Bentleigh in the lower house. At that time, Labor had left a \$650 million backlog in maintenance, which the Kennett government then had to fix and did so, leaving a zero backlog of maintenance in 1999. Following the statewide audit of school maintenance buildings in 2012, we were again left with a \$420 million maintenance backlog. If Labor did not waste money, as it is so good at doing, we would be able to channel those funds into upgrading more school buildings. The community should not believe Mr Lenders and the claptrap that many of his colleagues distribute courtesy of campaign materials produced with public funds.

Ms Graley, the member for Narre Warren South in the other place, is another member who carries on about TAFE cuts, just like Mr Lenders and in fact the entire Labor Party. Labor reformed the system back in 2009, opening up TAFE funding to competition by the private sector and registered training organisations (RTOs), establishing a competitive neutrality, which was then condemned by the Australian Education Union. Invariably when you open something up to competition, money is going to move, and that is exactly what happened. It went from TAFEs through to the RTOs as they became more competitive.

Mr Lenders claims the TAFE cuts are the Liberals’ doing, when it was actually Labor that reformed the system. That reform was invariably going to lead to this outcome. The question is: why did Labor, which likes to present itself as the defender of TAFE, open them up to competition? The answer is quite clear. It is that a number of RTOs which deliver training are closely aligned with significant unions. This meant moving money out of the TAFE sector towards their union mates. That is the fact of the matter. The coalition TAFE cuts campaign misleads the public in a very significant way.

It is important to say that we have made record investment across the board — in early childhood education, in school education and in vocational education and training. I would like to go through just some of these points in more detail.

In 2015 the Napthine government is delivering \$5.5 billion directly to Victorian government schools, which is an extra \$258 million or a 4.6 per cent increase on 2014. By signing the Gonski deal with the commonwealth — and a lot of people still ask who the hell Gonski is — the Napthine government has guaranteed an additional \$5.4 billion in needs-based school funding from the state government over six years, which is already flowing through to schools. We are fully committed to this deal, with the 2014–15 budget alone providing \$2.8 billion over five years.

However, in order to finalise the Gonski agreement with the former federal government, Victoria was required to give up the education maintenance allowance (EMA), which is exactly what Labor criticises in this motion. It cannot have its cake and eat it too. Previously the EMA was paid directly to disadvantaged families to support their children at school. In 2014, 73 per cent of EMA recipients gave their payments to the schools to manage and distribute because they trusted them to make the right decisions to support their children. From 2015, the Victorian government is providing \$42.5 million to replace the EMA. It will be distributed directly to those schools with the highest need and the greatest number of disadvantaged students. This is done according to a needs-based formula, or the student family occupation index, which was introduced by the Labor government.

In addition to this, there is additional funding for those students who due to their personal circumstances need extra support. In 2015 over 700 government schools and more than 250 000 students will benefit from \$34.5 million, and non-government schools will benefit from \$8 million, of special funding to help disadvantaged students. This additional funding will ensure that students do not miss out on important education opportunities and resources like text books, stationery, uniforms and excursions. With the government directing this funding to schools, school principals will be able to make decisions locally about targeting extra support in a fair and equitable way. The Napthine government is already delivering \$170 million to replace the low socio-economic partnerships.

The 2014–15 budget includes a massive \$350 million over the forward estimates for students with disabilities and \$273 million for a program for students with disabilities, which will provide additional educational support services for students with disabilities and training for specialist staff. The budget also includes \$32 million for the students with disabilities transport program. We believe that with that support students

with disabilities will be able to participate fully at school.

Over the past four budgets we have delivered \$621 million to students with disabilities, which includes the largest capital investment in a decade in special and autistic schools. We are continuing to invest in 11 specialist schools in all parts of Victoria, including the new Officer Special School, the new Jennings Street autism school and the Belvoir Wodonga Special Developmental School. The North Geelong and Armstrong Creek special schools will be two of 13 new schools delivered under coalition government public-private partnerships, providing important infrastructure in Victoria's growth areas.

We have also delivered on our commitment of an additional 150 primary welfare officers to work with support students in 800 primary schools. Through the development of the student engagement and inclusion guidance, the Napthine government is supporting a further 70 schools to join the 150 schools that are already running the school-wide positive behaviour support program to ensure students are safe, inclusive and supported. This adds to the extensive work we have done to address bullying in our schools through the \$10 million eSmart anti-cyberbullying partnership with the Alannah and Madeline Foundation and our \$400 million Bully Stoppers initiative.

The School Focused Youth Service is connecting community and local government service providers with schools. We have returned \$50 million worth of locally controlled student support services officers to schools, we have partnered with the AFL to create multiculturalism and inclusion within and banish racism from our schools, and Unity through Diversity, the Victorian government's vision for citizenship and multicultural education, is further promoting that cohesion. We are delivering a record \$9.2 billion for school education in 2014–15, \$1 billion more than Labor's last budget in 2010–11.

In terms of TAFE spending we are providing \$1.2 billion a year for training compared to just over \$800 million in 2010 under Labor. We have increased that funding by 50 per cent. TAFE funding has increased from \$487 million to just over \$600 million. In fact that in itself proves Mr Lenders's motion to be a lie. There has been a 23 per cent increase in TAFE funding since 2010. Somehow the opposition has concocted the view that an increase in funding from \$808 million to \$1.2 billion is a cut to the system. Maybe that is because, as he admits, opposition leader Daniel Andrews was not much good with numbers when he was at university.

Since coming to office the Victorian government has delivered investments in vocational education and training (VET) which have resulted in an increase in enrolments from 426 900 in 2010 to a massive 645 000 in 2013. We have also delivered a \$30 million package over two years for reskilling automotive supply chain workers, ensuring that people are assisted to retrain and reskill. All of this has resulted in some amazing indicators, such as a 43 per cent increase in the number of Indigenous students in training, a 58 per cent increase in the number of students with a disability in training and a 109 per cent increase in the number of culturally and linguistically diverse students in training. A range of investments in individual TAFEs through the Structural Adjustment Fund means that they can work towards sustainably delivering a first-class education.

To recap on the TAFE lie, the move to a competitive market was instigated by Labor. In 2008 Labor Premier John Brumby and the then Minister for Skills and Workforce Participation, Jacinta Allan, released a skills policy document called *Securing Jobs for Your Future — Skills for Victoria*. It called for TAFE skills training to be opened up to the private sector, saying:

It is clear that change must be far-reaching and it must begin now.

At the time the AEU said these were bungled Labor reforms. In 2008 AEU federal TAFE secretary Pat Forward said of Labor's bungled reforms that:

A shift to complete contestability and the implementation of competitive neutrality principles amount to the dismantling of the public TAFE system ...

We have the highest participation rate of any state in Australia at 16.1 per cent of working-aged Victorians compared to a national average of 11.6 per cent — that is, 16.1 per cent of 15 to 64-year-olds were in VET training in 2013. By all indicators the sector is delivering outcomes, with increased funding to courses in areas of national skills shortages as opposed to those areas where people cannot secure jobs. This is responsible public policy delivering real outcomes.

I have already spoken about law and order. The fact that we have an extra 1700 police officers on the beat, 940 PSOs on train stations from 6 o'clock till the last train and more transit police basically means that more crooks are being caught, and the crime figures show it. We should be very proud of that. It is proof that the Napthine government's tough and well-resourced law and order policies are delivering results and making the community feel safer. Breaking it down, crime was

rampant under Labor. It has taken these reforms to turn things around, and we have done so in four years.

We have promised to crack down on the scourge of family violence, with the result that offences rose 16.5 per cent as people were encouraged to report these incidents. More than 65 000 family violence incidents were reported in 2013–14. That is 5000 more than in the previous year and almost double the number that was recorded a decade ago. In October 2012 we released *Victoria's Action Plan to Address Violence Against Women and Children — Everyone has a Responsibility to Act*. The plan outlines a whole-of-government approach to reducing violence against women and children, including sexual assault. The plan covers a range of prevention, early intervention and response measures, including behavioural treatment programs, specialist family violence court services, women's and children's counselling support services and new multidisciplinary centres. I have actually visited some of those centres. They are amazing, bringing together teams that enable outcomes for victims of family violence to be maximised. There has been further investment of \$100 million each year for the action plan. That includes funding announced in the 2014–15 state budget to expand the risk assessment management panels to eight locations across the state.

A rise of 6.5 per cent per 100 000 population in drug offences can be attributed to the creation of crucial drug task forces. This means that dangerous ice labs are being destroyed, drugs are coming off the streets and outlawed bikie gangs are being crippled. The real impact of these figures and the work of the Victoria Police task force is backed by the drop of 2.3 per cent in crimes against the person not related to family violence, including drunken attacks at night spots and random attacks on women.

The story here is amazing. The PSOs are very popular. The Labor Party opposed the PSO policy, and MPs like Jude Perera, the member for Cranbourne in the Assembly, wanted it scrapped. However, a fairly substantial survey shows that the policy has been widely embraced by the community. PSOs have issued some 29 000 infringement notices — —

**Mr Barber** — For spitting on the sidewalk.

**Mrs PEULICH** — No, absolutely not for spitting on the sidewalk. If Mr Barber actually travelled by public transport, as he claims to often do, he would know that women and children in particular welcome knowing that there are PSOs on platforms who can actually walk them to the car park and surrounds. They

feel safer using the rail network, and that is reflected in the patronage figures. I think this is one of our success stories.

The government's investment in transport has been phenomenal. The neglect of the south-east in particular was one of the reasons the coalition was elected. In the 2014–15 budget the Victorian government announced the largest ever investment in transport infrastructure in Victoria's history — this \$24 billion investment in new public transport and road assets is unprecedented. We have worked to relieve road and rail congestion to support growth and to make Victorians better connected. Those investments include the \$8.5 billion to \$11 billion Melbourne rail link, including a rail link to Melbourne Airport, which will untangle Melbourne's rail network and provide a 30 per cent boost to the capacity of Melbourne's train network, with dedicated train tracks for its suburban lines.

Labor opposes this. What it supports is every train being pumped through the eye of a needle so that when there is one breakdown, the entire system suffers. Labor is opposing the increased capacity on our rail networks. Labor's approach would result in a reduction in services for commuters right across Melbourne. This is an unbelievable policy for a party that claims to be a strong supporter of public transport.

Labor does not support the government's \$2 billion to \$2.5 billion commitment to upgrade the Dandenong-Cranbourne-Pakenham rail corridor. This will boost capacity on one of Melbourne's busiest corridors by 30 per cent. If Labor were to get into office, we would not get the grade separation at Clayton Road, we would not get the grade separation at Centre Road and we would not get a new redeveloped station at Clayton, because Labor does not support these projects and we know it does not believe in honouring contracts. The message from Daniel Andrews, the Leader of the Opposition in the Assembly, is that if Labor were to form government, any contract that has been signed by this government may not be honoured and could be ripped up.

In partnership with Transurban the government will add lanes to the CityLink-Tullamarine Freeway corridor. This is an \$850 million project which will cut travel times on key routes to Melbourne Airport by up to 16 minutes. We have also committed to removing an additional eight level crossings. If you want to see a success story, have a look at Springvale. It is part of our program of removing 40 level crossings and completing new grade separations.

Labor has a tit-for-tat policy. It has chosen projects where it thinks it can garner the greatest number of votes. In actual fact it has committed to a number of projects in the Kingston area. When in office Labor failed to manage the reconstruction of the Mordialloc bridge, which was protracted over a period of two years, forcing enormous congestion in that one area and forcing a number of businesses to the wall. Labor has not been able to explain how it would deliver the grade separations at a number of sites across the same area over a four-year period — the city of Kingston would be in absolute traffic mayhem for four years! I would also like to know how many compulsory acquisitions would be required around each of those grade separations.

In selecting grade separations the government has done the right thing. The Clayton grade separation was sixth on the state safety audit list. It is just down the road from the Monash Medical Centre. People are sick and tired and frustrated and angry that ambulances are delayed continuously at the Clayton level crossing when the boom gates are down. That threatens the wellbeing of many patients. The grade separation should have been undertaken when the Labor Party built the Monash Medical Centre, but of course Labor members do not think of these things. Do not believe all the promises: Labor has had a number of transport plans, most of which have not been funded and few of which have been implemented, which is why there are so many iterations of Labor's transport plans.

We have also promised free tram travel in the Melbourne CBD and Docklands, and travel across zones 1 and 2 for the price of a zone 1 fare. This is a hugely important policy for people in the south-east — they will be able to save up to \$1200 on the cost of an annual fare. We are looking for investment coming through without undue delay and without the undermining that occurs repeatedly and regularly at the hands of people like Geoff Lake, a card-carrying member of the Labor Party in the City of Monash. I will come back to that matter later in the day.

The government has also invested \$100 million in safer roads as part of its \$1 billion investment in road safety. We have provided a \$130 million boost for arterial road maintenance and a range of other road projects. Other public transport projects funded in 2014–15 include \$209 million to deliver new train and bus services for the \$4.1 billion regional rail link and to maintain stations, bridges and other infrastructure; \$43.8 million for critical safety upgrades to the city loop; and a range of other projects. I will let other members speak about those projects because of their relevance to their own regions.

In terms of public transport, rail network maintenance funding was boosted by \$272 million over four years, including \$172 million for major regional rail maintenance. The government established Public Transport Victoria as a one-stop shop for public transport planning and coordination, abolishing Labor's Transport Ticketing Authority and Metlink. The government has delivered more than 1070 extra train trips each week. It has forged ahead with the regional rail link, and it has progressively created new infrastructure, including infrastructure at West Footscray station; platforms 15 and 16 at Southern Cross station; the new Sunshine station concourse; removal of the level crossing at Anderson Road, Sunshine, over the Bendigo and Ballarat lines; new platforms 1 and 2 at Footscray station; and dedicated platforms at Sunshine for Ballarat line passengers. We have introduced 3870 new weekly bus trips, including more than 1400 for Point Cook. We have delivered the first 5 of 50 new E-class trams, we have ordered an additional three V/Locity railcars for the V/Line fleet and we have commenced the first phase of a \$115 million bayside rail improvement project involving a range of safety, amenity, accessibility and customer information improvements to stations along the Frankston line.

The Labor Party believes that it can win office just by running some unionists to flood the Frankston line and its stations. Labor members are deluding themselves if they think it was only public transport that delivered coalition wins in those seats. Predominantly the wins were the result of Labor's failure to invest in infrastructure, especially road infrastructure, which is something that is very important to the south-east, which is home to a lot of industry and a lot of business. We want to see those trucks and that business traffic moving on connected arterial flows. I welcome the government's commitment to the east-west link, because it will result in a reduction of over 17 per cent in the number of trucks on the Monash Freeway, which cuts straight through the electorate of Daniel Andrews.

I was handing out some pamphlets with the Liberal candidate for the seat of Mulgrave in the Assembly, Robert Davies, including pamphlets about the east-west link, and the positive response to that project was phenomenal. The Leader of the Opposition should be quaking in his boots about his own seat because people in his electorate welcome the single biggest project he has been canning. In addition to that, the east-west link will reduce traffic on the Princes Highway, which affects Assembly seats like Oakleigh, Mulgrave, Narre Warren North, Narre Warren South and a whole range of seats in which people are looking forward to the time when the east-west link is built. There are people in other areas

who need to use the West Gate Freeway, but I will let the members who represent those electorates speak for themselves.

The road asset management budget has increased to over \$500 million in 2014-15, which is 30 per cent higher than in Labor's last budget. In my area we have delivered \$156 million in funding for the construction of the Kingston leg of the Dingley bypass. Further work is being done on the Westall Road extension, connecting it to the Monash Freeway. Work is also being done on the extension of the Mornington Peninsula Freeway and the Narre Warren-Cranbourne Road duplication. We delivered funding for those projects as well as a whole host of other projects which I will let other members speak about, given their importance. We have also improved safety at 59 level crossings across country Victoria. This has been welcome, and we can see the improvements now.

I come now to kindergartens and early childhood achievements. Labor just keeps on spinning tales about a reduction in kindergarten hours and a lack of investment in early childhood. First and foremost I indicate that at 98.2 per cent Victoria's kindergarten participation rate is the highest it has ever been. Kindergarten participation has increased by 3.1 per cent since we were elected in 2010, and children in Victoria are attending more hours of kindergarten than they did under the former government. Claims to the contrary are Labor lies.

Under Labor in 2010 the standard for funded kindergarten was 10.75 hours per week, and the proportion of children enrolled in 15-hour funded kindergarten programs was only 18.4 per cent. Under the Napthine government in 2014 the standard for funded kindergarten is 15 hours and more, and 99 per cent of children are enrolled in a 15-hour program. The claim that there have been cuts to kindergarten is a lie. In 2015 early childhood services in Victoria will again be offering 15 hours of kinder. Once again, Labor talks but we deliver.

In just four years the coalition government has invested an additional \$283.1 million in children's services, ensuring that all Victorians get the best start in life. There was a 98.2 per cent kindergarten participation rate in 2013. This is a 3.1 per cent increase since 2010 and a record participation rate for Victoria. We have increased the early childhood budget by 31 per cent to \$522.5 million, and we have invested more than \$120 million in early childhood infrastructure — a record investment which has seen more than 620 early childhood facilities program grants awarded across the state. I have been honoured to present some of those.

Over 1700 IT grants have also been awarded. The most recent grants round opened in June, and announcements of successful applicants will happen in October 2014. There are lots of good stories in early childhood, but given that time is galloping forward, I am going to move on to housing.

In this motion Labor claims there has been no investment in public housing. Labor left public housing derelict and in a shambles, but there is now more social housing stock than there was under Labor. In June 2014 there were a total of 85 199 social housing properties. That is 4244 more properties than there were in June 2010. Another Labor lie is exposed. There were more disposals of public housing under Labor. Disposals under Labor reached a high of 1737 per annum. Under the coalition, this year there have been only 559 disposals. This means that in one year under Labor 1778 more dwellings were disposed of than have been disposed of over the last single year.

In 2014–15 we will support over 100 000 people who are homeless or at risk of becoming so. We will support 160 000 residents, including 77 000 long-term households. We have upgraded 1720 dwellings. We have acquired 500 dwellings. We provide crisis accommodation to 9000 households. We provide assistance for people to maintain tenancy in the private market, flexible support through 12 000 bond loans and Housing Establishment Fund rental references.

Some of our investments include \$65 million over four years in the social housing framework — a framework for a strong and sustainable future — to support initiatives across the state. We have invested over \$30 million in youth foyers. The Holmesglen youth foyer opened in 2013. The Broadmeadows youth foyer is co-located with Kangan TAFE. Construction of the Shepparton youth foyer began in September 2014; it will be co-located with Goulburn Ovens Institute of TAFE. There young people will be able to connect to services and information to help them obtain jobs and become job ready. There has been \$4.6 million invested in work and learning centres at Geelong, Carlton, Moe, Shepparton and Ballarat. Hundreds of clients are being registered at those centres.

We have a pipeline of \$1.1 billion for social housing capital works projects over the forward estimates, as outlined in budget paper 4. For example, \$160 million over 10 years will be allocated to Olympia. An \$80 million project will be undertaken in New Norlane. A \$146 million project will be undertaken in Carlton. The statewide public housing waiting list has fallen for 11 of the 15 quarters since the coalition was elected in November 2010. Under the former government there

were 41 212 applications on the public housing waiting list in Victoria in September 2010, which is 6580 more applications than under the Napthine government. As time is ticking away, I will come back to renewable energy.

I want to talk about integrity measures and advertising, and I make the following points. The coalition government has taken unprecedented steps towards establishing a world's best practice anti-corruption and integrity system in Victoria. It is committed to achieving the highest standard in government integrity by establishing new bodies and new powers to root out corruption and ensure that every Victorian can have faith in the public sector and elected officials. The centrepiece of the program for government integrity is the Independent Broad-based Anti-corruption Commission, which for the first time in Victoria — and this did not happen under Labor — will be able to investigate allegations of corruption against politicians and public servants. The body will have a full range of investigative and coercive powers, lifting Victoria to the standards set by other Australian states.

The coalition government is implementing a number of other reforms to strengthen existing integrity rules and bodies, including establishing an FOI commissioner to oversee the Freedom of Information Act 1982, protecting the Ombudsman with a new committee of the Parliament to hear complaints and concerns raised by that office, and protecting the Auditor-General by guaranteeing the Auditor-General's office has the right to appear before a parliamentary committee and raise concerns about government conduct, such as Labor's plans to cut the Auditor-General's powers.

These measures are essential for good government and good outcomes for Victoria. As I have said, we have introduced legislation to establish the Independent Broad-based Anti-corruption Commission (IBAC), the Victorian Inspectorate and a joint committee of Parliament to provide important oversight of IBAC. We have introduced legislation that provides for the Public Interest Monitor to appear in the public interest in applications by law enforcement agencies for telecommunications and surveillance device warrants. We have established a consultation panel of eminent persons to inform the legislation that established IBAC. We have established an implementation unit to enable the IBAC Commissioner and the Victorian Inspector to hit the ground running once appointed, and we have commenced a worldwide executive search to identify the inaugural IBAC Commissioner and the inaugural Victorian Inspector.

In the past four years this government has spent \$98.4 million on government advertising. If you look at the 2009–10 budget under the Brumby government, you will see that \$130 million was spent on advertising — a record level of funding on advertising in comparison to the money we are spending, which is less than \$100 million. We are actually saving taxpayers money. We are not wasting money on blatant political advertising like the Labor government did and like Mr Lenders and all other Labor politicians do. Ms Graley, the member for Narre Warren South in the other place, is displaying political banners on her public office, putting out flyers criticising Mr Abbott and Dr Napthine. It is clearly political literature. She is also, against parliamentary guidelines, taking out advertising in the cinemas at Westfield Fountain Gate, in a community she criticised for being the home of Kath and Kim. If she spent more time in her electorate than she does in Mount Eliza, she would not need to advertise in the cinemas.

I will now talk about Labor's job plan. For those who have not seen it, there are more photos than there are ideas in this document. It is a handful of pages, if that. The photos are very big and its ideas are very scarce. There are very few ideas on this page — absolutely nothing at all — and here is another blank page. There are more blank pages and photos than there are ideas. Contrast that with the government's jobs plan, *Victorian Jobs in the 21st Century*. It looks at skills, manufacturing, investment in infrastructure, investment in services, the importance of the digital economy and international engagement, both inbound and outbound. These will be articulated in the creation of an additional 200 000 jobs over the next five years. This is a real plan for real jobs, unlike the one from Daniel Andrews, the Leader of the Opposition in the Assembly. He obviously got wind that we were going to release something, so he hurriedly pulled together something called *Back to Work*, a very flimsy little document with a lot of blank pages and photos and very little substance — but then what do we expect from Labor?

Unlike Labor, the government has provided an outline of the things we have done and will do. They include a \$27 billion infrastructure investment creating 26 000 direct jobs and 60 000 jobs from the flow-on benefits; keeping the economy strong and maintaining our AAA credit rating to attract investment, more jobs and new industries; creating more than 200 000 jobs; establishing a manufacturing, innovation and technology fund and a new centre for advanced manufacturing and trades; providing \$5.2 billion to help Victorians gain the skills needed for jobs now and into the future, providing training for 850 000 people; providing support for 60 000 apprenticeships over the

next four years, connecting Victorians to jobs; showcasing Victoria's strengths to open up new global markets and opportunities through hugely popular trade delegations which have also led to inward-bound delegations; and building on the already created 108 900 jobs.

Skills, manufacturing, infrastructure services, the digital economy and global engagement are all hugely important to Victoria generally and to the south-eastern metropolitan area in particular. We all know the importance of small and medium enterprises (SMEs), as one in four householders work in SMEs and 94 per cent of businesses in Victoria are SMEs.

Contrast that with Labor's policy, which is full of blank pages and photos and very light on content. Given that Mr Daniel Andrews has admitted that he is not much good at maths and he will tear up the east–west link contract, what message does this send to investors and business? It is that Victoria is closed for business. The biggest threat to job creation in Victoria is Daniel Andrews and the Labor Party, and not just because of the threat to tear up the east–west link contract with the 6700 jobs the project would create and which Labor and Mr Lenders supported when in government. Now members of the Labor Party have fallen into line with Mr Andrews, who is essentially a man without a plan. He is pandering to the Greens by threatening to rip up this contract, which would destroy jobs and trash Victoria's reputation as a safe place to invest. He is threatening to do that to save his own job, to trash the jobs of others in order to sandbag the four inner metropolitan Labor seats that are under threat from the Greens.

As I have mentioned, Labor's recently released jobs pamphlet is not worth the paper it is written on. It has dodgy promises that are not costed or funded. Labor's jobs pamphlet demonstrates that Labor has learnt nothing from its record of failure and economic mismanagement. It is full of motherhood statements and \$1 billion in unfunded promises. It is certainly not a jobs plan; it is a jobs sham. Many of Labor's promises duplicate existing initiatives being delivered by the Victorian coalition government. Daniel Andrews and Labor have obviously been asleep for three and a half years, but when they got wind that we were going to release a jobs plan they put together a few ideas, a lot of photos and a lot of blank pages.

Whether it is ripping up the east–west link contract; Labor's close affiliation with the militant Construction, Forestry, Mining and Energy Union, which has been the subject of a number of motions today, as well as with the Australian Workers Union; or introducing a

new grand final eve public holiday, Labor simply cannot be trusted to manage Victoria's economy, and it will be responsible for destroying more jobs and throwing more businesses to the wall.

In terms of the renewable energy target (RET), the Napthine government is a strong and proud supporter of renewable energy. We support wind energy, geothermal energy, large-scale solar and small-scale solar — —

**An honourable member** interjected.

**Mrs PEULICH** — Just wait; I still have a few more minutes. Electricity production in Victoria from wind, hydro and other renewables is at 12 per cent of total production and growing. Under Labor in 2009 it was 7 per cent. We have made it clear that we strongly support the retention of the commonwealth RET. Maintaining the RET has clear benefits for employment, clean energy and diversity of energy supply. In 2014 there are 3700 jobs in the renewable energy sector in Victoria — in construction, in installation, in operations or in maintenance roles. Small-scale solar energy production employs 2060 people, which includes hundreds of small businesses in Victoria. There are over 600 people employed in the wind sector alone. Many of these jobs are in rural and regional Victoria due to the nature of renewable projects.

Labor's rushed jobs pamphlet includes a \$200 million grant program to support projects in six high-growth areas, including new energy, food and fibre and international education. Over four years that is an unfunded \$8 million a year for each renewable sector, assuming each area gets its fair share. We have spent \$42 million on sustainable energy initiatives in this term of government. That includes \$19.3 million in research and development and pilot projects and harnessing renewable resources, including wave, solar, geothermal and biomass; and \$15 million to Solar Systems for a 1.5-megawatt pilot plant, the largest of its kind in Australia and capable of powering 500 homes. It was with Victorian government support that Solar Systems was able to complete the research and development and pilot stages of the project.

Victorians cannot trust Labor when it comes to managing significant projects. It has a terrible record of managing renewable energy initiatives. Labor has committed vast amounts of taxpayers money to energy technology programs that were subsequently terminated, predominantly due to poor planning, an inability to secure finance and a lack of industry buy-in. There are a number of examples. In 2005 the former

government committed \$30 million to International Power's 2030 project and \$50 million to the HRL project. Both were later terminated as these projects were significantly delayed and were not able to meet key project milestones. In 2009 the former government committed \$25 million to the Greenearth Energy Geelong geothermal power plant project to develop a 12-megawatt geothermal plant in the Geelong area. After protracted negotiations and milestone extensions the project was terminated as it was unsuccessful in obtaining funding beyond the handout from the Labor government. Even the federal Labor government at the time was not interested in helping out from the Australian Renewable Energy Agency Fund. Labor was quick to forget the findings of the 2011 Victorian Auditor-General's report *Facilitating Renewable Energy Development*, which was a damning assessment of Labor's renewable policies and in particular its efforts in solar.

Electricity generated from wind power has been more than doubled under the coalition government. It is currently generating 5 per cent of Victoria's energy; under Labor it was 2 per cent. In terms of solar, there were nearly 200 000 solar installations between 2010 and 2013 and the uptake of new solar connections is continuing strongly in 2014, with nearly 3000 new connections per month. Ten per cent of Victorian households now have small-scale photovoltaic solar installed. Over 500 megawatts of capacity is now installed in Victoria. In 2009 the former government left behind a solar feed-in tariff arrangement that was unfair and resulted in all Victorians, including vulnerable families, paying even more on their bills to subsidise households with rooftop solar. We have put fairer solar feed-in tariffs in place. These are all examples of strong support from the government. This is an area where we are growing.

In closing, I thank Mr Lenders for the opportunity to put on the record some of Labor's lies that it has been generating and that do not stand up to any level of scrutiny. Labor is not just peddling lies but expecting the government to resolve within 4 years problems that it could not fix in 11 years. This government has moved on to fix the problems and build the future — —

**An honourable member** — With a surplus.

**Mrs PEULICH** — With a surplus. We are the only state to retain a stable AAA credit rating, which is generating a record number of jobs, a record amount of investment in infrastructure and a record amount of investment in services, including in health, education, community safety and disability, and all of this articulates into greater economic activity and jobs. This

is what it is all about. People want to know that the government of the day, the coalition government, is using their money wisely in creating opportunities for them and their families to work and get on with their lives without being plagued with the sort of mismanagement they saw in the Labor years.

I have only skimmed through the examples; I could certainly go on. We will need a long time to fully detail the phenomenal achievements of the coalition government within its first four years in office. It is something that Labor failed to do in its 11 years of office. Hopefully we will be recognised for that by being returned to office and Labor's lies will be exposed for what they are. If there is an example of how lies are manufactured at taxpayers expense, people should look at Mr Lenders's pamphlet which states, 'Who do you trust to upgrade our schools?'. Given that Labor left a \$420 million backlog in maintenance at the last election and a \$620 million backlog in 1992, I would say that the answer is not Labor. It will blow your money. We invest it, and we deliver the improvements and the legacy of building the capacity for our community. With those words, I oppose the motion.

**The PRESIDENT** — Order! I take this opportunity to advise members that Mrs Peulich will be supplying the bubbly today as it is her birthday. Happy birthday to Mrs Peulich.

**Business interrupted pursuant to sessional orders.**

## QUESTIONS WITHOUT NOTICE

### Bushfire management overlay

**Mr TEE** (Eastern Metropolitan) — My question is to the Minister for Planning. In November last year and September this year the red tape commissioner reported on the bushfire management overlay provisions. In his September report he gave the example of Mr Jones, a 78-year-old victim of the 2009 bushfires who is unable to rebuild until he receives a building permit. In the meantime he is forced to live in a caravan on the site. The red tape commissioner says that people like Mr Jones who meet all the approved mandatory measures are being denied permits. I ask the minister: why are people who meet the mandatory standards being denied permits?

**Hon. M. J. GUY** (Minister for Planning) — I think Mr Tee is mixing up a couple of issues here. Mr Jones's issue relates to subdivision in a farming zone. There is a difference between rebuilding in a bushfire area and

subdivision in a farming zone, which is what Mr Jones's issue relates to.

Having said that, what Mr Tee has raised in relation to the red tape commissioner allows me to make some comments. The red tape commissioner has made points around the bushfire overlay and the bushfire management system. The government has responded and made some quite significant changes to the way the bushfire overlays are interpreted and managed, including the removal of the Country Fire Authority as a determining authority. We have done so with specific interests in mind, and it is now up to councils to manage the permit structure as best they can in their own planning schemes.

It is no longer incumbent on the state government to make changes to the system, which now has many avenues for people to pursue building permits in those areas. It is now incumbent on councils to take advice from referral authorities and then make decisions on their merit rather than be spooked by the decisions of determining authorities. That is the point Mr Lloyd, the red tape commissioner, has made as opposed to the issue concerning Mr Jones that Mr Tee raises, which is a subdivision permit issue.

### *Supplementary question*

**Mr TEE** (Eastern Metropolitan) — The issue in relation to Mr Jones is the issue the red tape commissioner raised. It is the example he gave of the failure, and I have the report here if that would assist. I note that in the minister's answer he referred to the fact that this is now a responsibility of councils. However, the red tape commissioner says that many of these issues could have been addressed by the provision of some tangible and relatively straightforward guidance material from the state. My question to the minister is why has he not provided this guidance material.

**Hon. M. J. GUY** (Minister for Planning) — I will just say again: the red tape commissioner has made comments around Mr Jones's issue as to how it relates to Mr Jones's issue of rebuilding on his land, including the issuing of a subdivision permit in a farming zone. Obviously that is not what burnt down.

**Mr Tee** interjected.

**Hon. M. J. GUY** — It is, Mr Tee. I have discussed this ad nauseam — a lot more than you. Very clearly, if someone's house burnt down on Black Saturday, they are entitled to rebuild. If they want to expand that to a subdivision permit, that triggers a council process that obviously did not exist prior to the Black Saturday issue. I think that is very clear. I think it is very

straightforward. If there are any issues beyond that that Mr Tee or individuals wish to raise, they can obviously do so, but I very clearly say that the government has reformed the bushfire overlay system so it is now incumbent upon councils to make sure they are getting it right.

### **Ambulance Victoria performance**

**Mrs PEULICH** (South Eastern Metropolitan) — My question is directed to the Minister for Health, Mr Davis — and thank you for the birthday greetings, President, by the way — and I ask: can the Minister for Health update the house on the performance of Ambulance Victoria?

**Hon. D. M. DAVIS** (Minister for Health) — I thank the member for the question and for her interest in the performance — —

**Mr Jennings** — On a point of order, President, given the motion that is currently on the notice paper and the debate that is currently underway, I will not be asking the Minister for Health questions today, because I do not want to fall foul of the anticipation rule. This question clearly falls within the scope of the debate that has been interrupted by question time.

**Mrs Peulich** — On the point of order, President, is this in relation to the motion that is currently being debated?

**An honourable member** — Yes.

**Mrs Peulich** — How is that anticipation of debate?

*Honourable members interjecting.*

**The PRESIDENT** — Order! Can I have a copy of the member's question? In the meantime we will go to the next question. Mr Tee, can I have your question please?

### **Planning zone reform**

**Mr TEE** (Eastern Metropolitan) — My question is to the Minister for Planning. I refer the minister to the implementation of residential zones, which has seen a number of communities like Buninyong and Ballan have their lot sizes more than halved. For example, the Ballarat planning scheme draft amendment C177 reduces the minimum lot size from 800 square metres to 300 square metres, which potentially doubles the size of Buninyong. I note the minister's comment in the Ballarat *Courier* that a permanent zone will be in place in the next two months. The City of Ballarat says that the process is more likely to take 12 months. My

question is: does the minister stand by his commitment to have a permanent zone in place in two months?

**Hon. M. J. GUY** (Minister for Planning) — It is always a pleasure to have Mr Tee as the shadow minister asking questions on planning. This is an example of the typical lying and misleading that we have been getting on this issue about Buninyong. It is a typical example of how people have been misleading the folk in Buninyong, because there is no 800-square-metre rule for Buninyong. In fact Labor, for all of its 11 years, under the residential 1 zone had a 300-square-metre subdivision rate through Buninyong. Council had a policy of 800 square metres. This government changed the residential zone structure as per the advice of the independent advisory committee to give Buninyong the general residential zone, which I might add for the first time recognises that local planning policy must be reflected in those decisions.

Let us go back to where we were. What is the local planning policy? It must be considered. It is 800 square metres. This government is giving far more protection to Buninyong than ever existed under 11 years of Labor government. That is an undisputed fact, not misleading information from the member for Ballarat East in the other house and not the complete relevance deprivation from Mr Tee with his failure and deliberate misleading of the people of Buninyong. The inability of those who are trying to campaign or even represent that seat to pronounce the name Ballan correctly is quite astounding.

This government has made a commitment to all the councils across the state seeking to put in place a mandatory minimum subdivision rate. We have said to those councils that if they write to me and choose to have a concerted planning scheme amendment, we will do that. If they write to me for a ministerial amendment, we will consider that. If they come to us, as in the case of Ballarat, and put in place a concerted planning scheme amendment in a time frame I have suggested, we will work with the council to do that. We make no apology for putting in place a stronger level of control in Buninyong today than ever existed under 11 years of Labor government with its failed zone structure, which it tried for four years to implement and failed. This government has put it in place, and we are proud to say we will go even further to protect the residents of Buninyong with a neighbourhood residential zone and a mandatory minimum subdivision rate at the council's initiation, should it want that, to go on top of the strongest level of residential protection they have ever had, which has come about under a Liberal-Nationals government.

*Supplementary question*

**Mr TEE** (Eastern Metropolitan) — The minister knows that that is not the case. The minister knows because the independent panel report states quite clearly that the 800-square-metre block size has been in place and has been applied since the 1990s. I have the report here. Have a look at the report. That is what the report says. I have read the report word for word. My supplementary question to the Minister for Planning is: will the minister put on hold the current zones so that councils — whether it is Ballan or whether it is Buninyong — can implement the changes? Councils say they cannot do it within two months irrespective of the minister's request. What process will the minister put in place to stop overdevelopment in the 12 months the councils require to do the strategic work?

**Hon. M. J. GUY** (Minister for Planning) — The reason Mr Tee would not read it word for word into *Hansard* is that what he is saying is wrong. What he is saying is utterly factually wrong. This, however, is what we get from Labor — a complete misrepresentation of the truth. The report said that a discretionary policy did not give enough weight and that a proper strategy was needed. A discretionary policy is what existed for 11 years under Labor. This government is saying we will put in place a mandatory policy arising from a council-initiated planning scheme amendment.

For the first time in Buninyong's history it will be mandatory as per this government's controls. Mr Tee can come into this Parliament and obfuscate, mislead and say what he wants, but the facts remain. This government is putting in place a mandatory control. Those opposite had 11 years. They did nothing then, and they would not have the guts to do it in the future.

**Ambulance Victoria performance**

**The PRESIDENT** — Order! I thank Mr Jennings for his earlier point of order on the second question in today's question time. I have reflected on it. I thank Mrs Peulich for the courtesy of providing me with a copy of the question she had drafted. I appreciate that, because it has been helpful to me.

Anticipation is a somewhat difficult area to work with. It is an area we have become a little more relaxed about in recent parliaments. There is the position that significant scrutiny of matters might well be constrained by motions on the notice paper or by matters that might well be being transacted in the Assembly and which, though we tend not to reflect all the time on what happens in the Assembly, we are

mindful of and which might be expected to come to this house. Today, as Mr Jennings rightly pointed out in the point of order he took in relation to Mrs Peulich's question, we have a motion on the notice paper which originated in this house and indeed we are in the middle of a debate on that motion. I understand that at this point we have had two lead speakers speak on that motion. The lead speaker and proponent of the motion mentioned the ambulance service in his contribution. I am not sure whether Mrs Peulich remarked on the ambulance service in her contribution.

The question that has been raised by Mr Jennings is whether there is to be concern about anticipation with respect to the question posed by Mrs Peulich given the debate that is being pursued on Mr Lenders's motion. I have looked at the motion, I have looked at the question and I have also taken into account a further factor. I understand — and the minister can correct me if I am wrong — that the ambulance service tabled its annual report this day. Given that Mr Lenders's motion is broad and that his reference to the ambulance service and his perception of a fall in standards, perhaps — or to a 'service in crisis', as he has described it in his motion — is one of quite a number of points he puts about government performance, and given that the motion is not specifically on the ambulance service, I am of the view that the motion is sufficiently broad not to necessarily constrain a question on the ambulance service.

I might well have had a further think on this had it not been for the fact that the annual report has been tabled. In that context I think it is open to the minister to make some comment on the topic of the question that has been posed, which presumably anticipated in its own way the annual report being delivered this day. It is therefore quite appropriate for the Minister for Health to respond. I assume his comments will be with respect to the annual report and conclusions or commentary in it. I do not believe he is likely to — and I would certainly hope that he will not — lead debate in his answer that might infringe on the sorts of matters Mr Lenders has led in his motion today. I will therefore allow the question to stand and the minister to respond. However, this was a very good point of order in those respects.

**Hon. D. M. DAVIS** (Minister for Health) — I acknowledge there is a longstanding debate about anticipation. There is of course a risk that motions can be so broad that they can count out debate or questions on almost any topic. That is obviously a matter of balance, President, and I respect the points you have made on this matter.

I am also very happy to answer Mrs Peulich's question. Mrs Peulich's important contribution to supporting ambulance services in the south-east of Melbourne is noted, as is her support for many of the other health services in the south-east of Melbourne. What I can indicate, arising from the annual report tabled today, is that it is clear the coalition has delivered many more paramedics that have ever been in the ambulance service before.

There are now 679 additional paramedics compared to the number listed in the last annual report Labor delivered on the ambulance service, and 679 is a very big increase. The government went to the last election with a promise of 310 additional paramedics and 30 patient transfer officers, a total of 340 officers. In fact what has been delivered is 679 — a massive increase, a historic rebuilding of the ambulance service and a historic increase in support and resources.

Funding to the ambulance service has increased by more than 24 per cent since the government came to power.

**Mr Jennings** — Has it?

**Hon. D. M. DAVIS** — It has indeed. What I can also indicate is that when you look at the performance of Ambulance Victoria you can see that this year there has been an improvement in the proportion of code 1 incidents that are responded to in the times that are required. That is not to say that the target has been met; the target has not been met. The target set by the previous government has never been met by any government of any political colour, but this is the first time for a number of years, including back into the previous government's term, that there has been an increase in the proportion that have been responded to, so there is an improvement there.

There has also been a significant improvement in the transfer time outcomes. The transfer time outcomes show a very significant improvement, and that is a very direct result of the work of the Stripp task force. I can indicate that the percentage of ambulance transfers that occur within the 40-minute benchmark is now 84.1 per cent, and in every quarter of the last financial year there have been improvements in the transfer percentage within the target. This is a major improvement. Labor did not provide information on transfer times. It did not provide information — —

**Mr Lenders** interjected.

**Hon. D. M. DAVIS** — It did not; Labor kept them secret year after year. The hospital early warning system (HEWS) data has also shown improvement.

The government has made available all of the HEWS data, and it can be seen as real-time data. The ambulance arrangements, which are up on the web and show which emergency departments are available, are another important component. There has been an improvement in performance this year, which is a significant change from what has occurred over the last few years under this government and under the previous government.

The very significant improvement in the transfer times is something that we can all recognise as a significant assistance to the ambulance service. It is very important to understand that that work that has been done by Andrew Stripp and his task force on improving the transfer times and the linkage with our hospitals has been a very significant change in the interaction between paramedics and the ambulance service and our major hospital emergency departments.

I can indicate that the performance of Ambulance Victoria is never perfect — it is not perfect; that is true — but it has been significantly improved this year in terms of both the resources being put in and the number of paramedics.

### **Ambulance Victoria funding**

**Mr JENNINGS** (South Eastern Metropolitan) — In light of the change in the interpretation of the anticipation rule, I will now ask the Minister for Health a question based on page 70 of the annual report of Ambulance Victoria, the financial statements, which indicate that in the last financial year the government of Victoria reduced its grants in total to Ambulance Victoria by nearly \$34 million. It reduced the operating grant to Ambulance Victoria by \$13 million and it reduced the capital grants to Ambulance Victoria by in excess of \$20 million. Is that abrogation of the minister's responsibility to fund Ambulance Victoria not indicative of why Ambulance Victoria is in crisis and the public knows that the service is in crisis?

**Hon. D. M. DAVIS** (Minister for Health) — From time to time capital grants do change — there is no question of that — but overall the funding that has gone to Ambulance Victoria year on year has increased. This year it will be up to \$696 million, a significant increase on when Labor left power.

### *Supplementary question*

**Mr JENNINGS** (South Eastern Metropolitan) — Whilst the minister has given the house an incorrect number for the total operating budget of Ambulance Victoria in his response to my question, I want the

minister to look at the very first line of the financial statements on page 70 and confirm to the house that the operating grant from the government to Ambulance Victoria this year has been reduced by \$13 344 000.

**Hon. D. M. DAVIS** (Minister for Health) — Ambulance Victoria has got more money in this financial year, and \$696 million will be the money that goes in in the financial year we are now in. It is clear that the funding to Ambulance Victoria has gone up over the term of government, and additional resources will go in year by year.

### Docklands development

**Mr ONDARCHIE** (Northern Metropolitan) — My question is to my good friend and colleague the Honourable Matthew Guy in his capacity as Minister for Planning. In advance of the Council finalising its business for the 57th Parliament this week, I thank the minister for his work in Northern Metropolitan Region, for his leadership, for his guidance, for his counsel and for his friendship. I ask the minister to advise the house what action the government has taken to bring livability and life to Melbourne's Docklands.

*Honourable members interjecting.*

**The PRESIDENT** — Order! Just before the minister answers, whilst Mr Ondarchie's remarks were obviously positive and reflected on his great friendship with the minister, they have no place in posing a question to the minister. If we allow that sort of commentary, then obviously the whole thing moves into other areas as well and it becomes a lot more difficult in terms of those questions. I might well agree with the sentiments, but they should be expressed in other mechanisms of the Parliament.

**Hon. M. J. GUY** (Minister for Planning) — In thanking my good friend and colleague Mr Ondarchie for his question, I acknowledge his strong work in advocating for his electorate and for the Melbourne Docklands precinct, about which he has asked me a question. In doing so I acknowledge the strong financial result reported by the delivering agency for much of Melbourne Docklands yesterday, Places Victoria. We saw tabled in this Parliament the strongest financial result ever for the urban renewal agency in Victoria. Since VicUrban, Places Victoria had the strongest result ever, coming off the basis of the completely and utterly unsustainable initiatives of the previous government.

**Mr Somyurek** interjected.

**Hon. M. J. GUY** — It might be comical to Mr Somyurek, but then again most things in life are, and that is how we view you too. At the end of the day, we on this side of the house believe that running a sustainable urban renewal agency is important. We believe that providing for Melbourne Docklands is very important for livability and sustainability and for growing Melbourne.

I can inform the house it was my absolute pleasure to be part of the launch of the Ron Barassi Senior Park in Docklands last week. This new park is part of how this government is bringing forward new social infrastructure for Melbourne Docklands. It is the first time that any government has launched new parkland for Melbourne Docklands, and it is not a one-off. Library at the Dock is the new library at Docklands, out the front of which is a new park, a new playground and new open space — all launched by the Napthine government.

It is not just that, it is also the tram extension to the corner of Bourke and Collins streets, which was launched by this government. I might add that tram travel in the central business district will be free as of 1 January as a result of this government. As I was just saying, there is the \$18 million park that is being built as we speak now, at the top end of north quay — Ron Barassi Senior Park. It was an absolute honour to be able to be there with the CEO of Places Victoria and representatives of the development agencies and to be part of the first stage of this \$18 million park, which will eventually feature netball facilities, AFL facilities, open space, parkland and playground facilities.

Naming the park after someone who served this country, as this government said it would, was an honour for me as Minister for Planning. It was an honour to be there to recognise someone who was an employee of the City of Melbourne, in which Docklands is located, and someone who is associated with the Melbourne Football Club. I was there with the Melbourne Football Club CEO to recognise Ron Barassi, Sr, who played for Melbourne in the 1940 premiership. He then served Australia, this great country, in Tobruk, where he was tragically killed in 1941.

It was an honour for us to be able to name this park after Ron Barassi, Sr, the man who inspired the father-son rule for the Victorian Football League, now AFL; to be able to name that park, that piece of open space, after someone who has done so much for this country, who gave his life for the freedom and values of this country — fairness, democracy and enterprise; and to be able to name that park after someone whose

family has contributed to sport, culture and the greatest of Australian values. This is a new park that will reflect open space, urban renewal and a commitment to building a better Victoria.

### Margaret Court Arena

**Ms CROZIER** (Southern Metropolitan) — My question is to the Minister for Sport and Recreation, Mr Drum. Can the minister inform the house of the upgrades recently completed at Melbourne Park's Margaret Court Arena?

**Hon. D. K. DRUM** (Minister for Sport and Recreation) — I thank Ms Crozier for her question. Last week we had the opportunity in a two-pronged event to launch the 2015 Australian Open and announce that tickets have gone on sale, and also to announce the completion of Margaret Court Arena, which effectively becomes the third show court at Melbourne Park to have a retractable roof. Margaret Court Arena has the fastest retractable roof in Australia, and possibly the world, which will be amazingly helpful at those times during the Australian Open when the weather changes and we are forced to either open or close the roof.

It was great to be able to be there with Margaret Court, who for those who know their tennis is tennis royalty here in Australia. I did some research on Margaret Court and found that she won 62 grand slam titles, which is unthinkable in today's day and age. However, another source claimed that Margaret Court won 64 titles so I stand before you a bit uncertain, but her record is along the lines of 24 grand slam singles titles, 19 in doubles and either 19 or 21 in mixed doubles.

Now that Margaret Court Arena is a show court we have increased the capacity of the arena from 6000 to 7500. We have put a low-profile roof across it as part of stage 1 of the development. This court was originally built in 1988, it was named in Margaret Court's honour in 2003 and it has now has been refurbished as part of stage 1 of the refurbishment at Melbourne and Olympic Parks, which is a \$300 million-plus investment.

It was amazing that we were able to acknowledge that there will be a further \$350 million invested in stage 2 of Melbourne Park as stage 1 comes to a conclusion. Stage 1 has had the National Tennis Centre built on to the eastern end of Melbourne Park. It also has 8 indoor courts and 13 outdoor courts, including the clay courts that have again given our younger players the opportunity to gain experience in playing on clay. The Edwin Flack Bridge has been completed, providing access from the MCG to AAMI Park through the

middle of Melbourne and Olympic Parks. There are a whole range of other enhancements to the entrances to Hisense Arena. That has been an amazing project.

Stage 1 of this project has been completed on time and on budget, and it is with excitement that we look forward to taking our investment from \$330-odd million to \$700 million when we move into stage 2 of this work. That work will start after the 2015 Australian Open, and it is something that will be strongly anticipated. There will be a new administration block, which will also house the media; further refurbishments to Rod Laver Arena, which will maintain it at a high standard; and also the Batman Avenue Bridge, which will link Birrarung Marr to Melbourne and Olympic Parks. All these improvements will continue to have this tournament among the top tournaments in the world.

### Ann Nichol House

**Ms MIKAKOS** (Northern Metropolitan) — My question is to the Assistant Treasurer. Yesterday, in response to my question about Ann Nichol House, he indicated that he had agreed to the request to sell Crown land to Bellarine Community Health to facilitate the development of public care facilities on that site. Can the minister inform the house who advised him that Bellarine Community Health was going to develop public care facilities on that site?

**Hon. G. K. RICH-PHILLIPS** (Assistant Treasurer) — I thank Ms Mikakos for her question. As Ms Mikakos would understand, my role in the sale of the site of Ann Nichol House to Bellarine Community Health is from the Treasury perspective. The objective of that sale fell within the scope of the government's land sales objectives — that is, to sell surplus land where it is no longer used by government. The request came forward for that site to be sold to Bellarine Community Health, as the existing occupier of that site, which owns and operates the Ann Nichol House facility. It was on that basis that the site was subsequently sold to Bellarine Community Health, but it was sold to allow for the subsequent redevelopment of that site for the provision of additional aged care to the public.

### *Supplementary question*

**Ms MIKAKOS** (Northern Metropolitan) — Yesterday the minister said that the land was sold on the basis of facilitating further public care facilities on that site, but now it is unclear whether the minister was in fact informed by anyone about the intentions of Bellarine Community Health in terms of acquiring that

land. Can the minister advise whether he was informed at any stage prior to his approval of this sale of Bellarine Community Health's intention to sell the land to a private operator?

**Hon. G. K. RICH-PHILLIPS** (Assistant Treasurer) — Again I thank Ms Mikakos for her question. The government was informed of the intention of Bellarine Community Health to further develop that site for the provision of aged care. That was the purpose for which Bellarine Community Health sought the acquisition of the land on which it already had buildings.

### Early childhood facilities

**Mrs MILLAR** (Northern Victoria) — My question is to the Minister for Children and Early Childhood Development, the Honourable Wendy Lovell. Can the minister advise the house on recent announcements and openings under the children's facilities capital program?

**Hon. W. A. LOVELL** (Minister for Children and Early Childhood Development) — I thank my very good friend Mrs Amanda Millar for her question, her ongoing interest in early childhood education, her dedication to the people of Northern Victoria Region and her outstanding work since she came into the Victorian Parliament just over 12 months ago.

Over the last couple of weeks I have been thrilled to get out and announce some of the centres that are benefitting from \$16 million of major capital grants. Three centres have received grants of up to \$1.6 million for integrated services. One is the Darley Early Years Hub in Darley, near Bacchus Marsh. I was delighted to make that announcement together with Daryl Lang, the Liberal candidate for the Assembly seat of Melton. In Carrum the Premier and the member for Carrum in the Assembly, Donna Bauer, announced \$1.6 million for the Carrum Child Care Centre. In Korumburra the member for Gippsland South in the Assembly, Peter Ryan, and Danny O'Brien announced \$1.6 million for the Karmai Community Children's Centre.

There have also been three announcements of \$650 000 for new early learning centres. In Gisborne I made an announcement together with Amanda Millar and the Liberal candidate for the Assembly seat of Macedon, Donna Petrovich. At Wodonga West Primary School, Bill Tilley, the member for Benambra in the Assembly, made the announcement but I visited the school with him last Friday, and the school is absolutely delighted with that grant. The member for Narracan in the Assembly, Gary Blackwood, made the announcement

of \$650 000 for a new early learning centre to be co-located with Drouin Primary School.

Eight centres have benefited from grants of up to \$350 000 for upgrades, including Hartness House Children's Centre in Brunswick. I made that announcement together with Gladys Liu, a Liberal candidate for Northern Metropolitan Region. Mr Tilley made two announcements of upgrade grants, with the Corryong Preschool Centre and also the Baranduda Community Centre receiving grants. Dee Ryall, the member for Mitcham in the Assembly, made an announcement of a grant for the Dr Stanley Cochrane Memorial Kindergarten. Bernie Finn made two announcements — for the Church Street Children's Centre in Footscray and the Maribyrnong River Children's Centre.

Last Thursday, together with The Nationals candidate for the Assembly seat of Shepparton, Greg Barr, I visited the Nathalia preschool to make the announcement of its grant. It was a surprise visit, and people there were absolutely delighted — in fact, members of the parent committee burst into tears. The member for Benalla in the Assembly, Bill Sykes, Bill Tilley and I visited Mount Beauty's Lake View Children's Centre last Friday and announced its upgrade grant.

There are still more grants to come. Since 19 September I have had the pleasure of either opening or commencing 12 more projects. There has been a ground breaking for the Goldfields Children's Centre, which I did together with Louise Staley and Scott Turner, two candidates for Ripon. The Hopetoun Children's Centre in Flemington also had a ground breaking, which I conducted with my good friend Andrew Elsbury and Fred Ackerman.

I opened the upgrade to the Brown Hill Kindergarten in Ballarat together with Craig Coltman, as we did in Delacombe. We opened the upgrade of the St Arnaud Children's Precinct together with Louise Staley and Scott Turner. Terry Mulder broke ground on three projects, at Bannockburn, Meredith and Rokewood. Andrew Elsbury opened the upgrade to the Remus Way Children Centre. Craig Ondarchie opened the new Keon Park Children's Hub. Bill Tilley and I opened the Felltimber Children's and Community Centre in Wodonga last Friday. Together with Sussan Ley, the federal member for Farrar, on Monday I opened the Hurstbridge Community and Family Centre.

These are great results. This weekend I will be opening two more centres, in Whittlesea and Mansfield. Our record investment of more than \$120 million in early

childhood facilities is really paying rewards for Victorian families.

### Midwifery services

**Ms HARTLAND** (Western Metropolitan) — My question is for the Minister for Health. After years in development and almost a year sitting in the minister's in-tray, the implementation framework for eligible midwives to make collaborative arrangements with public hospitals was released in 2013. This framework allows for the provision of private midwifery services in public hospitals so labouring women can receive care from their chosen midwife private practitioner if or when they are admitted to a public hospital to give birth. I have spoken to a number of groups that represent midwives. They believe no eligible midwife has been credentialed to work in public hospitals in Victoria. Can the minister confirm whether, in the year this framework has been in place, any eligible midwives have been allowed to practice in a Victorian hospital?

**Hon. D. M. DAVIS** (Minister for Health) — What I can say is that the government does have in place a framework to guide health services. Ultimately credentialing is a matter for health services individually. I understand the desire of some women to have a different birthing option and different support, and the government supports entirely those options. The provision of a set of guidelines and support for health services is the way the government has approached it. Services are able to support women in this way. I will come back to the chamber when I can find a precise number to provide to the member. Certainly the government is supportive. The framework has been put in place, but ultimately credentialing and the arrangements for individual health services are a matter for those services.

### *Supplementary question*

**Ms HARTLAND** (Western Metropolitan) — Again I am a bit surprised that the minister does not know whether eligible midwives have been admitted, but I am no longer surprised by the minister not being able to answer my fairly basic questions. Clearly the framework is there, and I would have thought that the Victorian government needs to address this situation as part of its obligations under the national maternity services plans. What does the minister intend to do about this situation? Will the minister provide incentives or place obligations on hospitals to set up credentialing arrangements with private midwives to ensure that women actually get access to continuation of care?

**Hon. D. M. DAVIS** (Minister for Health) — As I said, the government has provided a framework and does support this step. The government has also, as I think the member knows from comments made in this chamber before, established the perinatal services advisory committee, which supports steps in planning and development of maternity and neonatal services. It is certainly the case that we would be very supportive of any service that took these steps. But I will come back to the member with the precise and accurate numbers that are available.

### Medical technology strategy

**Mrs COOTE** (Southern Metropolitan) — My question this afternoon is for my very special friend and soon to be former colleague Mr Gordon Rich-Phillips in his capacity as Minister for Technology. Can the minister advise the house of how the recently announced Victorian government medical technology strategy will further boost jobs and investment in Victoria?

**Hon. G. K. RICH-PHILLIPS** (Minister for Technology) — I thank my very good friend Mrs Coote — —

**Hon. E. J. O'Donohue** — And special.

**Hon. G. K. RICH-PHILLIPS** — I thank my very good and special friend Mrs Coote for her question and her interest in the government's medical technology strategy and indeed the technology sector of the economy more generally. This has been a very strong sector of the Victorian economy. It has been a sector where the Victorian government, through a range of policy platforms, has been able to achieve a lot over the last four years in terms of job creation and investment attraction. It really highlights the strength of the Victorian technology sector that those achievements have been made over that period of time.

In June I was pleased to announced that the Victorian government would develop a medical technology strategy to focus on the opportunities in the growing medical technology sector, particularly in the Asia-Pacific region, where we are seeing a rapidly growing share of the Asia-Pacific population move into the middle class and expect higher standards of health care and higher standards of medical intervention.

This is an area where Victoria — and Australia — has been a leader. It has been very strong in the development of medical devices and medical technologies. The potential for their export around the world, and particularly to the Asia-Pacific region, is of

great interest to the Victorian government and of great interest to the sector.

In June we announced that we would develop a strategy and undertake consultation with the med tech sector. That was done through the auspices of the Victorian Biotechnology Advisory Council and Robert Klupacs. Following that extensive consultation, last week I was delighted to be at Socobell in Altona for the launch of the medical technology strategy, which is an \$18.8 million commitment by the Victorian government to develop what is currently a \$600 million industry here in Victoria to take advantage of the global growth in medical technology, which it is estimated in the coming years will reach more than \$475 billion in value, so there is an enormous opportunity for Victorian companies to participate in that medical technology sector.

The priority areas of the med tech strategy include raising the profile of Victorian med tech capabilities in both local and global markets, accelerating the industry's growth by facilitating further capital investment — and that is always a challenge in our innovation sector, to drive capital investment into that sector — and optimising the operating environment for med tech companies. This particularly focuses on the regulatory environment, which is regulated at both a national level across Australia and an international level. Obviously being part of the healthcare system medical devices are heavily regulated and their development is regulated, and that is an area where a focus on streamlining regulation is important.

There is also the issue of driving collaboration across industry sectors. Much of what has been achieved in technology has resulted from collaboration across biotechnology, ICT and small technology. The potential for that collaboration to continue to drive outcomes is very real. Finally, it is about focusing on developing the skills gap, which means recognising where there are gaps in the skills base in medical devices and medical technology here in Victoria and working with the industry to address those.

Last week I was delighted to be at Socobell in Altona for the launch of the strategy. Socobell represents a company that has been very successful in moving into medical technology. The company started as a supply chain manufacturer in the automotive sector, building dashboards for a range of Australian car manufacturers, and it has transitioned into manufacturing a range of sleep apnoea-related devices. This has highlighted the potential of transition for automotive supply chain manufacturers into high-value-added manufacturing in areas such as medical technology.

The Victorian government sees med tech as a great opportunity for our economy. It is one where we already have a \$600 million imprint, and it is one where there are enormous growth opportunities throughout the region in coming years.

## QUESTIONS ON NOTICE

### Answers

**Hon. D. M. DAVIS** (Minister for Health) — There are 97 answers to questions on notice.

**Ms Mikakos** — On a point of order, President, given that the Leader of the Government has not indicated the numbers of those questions on notice — —

**Hon. D. M. DAVIS** — I have just circulated them.

**Ms Mikakos** — Perhaps he could have circulated that list earlier; otherwise there will be no opportunity for members to pursue any outstanding questions on notice that will not be responded to, this being the final sitting week of the Parliament — unless the Leader of the Government can give us an assurance that an answer to every single outstanding overdue question on notice is being tabled here today.

**Hon. D. M. DAVIS** — On the point of order, President, what I can say is that the government is sincerely seeking to answer as many questions as it possibly can. I can indicate that 97 questions have been answered today. The member will be interested to know that 10 696 questions have been asked in this Parliament to date. There might still be another one. Of those that were asked, 10 111 have been answered. That means that there are a number outstanding, but 94.53 per cent have been answered to date. The government is seeking to answer even more. That stands in stark contrast to the large pile that was left unanswered in the previous Parliament — —

**Mrs Coote** — Four years of them.

**Hon. D. M. DAVIS** — Four years of them; that is right. We are certainly working to answer as many questions as we possibly can; indeed we will continue to do so.

**Ms Mikakos** — On the point of order, President, I thank the Leader of the Government for the list that I have just been provided with. The answers to questions on notice that have been provided today do not include the ones I have been pursuing. I have a very long list of answers to questions on notice that remain overdue. I am happy to indicate to you, President, the correspondence that I have sent to various ministers

relating to those questions on notice; I am happy to go through those numbers if that would be of any assistance to you. I indicate to the house that, having looked at my list of unanswered questions on notice, I probably have a good couple of dozen outstanding questions on notice, some of which have been outstanding for quite some period of time.

**Hon. D. M. DAVIS** — On the point of order, President, I can indicate that as at today there are 585 questions not answered. That compares to 982 questions that were not answered at the end of the last Parliament. We are certainly endeavouring to answer as many questions as we possibly can.

**Mr Lenders** — On the point of order, President, about unanswered questions, Mr Davis specifically, as the Minister for Ageing, has unanswered questions from me. I have written to him on the Mentone Gardens facility. Those answers have not been provided today. It is totally within the minister's control as to whether or not those questions are answered.

Mr Drum has delivered a fair number of outstanding questions about the Office of Living Victoria, and I thank him for that. I raised those questions two sitting Wednesdays ago. Those answers have come.

Mr Rich-Phillips still has one question outstanding on the Office of Living Victoria from me to the Treasurer; it remains unanswered. I have written to all these ministers on all these questions.

In particular, President, the point of order I raise is for the Minister for Ageing, who is in this house, and who I have written to to raise the issue of outstanding questions on notice about Mentone Gardens. I formally take note of the minister's answer, but the point I would make, without wasting the time of the house, is that he comes in here and quotes statistics when he is the Minister for Ageing and the questions were to him in his role as minister.

I asked a series of technical questions, and when the minister comes in here and studiously writes them down, looks at them and pretends to be interested in them, and when it is in his control to answer them, I put to you, President, that it is only courteous for him to provide those answers.

I will discard my request of the other two ministers, who are answering on behalf of other ministers. I will put aside my critique because Mr Drum in particular has delivered on a number of my questions. The issue is in the hands of the Minister for Ageing. It is no-one else's problem. My point of order is: why has it not been done?

**Ms Mikakos** — Further on the point of order, President, I do not want to go through all the numbers, but I also wish to indicate to the house that the Minister for Ageing has four outstanding answers to questions on notice from me, which I have corresponded with him about, and Minister Lovell has nine.

**The PRESIDENT** — Order! Again, that is not a point of order. I will come back to Ms Mikakos and allow her to pursue that, but the point of order is that answers have not been provided. We do not need to go into the actual substance or content of every answer that has not been provided as part of a point of order; that is a different aspect. That is the next stage, if you like. I ask Mr Davis whether he has any comment on the point of order. We have heard the statistics.

**Hon. D. M. DAVIS** — On the point of order, President, as you would understand, I was responding to commentary and thought it was worth putting some factual matters on the record. The government is endeavouring to answer as many questions as it can, and I am hopeful that further questions will be answered tomorrow. I also indicate that to date the government has answered 94.53 per cent of questions on notice in this Parliament.

**The PRESIDENT** — Order! Can the minister indicate whether he thinks responses to the Mentone Gardens questions can be made available to the member?

**Hon. D. M. DAVIS** — President, you will understand that there are many questions across different areas of government. We are endeavouring to answer as many of them as possible, and I will respond to issues in my portfolio areas.

**Ms MIKAKOS** (Northern Metropolitan) — I do not wish to go through the details; I just want to make the point that the vast majority of the questions on notice that I have outstanding are addressed to Minister Wooldridge and relate to child protection issues. I am very concerned that there are about 24 outstanding responses to questions on notice from Minister Wooldridge, and I ask the Leader of the Government to pursue this matter with the minister. I have corresponded with Minister Wooldridge about this matter.

I also have questions that relate to Mentone Gardens which I have submitted to Mr Davis. These are specifically around issues to do with authorised officers and inspections conducted at supported residential services.

**The PRESIDENT** — Order! Is the minister able to answer with respect to Minister Wooldridge?

**Hon. D. M. DAVIS** (Minister for Health) — I have certainly corresponded with Minister Wooldridge to ensure that she is aware of the questions that remain outstanding. As with other ministers in the other place, we have certainly drawn this to their attention and sought their assistance on the matter.

**Hon. G. K. RICH-PHILLIPS** (Assistant Treasurer) — On the matter raised by Mr Lenders, I can advise him that the Treasurer has answered question 9785 with respect to the Office of Living Victoria. If Mr Lenders has not yet received the answer, I can provide him with a copy after question time.

**Mr LENDERS** (Southern Metropolitan) — I move:

That the house take note of the explanation.

I will keep my remarks very short, because it is the last sitting Wednesday of a four-year Parliament. This area is in the direct control of the Minister for Ageing. The issue of Mentone Gardens is hardly one where we require more information. It has been raised twice in general business in this house, it has been raised by Ms Mikakos numerous times during questions without notice, it has been raised by her and by me during adjournment debates, the minister is on the public record speaking on the issue and the Ombudsman is looking into it.

It is hardly as if this is an area the minister is not familiar with, and it is hardly as if it is an area his department cannot look into. The minister has been asked a series of specific questions. They are highly relevant to public policy, and they are even more relevant to the two dozen or so elderly residents of this facility who have seen their livelihoods, their bonds and their savings gone, and who are distressed. It is affecting their lives, it is affecting their living and it is affecting their families. The minister has come in here and said, ‘I will look into it’, and, ‘We will get onto it in due course’, on the second-last day of the sitting when he knows there is no longer any recourse for the opposition other than to listen to the answer. Frankly I do not believe the minister’s answer — I do not believe there is any intention whatsoever to lob these answers in tomorrow in this house. That is the reality.

I do not see any point in saying anything further on this take-note motion. Any response from the minister that talks about what the previous government may or may not have done may be a relevant debating point in this house, but it is not relevant to the 24 senior Victorians in the minister’s and my electorate who have been

adversely affected by this Mentone Gardens disgrace, which is so bad that the Ombudsman is looking into it. That the minister would simply say, ‘I will get back to you tomorrow, trust me’, beggars belief.

Any response about what Labor may have done in response to other answers — —

**Hon. D. K. Drum** interjected.

**Mr LENDERS** — I will take up Mr Drum’s interjection. If he wants me to, I will repeat the debate of two sitting Wednesdays previous to this one when I spoke to him about a dialogue I had with his predecessor as Nationals leader in this chamber, Peter Hall. There was no single question on notice to me as Treasurer, Minister for Financial Services or Minister for Information and Communication Technology left unanswered in this house at the end of the last Parliament. That is the standard I am asking the Minister for Ageing in this house to apply to himself at the end of this Parliament.

There is no excuse that a minister in another house is not doing it. There is no excuse that it is sitting on the desk of some official in the Premier’s office. This minister has the ability to sign off on these questions, as I did for my three portfolios. I did not deliver on every question for ministers from the Assembly, nor do I pretend I did, but I delivered on every question in my portfolios by the end of the last Parliament. This minister can, this minister has not and this minister will not. I think he should be shown for what he is: he is a non-answerer pretending that somehow or other answers to these questions for these 24 senior constituents will miraculously appear tomorrow. I am not fooled, they are not fooled, and dare I say that the house is not fooled either.

**Hon. D. M. DAVIS** (Minister for Health) — We had a little outing there and that was all very interesting, but there are several key points here. The fact is that government ministers have answered as a percentage a greater share of questions than ministers of the previous government.

*Honourable members interjecting.*

**Hon. D. M. DAVIS** — In significant measure it is about the aggregate result, and I am hopeful that further questions will be answered tomorrow and that will further improve the percentage. That is the stark fact: the rate of questions answered as a percentage is greater under this government than under the previous government. We can take some pride in that matter.

On the matter of the Mentone Gardens questions, we will respond to those questions. However, let me be quite clear: Labor is running a disgraceful campaign that is giving false hope to people. Labor has not come out and said it will make ex gratia payments to the people in question. It has not said that. It is all very well to cry crocodile tears over what I accept is a very difficult situation, but it is also important to put on the record that this situation occurred under arrangements set by the Labor government. Let us not get too cute about all of this. Labor is now bleating, but in fact this situation occurred under its arrangements.

**Motion agreed to.**

**Sitting suspended 1.02 p.m. until 2.08 p.m.**

## GOVERNMENT PERFORMANCE

**Debate resumed.**

**Mr BARBER** (Northern Metropolitan) — It should not have been too hard for the Baillieu government to be a better government than the Brumby government it replaced. All it would have taken was for it to walk its talk on a certain set of issues. The first is integrity. If the Baillieu government simply implemented the successful New South Wales independent broad-based anti-corruption commission model, if it had held back on the temptation to run self-promoting advertising with taxpayer dollars or if it had been at all serious about reforming the way the Freedom of Information Act 1982 is administered by its own departments and offices, it might have convinced the voters in fairly short order that the change was for real.

If the Baillieu government had proceeded systematically to build the new rail lines it promised to build, including Doncaster, Rowville and the Geelong–Ballarat–Bendigo reconnection, people would have said, ‘Yes, here’s a government that delivers on its promises’. If the government had been able to continue in the tradition of even the British Conservative Party by taking some modest action on climate change, which it appeared to sign up to under the Climate Change Act 2010, rather than systematically stripping away every single program that has been effective in reducing greenhouse gases that drive climate change and then removing the words ‘climate change’ from government documents, people would have said, ‘Okay, this is a moderate, middle-of-the-road government that’s got some moderate promises it intends to deliver’.

Instead the government simply lost its way, changed its spots, got totally focused on its own internal problems

and delivered nothing except for — and most voters will tell you this — the protective services officers at railway stations. The Baillieu government might have survived and there might not have been a Napthine government. Replacing Mr Baillieu with Dr Napthine and replacing all the commitments it made in opposition with a dirty great toll road tunnel from Collingwood to Kensington was a clear sign that this government was in panic. Since then the voters really have not listened to what members of the government have been saying.

The government had no excuses; it controlled both houses of Parliament, and it certainly did not have a budget or economic crisis to contend with. In fact if we look at what it has in its treasure chest for the next four years, we can see \$21 billion in cash surpluses and \$11 billion in accumulated accrual surpluses over the next budget and three years. Let us not forget that the government’s slogan was, ‘Fix the problems, build the future’. Those opposite could not even solve their own internal problems and divisions.

With some of the issues that became albatrosses around Labor’s neck, such as myki and the desalination plant, this government worked out pretty early on — within the first few months — that the best thing for it to do was just wave them through and blame Labor.

**Mr Elsbury** — We don’t rip up contracts. That’s the difference.

**Mr BARBER** — Mr Elsbury said, ‘We don’t rip up contracts. That’s the difference’. What the government did in relation to myki and the desal plant was pay the contractors even more money to make them go quiet so it could complete its political strategy. This was not a smart economic strategy and has not been great for the water supply system or the transport system. However, it allowed the government to get rid of two annoying issues that it exploited effectively in opposition but did not have the guts to deal with in government. In the first few months those opposite did not want to lose any skin for long-term gain. That pattern of political cowardice, which started very early in this government, has led the government to where it is today — facing electoral oblivion.

If that were not bad enough, the government decided to launch a big surprise. It is something nobody thought too much about in the previous term of government, but in this election it is a burning issue, and that is the issue of unconventional gas drilling across Victoria’s landscape.

The government was all go-go-go in organising a quick and quiet consultation involving a bloke you can trust, Peter Reith, having a few fireside chats with the industry. It decided, 'We're ready to go. We're going to introduce gas drilling on land across large swathes of Victoria'. But the public got wind of it, and the public protest now is absolutely massive. People who spend all their time in the city may not notice this, but the protest meetings popping up in country areas are attracting hundreds. They are happening all over the place, and they are still building. I have driven down country lanes and seen those 'Lock the gate' signs on every property fence for miles.

You have to hand it to the government. It has taken an issue that almost nobody had heard of four years ago to the point where, when a state election is imminent, it manages to crack the front pages of both the *Weekly Times* and *Stock & Land*, two eminent rural publications. There are screaming front-page headlines. The *Stock & Land* headline is 'Foot on the gas', with a picture of one of those 'Lock the gate' signs. One of the local ute musters even spelt out 'No gas fields!' by parking their utes strategically in a paddock and taking a photo from the air.

The front-page headline of the *Weekly Times*, which arrived today, is 'Mine field'. The article states:

Victorian landholders will finally be able to see if their property is earmarked for coal seam gas exploration.

The Victorian government will today launch a website allowing users to discover if onshore gas licences cover their property —

that is, to find out before a drilling rig starts driving down their driveway. The article continues:

The website comes as the controversial CSG issue threatens to reshape Victoria's Parliament at next month's state election.

The Greens are a strong chance to knock Nationals western Victoria MP David O'Brien from his seat and eliminate the coalition's upper house majority on the back of the issue.

On page 4 the headlines are 'Farmers to learn if their property is on miners' hit list' and 'Organic farming gets assurance'. There is even an editorial on page 20 in which the *Weekly Times* actually names the Greens candidate Lloyd Davies as a strong chance to be elected. For the Liberal-National parties to have got themselves into such a pickle as this proves that they took their eye off the ball somewhere along the line.

That is not to suggest that the Labor Party has a comprehensive suite of policies that it is putting forward either. It does have a comprehensive suite of

attack lines for each of these issues, including the ones mentioned in Mr Lenders's motion, but after 1415 days in opposition, Labor really does not have a comprehensive transport policy or a comprehensive energy policy. I have heard very little on housing. With climate change it is saying, 'Watch this space'.

I was with the Minister for Energy and Resources and the shadow Minister for Energy and Resources at an energy conference this morning where the list of questions coming from the floor was really quite interesting. All of the questions related to the rapid changes happening in the energy market, but there was very little from the government. It has certainly seen the changes coming but it does not know what they mean. It has an energy discussion paper; it could spray-paint 'Coalition hearts coal forever' on the wall and you would pretty much get the gist of it. But the Labor Party, despite all these burning issues, continues to say, 'Watch this space. There's still plenty of time — 45 days. We'll tell you all about it when we're good and ready'.

As we approach the last day or so of the Parliament there is absolutely no doubt in my mind that the voters feel the deal they made with the coalition government has been broken. That deal won the coalition government a swing of approximately 3 per cent and control of both houses — albeit not really control of the lower house anymore since it lost one of its members. All of the polls suggest that that same 3 per cent is on its way back somewhere. It has certainly left the coalition's column, and it is not hard to understand why. This is not simply a matter of the government communicating poorly; it actually governed poorly, and therefore it had very little to communicate.

The Greens have put forward a suite of policies throughout the year on reducing overcrowding on our trains, trams and buses, city and country, and on extending those services to new areas, including the growth areas of our cities and also the long-neglected regional areas. We have a clear vision of how we will navigate through the rapid changes in the energy market. We have a clear vision that, when it comes to health, the best investment we can make is in preventing people from being in hospital in the first place with small, inexpensive and highly effective interventions around modern diseases caused by such factors as smoking, poor nutrition, alcohol and lack of physical activity. The Greens tick all the boxes.

**Mr ELSBURY** (Western Metropolitan) — Acting President, I think you are as shocked as I am that Mr Barber has sat down after only 13 minutes. In any case, I am happy to take the call. This motion is

completely misconceived. It is yet again the Labor Party just trying its spin instead of using this day to put forward anything of substance. It is just trying to get its message out there once again in one last-ditch effort — —

**Mr Scheffer** — And what's wrong with that? It's a good message!

**Mr ELSBURY** — It is not working at all, Mr Scheffer. It is a convoluted message that does not make any sense because it is not based in fact. The motion talks about problems with the health system, and I will start there for want of a better place to start. The government has provided increased funding for health in the state. We have increased the health budget by \$3.6 billion, resulting in 961 extra doctors, 1748 more nurses and 856 more allied health professionals, which is providing better services for the people of Victoria and a modern health network that was missing under Labor.

We have made it easier to subscribe to the ambulance service by reducing subscription fees by 50 per cent. More people can now afford to subscribe to the service because we have reduced the fees, and that is a major achievement. It means people do not get walloped with massive bills if they need the ambulance service. It means that if they ever need an ambulance, they are completely covered for all of the costs associated with moving a person by ambulance. If you break your leg on a ski field and have to be taken back to Melbourne by air ambulance, the cost will be covered if you are an ambulance member. If people are not already ambulance members or are not covered through their private health insurance, I encourage them to become members.

We now have 530 extra paramedics statewide. When we went to the election we promised 340 extra paramedics, so in anyone's book we have exceeded that benchmark. We have increased the number of shifts worked by our paramedics, with 20 000 more shifts being undertaken now than when we took office in December 2010. We have increased the service and we have increased the number of paramedics, doctors, nurses and allied health providers as well. We are increasing services right across Victoria in places like Bendigo and out in rural areas.

We are helping anyone who has an issue and who needs to come to Melbourne by air ambulance, whether it is by helicopter or fixed-wing aircraft, because we have committed \$550 million to upgrade the air ambulance helicopter fleet. As a member for Western Metropolitan Region I am proud to say that the air

ambulance service is based at Essendon Airport, which is a vital piece of infrastructure for not only the people of the western suburbs but also the people of Victoria. It allows the air ambulance aircraft, whether fixed-wing or rotary aircraft, to land at Essendon Airport without the restrictions that would be placed on them if they had to land somewhere else. If the air ambulance had to land at Tullamarine airport and it was necessary to try to slot in an aircraft carrying a sick patient between an Emirates A380 and the next Jetstar flight, it would be horrendous. The need for Essendon Airport cannot be understated, and that is why I am proud that Western Metropolitan Region is able to provide this great service.

This government has done great things to improve health care for people in Western Metropolitan Region. Need I remind members of one of my favourite stories about the intensive care unit (ICU) at Sunshine Hospital? The unit was given to the people of the western suburbs by Premier Jeffrey Gibb Kennett in the 1990s. It was opened in 1999 and then closed by Labor and taken away from the people in the west. But it was not wasted! The Labor Party wastes a lot of things, but it did not waste this facility. Instead of being used as an ICU, it was used as a film studio.

**Hon. W. A. Lovell** interjected.

**Mr ELSBURY** — Exactly, Ms Lovell. If you needed a film set with medical equipment in the background, you could go to Sunshine Hospital to get the pretty pictures. It was too bad if you were sick, but if you wanted to put on some make-up and say, 'Lights, camera, action', you could go for it; it was all yours with no problems at all.

We have invested \$15 million to get that intensive care unit back up and running. Along with that money we are providing intensive care beds for neonatal services, which are so desperately needed in the western suburbs of Melbourne with our massive population growth and growing birthrate. We are also providing \$10 million for a cardiac unit to be added to the ICU. I will need the cardiac unit if the Labor Party keeps putting up motions like this — my heart rate goes up and my blood pressure gets a bit high because of the complete lies coming from those opposite. I might also need the new \$9.6 million dental clinic under construction at Footscray because of the gnashing of my teeth every time I read motions such as the one before us.

Members of the Labor Party should hang their heads in shame because of the state they left the western suburbs in when it comes to health. They left us without an ICU at Sunshine Hospital and with an archaic dental service

in Footscray, which made the people of the west truly understand how Labor felt about them — that is, that Labor is willing to leave its heartland in the lurch.

I will move on to education, because that was the next item in the rant from Mr Lenders. In 2015 Victorian government schools will receive \$250 million more than they did under Labor. That is \$5.5 billion going into education — more money than ever before. In 2015, 700 government schools and more than 250 000 students will benefit from an additional \$34.5 million going into their schools, and there is \$8 million for the non-government sector. We do not differentiate, because we want the best education system there is. We want there to be choice in education. We are not just talking about the leafy private schools. There are not Mercedes and those sorts of vehicles turning up at the local Catholic schools out in Werribee. You might have the odd BMW at St Andrew's Catholic Primary School, but it will not exactly be the newest model. The parents there are working hard to give their kids an education and to ensure that their kids get the type of education they want for them.

The parents of students at Al-Taqwa College, the Islamic college in Truganina, are working hard. I see people in tradesmen's vans or taxis or doing other manual labour working in factories and doing extra shifts. They want their kids to go to Al-Taqwa College because it teaches the values they want their kids to have. Who can bemoan people wanting their kids to have the best possible education? I want that for my kids. Why would anyone bemoan that? Every now and again those opposite decide they are going to kick the richies, get them and really give them a rattling. They will pick on people who send their kids to private or independent schools, and without acknowledging the hard work that is done by the people to send their kids to those schools they are more than happy to lay the boots in.

Over the past four budgets we have delivered \$621 million for students with disabilities. This includes the largest capital investment in a decade in special and autistic schools. Labor had 11 years, sat on its hands on this issue and did not deliver. It did not deliver for children with autism in the western suburbs. While there were two autism colleges in the east and one in the north, the people of the western suburbs were left to languish without the services and opportunities that an autism college would provide their children. I am proud that this government is delivering Jennings Street autism school in Laverton. I take a moment to sing the praises of my parliamentary colleague Bernie Finn. If it were not for his tenacity in opposition and

certainly his desire in government, that school would not exist. If it were not for his pushing for kids in the west who have autism, that school would not be in construction right now as we speak.

Certainly the students of Rosamond Special School are also thankful because they now have a new school in Braybrook. The students were left in North Footscray at the old Rosamond site in classrooms that could only be described as wooden boxes. It was uninspiring and difficult for the teachers to provide the proper environment to nurture these kids through school life. It was a difficult place to teach in. It was a coalition government that provided the funds needed to rebuild the Rosamond Special School at a new location and provide those kids with every opportunity to pursue their interests, whether they be cooking, painting, the arts or being able to work with their hands in horticulture, woodwork or metalwork. These are the sorts of opportunities these kids deserve, and I am proud that our government can provide that to them.

Those opposite claim that schools are falling apart. Let me tell members the tale of woe of Galvin Park Secondary College. It was a school that Labor had completely neglected. It was allowed to get to the point where the heating and air conditioning could not be turned on because of the risk of dust and other contamination in heating and cooling ducts getting into kids' lungs. One day during 2011 the ceiling collapsed on a class. That sort of damage does not happen overnight. That sort of damage did not happen from December 2010; it took a decade of neglect of that school. It was interesting to have the assistant principal of that school, Joanne Ryan, ask me to go to the school to have a look before the calamity of the roof collapsing. She said, 'Come and have a look at the school and bring along the Parliamentary Secretary for Education, Inga Peulich'. We agreed to do that, but a week and a half before we made it there the ceiling collapsed.

It is interesting that Ms Joanne Ryan is now the Labor member for the federal seat of Lalor. This is perplexing. She talks about standing up for the west, but when the very school she was supposed to be serving was falling down around her ears she could not stand up to her Labor mates. She could not say to her Labor mates on the other side of this chamber or in the other place, 'Fix my school. My school is in deep trouble'. She did not have the gumption then, and to be brutally honest I doubt she has the gumption now. Just like the other members of the Labor Party who purport to represent our community, she is just a mouthpiece for Labor in the west.

The coalition government has delivered a \$15 million upgrade to that school. Some buildings have been demolished because they were beyond repair. This is a modern school in the western suburbs of Melbourne. Its buildings were completely clapped out — finished — and Labor did nothing. This government spent \$15 million to rebuild it with new facilities.

In the last budget Sunshine College received an initial \$6 million with a commitment to take that up to \$19 million should we win the election. We are committed to funding Sunshine College to deliver the facilities those students so richly deserve. That is our school renewal program in play — providing those schools with the facilities they so desperately need.

It is not just the old schools we need. We are not just going old school here. We also need new schools. I am proud as a member of the coalition government to have delivered several new schools for the people of the western suburbs. Wyndham Vale South college will be up and operational next year. It will take on new students, as will Truganina college, another new school for the people of Melbourne's west. These two schools come online next year. The second stage of Truganina college is currently in the planning phase and hopefully construction will begin before the end of the year.

We have also delivered Tarneit College, another school that was so desperately needed, in one of our largest growth corridors, an area that had been completely overlooked by those opposite. If you went to Baden Powell College, which is around the corner from where I used to live, you would see that it barely had a school oval because of the number of portables that had to be brought in to accommodate the students. Such a situation of course brings all sorts of trouble for the students, because they cannot get away from each other, they cannot have their own space in the school precinct and they cannot do sport properly. At Baden Powell College the oval was slowly but surely being whittled away, as more portables were needed, and by delivering Tarneit College we gave those students that breathing space they so richly deserved. Truganina P-9 College will give both Tarneit College and Baden Powell College additional breathing space. Tarneit P-9 College also received a new science portable this year so that children can receive the science education they need.

Alamanda College in Point Cook is yet another achievement of this government. It takes students from kindergarten all the way through to year 9 — and we built this school. We provided it with a science classroom, just as we did with Tarneit College. We have also given Alamanda College its second stage so

that it can provide the full outcomes for its students. This has been backed up further by this government with a public-private partnership school to be built in Point Cook south. We are providing the new schools that are so desperately needed in our fastest growing growth corridors.

It is not just schools that need to be built; we need to look at the TAFE sector as well. We are providing \$1.2 billion a year for training overall. In 2010-11 Labor provided just over \$800 million, and we are providing \$1.2 billion this year. TAFE has had its funding increase from \$487 million to just over \$600 million since 2010. That is a 23 per cent increase in TAFE funding. I do not know how those opposite could fudge the figures any more than they do. They make this very broad claim that we have cut TAFE funding when we have increased it.

I remind members opposite that it was they who withdrew from a proposed Williamstown TAFE course in boatbuilding. A boat-building course was supposed to be established at a place called Seaworks in Williamstown, and under the watch of those opposite that was abandoned. The process of closing Newport TAFE also was started under those opposite, who began to remove that service from the people of Newport, Williamstown, Altona, Altona North and surrounds. They come in here with more gall than all of France and lecture us about TAFE, when in fact they took TAFE away from the people they supposedly represent. It is an absolute disgrace.

We are delivering more training to students who have challenges in being able to access training. Under this government we have seen a 43 per cent increase in Indigenous students receiving training, a 58 per cent increase in the number of students with a disability receiving training and a 109 per cent increase in the number of students who come from culturally and linguistically diverse communities. We have seen people who are possibly the most disadvantaged receiving great support from this government. As a result of these policies and many of the other policies we have implemented, Victoria has the highest participation rate in training in the country: 16.1 per cent of working age Victorians are receiving training. The national average is 11.9 per cent and the next state — the only state that can come anywhere close to Victoria — is South Australia, with a rate of 14.8 per cent. Strangely enough Queensland has the lowest rate, of 8.1 per cent, so there is a little bit of work to be done in Queensland. Certainly, however, if you want training, Victoria is the place to come.

I turn to law and order, another point made in Mr Lenders's rant — I am sorry, in his motion. We promised to deliver an extra 1700 police in the state of Victoria. As of the end of September, there are 1818 extra police on the beat in Victoria. We have more police out and about in our community solving crime and protecting property and people. It beggars belief that those opposite could see a negative in that.

We have had an increase in detected crime of 13.5 per cent. That is what happens, however, when you get more police: there is more detection of crime. Police see it more often, and people are more willing to report crime. The clearance of crime also occurs a lot more readily. We will not be apologetic about our promise to crack down on family violence because this has become a major issue for us in Victoria. It is possibly the most horrible crime you can think of — to have violence inside a family. How it happens completely baffles me, but it does happen and we need to help everyone involved in it to understand how to work through it.

The number of reports of domestic violence and family violence incidents has increased by 16.5 per cent. We should not back away from this issue. Although we are not proud of these statistics, we should not discourage people from reporting these crimes. It is very important that we tackle domestic violence and family violence because they attack the very fabric of our society.

More than 65 000 incidents of family violence were reported in the year 2013–14, which is more than 5000 on the previous year's number and almost double the number recorded a decade ago. Courageous women and children, and in some cases men, have come forward to admit that they have a problem in their family that needs to be resolved. Each victim should be congratulated for having the strength to come forward and ask for the help they so desperately need.

The number of drug offences has risen to 6.5 per 100 000 head of population. The government acknowledges that there has been an increase in the incidence of these offences, but the number has increased because Victoria has a drugs task force that gets out and finds drug labs, then shuts them down and destroys them, thus removing them from our community. We can only congratulate the members of the police force who are involved in getting out there and taking drugs away from our community so that some of the most vulnerable people in our society can be protected.

One of my favourite projects is the deployment of protective services officers (PSOs) at railway stations, a

worthy project in my book. I visited Watergardens railway station the other night. I was on my way home from a function, and I thought I would drop in and say g'day to my PSOs. I ran into a PSO I had met once before at Werribee train station and another I had met once before at Footscray train station. I sat down and had a chat with them for a few minutes. I did not get in the way of their work, because what they do is very important — that is, provide safety to the community at train stations and keep people like me away from the public! I am referring to my being a member of Parliament, Acting President. I should not hassle them by handing them yet another brochure that they will probably be sick of in the next few weeks. In any case, members of this government have been able to deploy 929 PSOs, and we are still rolling that program out into the community as I speak.

I have also been able to talk to commuters and ask them what they think of the PSO program. Over the three years that I have been going to train stations to check in on our PSOs, only once has a person become agitated about the fact that PSOs are on railway stations. Strangely enough, he was wearing a Greens T-shirt. I probably should not have engaged with him at Footscray train station. He got upset about the fact that the PSOs were there, so I will leave that person out of the equation. I think the views of such people are more politically motivated than having logic determine what they think about PSOs. This government has put PSOs onto train stations, and we have seen increases in the number of women and young people using the public transport network as it was intended to be used — that is, to move people from point A to point B. I know it is a strange concept, but PSOs are on train stations so that groups of drunken louts cannot run around on platforms or graffiti everything in sight, hassling people as they try to go about their business, which is exactly what the situation was before we came to government. To be reminded of that, I only have to think of the number of times I got off at Laverton, Hoppers Crossing or Werribee train stations to be confronted by individuals who were not there to catch a train but to cause mayhem and chaos.

PSOs have been instrumental in assisting with up to 1500 arrests, and the PSO call-out has issued 29 000 infringement notices. PSOs have also been instrumental in fining people for whom warrants are out for their arrest. PSOs have also been able to provide invaluable additional information to our police force.

I will digress ever so slightly. I once spoke with a young female PSO at Hoppers Crossing train station. The boys who hang around that train station had taken a shine to her. They thought she was pretty good, so they

went and talked to her. They told her absolutely everything, and after she had a chat with them for about 15 minutes, she went off and put it all in her little notebook. She knew exactly which party they were going to, where it was, how many people were going to be there and about what time the divvy van should turn up to turn the thing down. PSOs are able to gather information about who is going where, doing what to whom and how they are going to do it. It is marvellous that this additional information can be used to assist in making our communities a little bit safer.

This government has provided Victoria Police with \$2.43 billion, the largest budget it has ever had to be able to fight crime. This is a far cry from computer systems like the LEAP and LINK databases, which the Labor Party left us with. It was a botched computer system project that Labor could not get right.

We have to ask ourselves exactly what Labor did get right. Labor could not get a public transport ticketing system right, and that is why I now turn to public transport. To say that the public transport system was a mess is an understatement. When the weather got too hot, train tracks had to be watered to stop them from buckling. The 7.56 a.m. train from Laverton never arrived, and if it did ever turn up, people would clap as it pulled in at the platform because such an event was so rare. Commuters on the single-line Altona loop still have their trains diverted as they travel through the area, but the number of diversions is down by two-thirds.

This government has invested and continues to want to invest in our public transport system. We have a plan for the Melbourne rail link so that we can untangle the mess which is our public transport system in the hub, Melbourne, and separate the lines so that the whole system can run more efficiently. We do not want the Upfield line to cause disruption on the Werribee or Craigieburn lines. They can be separated by providing a link for the Werribee line to the Sandringham line, which is a much cleaner move, so that trains on the Upfield and Craigieburn lines can get a clearer run.

Also in transport, this government has plans for the western section of the east-west link. Let me make it clear that this government supports building the western section of the east-west link, the very road that those opposite supported — Mr Melhem certainly did. Mr Melhem might even have had a cigar during the time that he supported that project. Nevertheless, he certainly did support the full east-west link until the moment that members of his party decided that they did not want it anymore. I have been very clear about and indeed I have even been lampooned in this chamber

and the other chamber for my support for the east-west link.

I wanted it built — I wanted the western section of the east-west link built. When funding for the eastern section was brought forward, those opposite made hay. They thought it was marvellous — oh, the jokes they made about me and my inability to get anything done. There were fantastic, hearty chortles from those opposite. However, we are now building — —

**Mr Leane** interjected.

**Mr ELSBURY** — Tuck yourself in, Shaun. It is a sight. The building of the full east-west link, including both the eastern and western sections, is something this city needs. We need that second river crossing and we need a parallel road to the M1 corridor.

We have also gone into partnership with Transurban to have additional lanes added to CityLink and the Tullamarine Freeway. This is an \$850 million project which will assist people in getting to the airport and also assist people who live in Sunbury, out through Essendon and even into Keilor.

Those opposite are more than happy to pop their heads above the parapet and talk about level crossings, but in this term of government 40 grade separations have been completed, are under construction or are in the planning phase.

**Mr Melhem** interjected.

**Mr ELSBURY** — Mr Melhem pipes up, ‘Only one in the west’. If it were not for this government, there would still be two level crossings on Anderson Road in Sunshine. They are gone! Those level crossings have been removed.

**Mr Melhem** — Was that a Labor Party contribution?

**Mr ELSBURY** — No, it was not, Mr Melhem. You took the money out of it.

**The ACTING PRESIDENT (Mr Ondarchie)** — Order! If Mr Melhem wants to make a contribution, he should take his place. I ask Mr Elsbury not react to interjections.

**Mr ELSBURY** — I thank the Acting President for his guidance, but the provocation was too strong at that moment. In any case, Anderson Road received two grade separations as part of the regional rail link project, which was in desperate need of assistance when we came to office as it was hundreds of millions of

dollars in the red. The regional rail link is another project I am proud to say is now close to completion, with an estimated start date of April next year, nine months before it should have been completed and approximately \$900 million under budget.

With that saving we can now build the grade separation at Main Road, St Albans — a deadly level crossing which those opposite left in place for 11 years. This is a level crossing which the Kennett government promised to remove in 1999. Labor also promised to remove it in 1999, and it successfully did nothing. Instead we have committed \$220 million for the removal of this crossing and it will be gone in the next term of office.

Construction has started on this project. There are new stabling yards for trains at Calder, which will mean that the stabling yards in St Albans can be moved. Once we have the extra space available to us in St Albans, construction of the crossing can start. I look forward to the first sod being turned on that project, as the people of St Albans deserve nothing less.

We have also committed \$209 million to deliver new train and bus services for the \$41 billion regional rail link project to make sure we have the ability to get people to train stations and away from them again. We have also committed \$1.3 million for the corridor needed to deliver the Avalon Airport rail link, and while that is outside Western Metropolitan Region, many hundreds of people — possibly thousands — from Western Metropolitan Region utilise Avalon Airport for their work, whether it be as maintenance staff or working for the many airlines which use the airport. Hainan Airlines will start three weekly trips to China next year from Avalon. International airlines are coming to Melbourne and wanting to do business and are using Avalon Airport. It is an exciting time for that airport.

We have delivered an extra 1070 train trips. As I said, we did something with the regional rail link — we put signalling into the project, which Labor had failed to fund. We provided the regional rail link with rolling stock so there would be trains to run on the rail line.

We have done some great things, including rebuilding the West Footscray train station. We have built platforms 15 and 16 at the Southern Cross railway station. Sunshine station has been completely rebuilt. As I said, the two level crossings at Anderson Road, Sunshine, are being removed from the Bendigo and Ballarat lines. We have built new platforms 1 and 2 at Footscray train station, and we have also made improvements to that station to improve accessibility. When the last government made upgrades to Footscray station it forgot to allow people with limited abilities to

get into the station. That was a complete abrogation of the government's responsibility to people with disabilities — the people who need public transport the most were ignored by those opposite.

We have introduced an additional 3870 new weekly bus trips, 1400 of those in Point Cook. I was proud to be able to announce an extra 800 bus trips which the Napthine government will introduce next year should it win the election, including new services in Sanctuary Lakes and Point Cook. We have also committed to the West Gate Freeway managed motorway system to reduce the number of car crashes on that stretch of road and ensure that West Gate Bridge is open for the maximum amount of time possible. As we all know, if a truck breaks down or there is a car accident on the West Gate, you will be on that road for a long time because there is no alternative crossing for people to use. You can go through Footscray if you want, but the people of Footscray get very tired of that very quickly.

We have also invested in smaller road projects. I point out we have installed traffic signals at the corner of Old Geelong Road and Forsyth Road in Hoppers Crossing and the corner of K Road and Duncans Road in Werribee South. We have also committed to a \$2 million upgrade of the intersection of Palmers Road and Leakes Road to improve the traffic control system. Construction is almost complete on the \$2.3 million upgrade of the intersection of Derrimut Road and Dohertys Road in Truganina.

We have seen safety upgrades to the pedestrian crossing at Ginifer railway station, which claimed the life of a young lady during this term of office. Some say she was listening to her iPod and others say she was just inattentive, but it was horrible for everyone to witness. I feel so strongly for members of the family who have lost their loved one at a railway station. We have upgraded the safety of that pedestrian crossing so that people cannot get onto the railway line when a train is coming through. We have also installed ramps at the Williams Landing railway station. We will build the \$32 million Caroline Springs railway station; it is currently under construction. We also have 15 new trains, 7 of which have been delivered and 8 of which are under construction.

I take this opportunity to point out that Mr Barber was incorrect in his assumption about the distance the east-west link will cover. He piped up to say it will go only from Collingwood to Kensington; actually it will go from Collingwood to Brooklyn. It is much longer and provides a much greater outcome for the people of the western suburbs than Mr Barber suggested.

I was interested to see an article by Rebecca Maddern in the *Geelong Advertiser* today. In her opening line she says, 'I spend quite a bit of time in my car', and she goes on to say:

I am actually very concerned about how our city will cope with the road network — or lack ... thereof — in the not-too-distant future.

The issue has been brought to the fore with the looming state election, the east–west link platform seemingly the only issue anyone is standing on. From one side of the political divide it's a clear 'yes' and from the other side it's a clear 'no'.

I'm not one for revealing my political allegiances — in my profession I try to judge everything on its merit — but in this particular instance, regardless of which party originated the plan, I am all for it.

It's actually a shame that the issue has become so politicised because it clouds peoples judgement about the project and fractures one's thought process about the long-term future — not just the immediate future beyond the election.

Basically this young lady, Rebecca Maddern, a journalist who works at Channel 7 as well apparently, but I cannot say I know that — —

**Hon. D. K. Drum** — Stunning girl.

**Mr ELSBURY** — I will take your word for it, Mr Drum. She has stated that this issue is being clouded by politics rather than being seen in terms of the needs of our great city and state.

In relation to kindergartens, under Labor in 2010 the standard number of hours of funded kindergarten provided was 10.7 hours per week and the proportion of children enrolled in a 15-hour kindergarten program was only 18.4 per cent. Under the Napthine government the standard for kindergarten is 15 hours and more than 99 per cent of children are enrolled in the 15-hour program. The other telling part of this is that in 2009 the dollar amount per kindergarten student per financial year prior to school — the amount that was being spent on each kindergarten student — was \$1904. In 2010 it dropped to \$1826.

**Hon. W. A. Lovell** — Who was the government that dropped the funding?

**Mr ELSBURY** — Labor was the government that did that, Ms Lovell. It dropped the funding by almost \$100. In 2011 we were able to bring it back up to \$1883; in 2012 it was \$2001 per student; and in 2013 it was \$2061. I am proud that the coalition government is able to provide young people with the best possible outcomes in their early years. I must make a disclosure here: my daughter will benefit from this next year when she takes on kindergarten. It is a great thing that we are

able to provide our young people with the best possible opportunities in their early years. I could go on about this, but I will not because those opposite are obviously upset that I have been using their motion for good rather than evil.

However, in housing we have increased the amount of social housing that is available. In June 2014 there was a total of 85 199 social housing properties, which is an increase of 4244 in the number of houses available compared to the situation under Labor in June 2010. We also have \$1.1 billion worth of housing in the acquisitions pipeline, as outlined on pages 88 and 89 of budget paper 4. We have certainly come a long way in delivering for those people who need social housing. In September 2010, under the Labor government, there were 41 000 applications for the public housing waiting list. That is 6500 more applications than under this government. There were 6500 more people without roofs over their heads because of what Labor called 'management of our assets'.

I turn to renewable energy. I say to those members opposite: I am sorry, but when you bring forward an omnibus motion such as this — it has everything you could possibly conceive in it — you have to expect it to be rejected, and those opposite really need to think about what they are doing over there. Certainly when it comes to the renewable energy target, we are supportive of it. In fact in 2014 there were 3700 jobs in the renewable energy sector in Victoria. Small-scale solar employs over 2000 of those people in its own right. We have also spent \$42 million on sustainable energy initiatives during this term of government. We have invested \$19.3 million in research and development, and pilot projects that harness renewable energy sources like wave, solar, geothermal and biomass.

When it comes to wind power, we have massive wind farm developments in Victoria. Thirteen wind farms are operating with a capacity of 1000 megawatts. Thirteen others have been approved with a capacity of 1486 megawatts. Six other approved projects with a total capacity of 890 megawatts are yet to commence construction. When it comes to providing electricity, a media release from the Australian Electricity Market Operator states that we currently have 7500 megawatts of generation capacity in the network that is not actually being used at the moment. Even with new wind farms coming online, we have 7000 megawatt hours more than we actually need. But in any case — —

**Mr Leane** interjected.

**Mr ELSBURY** — ‘We can shut down the power stations’, mumbles Mr Leane — —

**Mr Leane** — I was not talking to you.

**Mr ELSBURY** — You were mumbling, Mr Leane, and I heard it. Through you, Acting President, we need baseload power. The wind does not blow all the time and the sun does not shine all the time, especially at night. We need baseload power. However, solar remains a very potent force in providing people with savings at home.

There were more than 200 000 solar installations between 2010 and 2013. This year there have been nearly 3000 new connections per month. Even with the changes to the solar feed-in tariffs bemoaned by the Greens and the changes we made to the payments being made — —

**Mr Leane** — They’re not here; they’ve all resigned.

**Mr ELSBURY** — I am hoping they are listening in their offices, Mr Leane. It is still attractive to have solar panels on your roof and the industry continues to power on, pardon the expression.

I might just leave it there as in all honesty the rest of the motion is of minimal consequence. However, before I do I might just go to manufacturing and the provision of jobs for a few moments. As a government we are providing jobs right across Western Metropolitan Region. As the Assistant Treasurer said today, we have retooled some of our industries so they can provide new products for medical purposes rather than the car industry. We have saved those jobs.

We have also provided things like the East Werribee employment precinct — 56 000 permanent jobs will be created in that part of the western suburbs. The Essendon Fields/Airport West redevelopment will see a huge number of jobs. I believe 7000 jobs will be created in that area. There has also been private investment, such as the Deer Park employment precinct on the old Orica site, which will create further jobs.

I will return to my favourite project, the east–west link — 6700 jobs will be created through that project. Ninety-eight per cent of materials for that project are being sourced locally, including concrete from Melton and steel from Laverton. That means yet more jobs for the people of Melbourne’s west.

This is a typical waste-of-time motion moved by those opposite. It holds no substance whatsoever. It is about as useful as a colander in putting out a bushfire. Acting

President, I think you may have gathered from my contribution that I cannot possibly support this motion.

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

**Debate adjourned until later this day.**

## TRANSPARENCY IN GOVERNMENT BILL 2014

### *Introduction and first reading*

**Mr JENNINGS (South Eastern Metropolitan), pursuant to notice, introduced a bill for an act to require the production of information from government agencies to ensure transparency in relation to the delivery of essential services and for other purposes.**

**Read first time.**

**Mr JENNINGS (South Eastern Metropolitan)** — I desire to move, by leave:

That the second reading be taken forthwith.

**The PRESIDENT** — Order! Is leave granted? Leave is not granted.

**Mr Jennings** — On a point of order, President, you were in the chamber earlier today when the Leader of the Government gave a very clear indication to me, if not a commitment to the chamber, that leave would be granted for both the first and second readings of the bill I have introduced. That is the undertaking that I believe he made on the public record. It is certainly the undertaking I volunteered on behalf of the Labor Party in relation to a bill that Mr Guy sought leave to have first and second read today.

There was a conversation — ultimately facilitated through you, President — in which the Leader of the Government took to his feet to make a substantive contribution and indicated that there was a level of agreement between the government and the opposition about first and second reading each of our proposed bills today.

**Hon. D. M. Davis** — On the point of order, President, the house will be aware of the shenanigans and the stunts pulled downstairs by the opposition today. Consequently leave is denied.

**Mr Jennings** — Further on the point of order, President, regardless of what your interpretation of these matters may be and the appropriateness of your intervention at this point in time — and I certainly do

not want to embarrass the Chair in relation to seeking some intervention — it was very clear from the Speaker's contribution in the Legislative Assembly that consideration of matters before the Legislative Assembly are its concern, not what has transpired in the Legislative Council. I would suggest that the same principle should apply to the undertakings that have been made in the Legislative Council and that we control our destiny through your leadership, the standing and sessional orders that apply and the goodwill that keeps this chamber in good working order.

**Hon. D. K. Drum** — On the point of order, President, I just want to make one point. I sat here this morning and Mr Davis looked across the chamber and very clearly asked Mr Jennings, 'Do you have any intention of debating this bill today or tomorrow?'. He was given a very clear assurance that Mr Jennings did not and that just to have the bill on the notice paper was going to be adequate.

As a matter of course, some 10 minutes later I found myself in the Assembly — I was actually looking for somebody — and I heard the debate there. Mr Pakula, the member for Lyndhurst in the lower house, said — it will be recorded in *Hansard* for the Legislative Assembly — 'It is the Labor Party's intention to debate both of these bills as early as today but certainly we want this bill passed by both houses. It is our intention that both these bills be passed in both houses by the end of this week'. That is a very clear example of somebody's word. I have a huge amount of respect for Mr Jennings, but some untruths have emerged in the negotiations and damaged the goodwill when it comes to the potential to second read this bill.

**Mr Jennings** — On the point of order, I thank you, President, for your perseverance and for allowing me to respond to what Mr Drum has just said. I very clearly said in the chamber this morning that it was the intention of the Labor Party to first and second read this bill in the Council today. Mr Drum is correct: I gave an undertaking that it was not in fact our intention to proceed to the second-reading debate forthwith. I have maintained at all stages in discussions with the parties and with the Chair, publicly and privately, the undertaking that I made on the floor of the chamber this morning. Let us be very clear about that. The issue that Mr Drum has raised is irrelevant to the undertakings I have made and the leave that I seek in this chamber.

**Hon. D. M. Davis** — On the point of order, President, leave will be denied on this occasion. I accept that there is a disjunction between the chambers on this and there are different cultures. However, I also

accept that there were shenanigans and a stunt in the lower house, which is not satisfactory by any means. Let me be quite clear: Labor has had nearly 4 years in opposition to introduce such a bill and 11 years in government, so it has had 14 years to introduce such a bill. Labor is claiming urgency on a bill that it had 14 years to introduce while in government and in opposition; it chose not to do so.

**Mr Leane** interjected.

**The PRESIDENT** — Order! I remind Mr Leane that if members wish to make a contribution, it is customary for them to be on their feet and to be recognised by the Chair.

I thank members for the perspectives they have put through the points of order. I indicate that it was certainly my understanding this morning that Mr Jennings planned to proceed to the incorporation of the second-reading speech for his bill today but not to go further with the full second-reading debate — in other words, it was a question of proceeding with the first reading, having the second-reading speech then incorporated into *Hansard* or provided to the house and then truncating the debate at that point. Whilst Mr Drum had a slightly different recollection of those matters, that is certainly consistent with my understanding, and I believe it is also consistent with the understanding of the Leader of the Government, who has not disputed the position put by Mr Jennings this morning but rather has said that events elsewhere have overtaken the discussion of this morning and have put him into a different mindset.

I indicate again that there is a big difference between the two houses. We do not have any interest in matters before the other house until we receive a message from it as to decisions it might have made with which it requests concurrence, and vice versa. So whether or not there were proceedings of a similar nature in the Legislative Assembly, in terms of discussions that might have occurred there this morning, is not relevant to me. I would suggest that this house has its own destiny, and I would have liked to think that the assurances given by members this morning would stand.

Having said that, it is quite within the entitlement of the Leader of the Government or any other member to refuse leave, notwithstanding what happened this morning. The justification for that is a justification that people will judge. Obviously later this day the government is also likely to seek leave for at least one second reading on its own behalf, and I dare say that there may well be a case of some tit for tat in all of this,

which would be unfortunate in the proceedings of this house, particularly at this time.

That would be an unfortunate conclusion to this session of the Parliament, where we have that breakdown, and that breakdown is occurring on the basis of what has happened in another place over which none of us has any control. As I said, it is certainly within the power of any member of this place to refuse leave.

As a courtesy to the house, I will put that proposition again. Is leave granted for Mr Jennings to proceed forthwith with the second-reading speech?

**Leave refused for second reading forthwith.**

**Ordered that second reading be made order of the day for next day.**

## GOVERNMENT PERFORMANCE

**Debate resumed from earlier this day; motion of Mr LENDERS (Southern Metropolitan):**

That this house notes that —

- (1) over the last four years, the coalition government has failed to live up to the promise it made to Victorians in 2010;
- (2) the Liberals promised to fund 800 new hospital beds, invest in schools, reduce crime, improve public transport, provide support for families, reduce emissions and cut spending on government advertising;
- (3) instead Victorians are now faced with —
  - (a) an ambulance service in crisis and only 43 new hospital beds;
  - (b) crumbling school buildings, TAFE education in crisis and no education maintenance allowance;
  - (c) soaring crime rates;
  - (d) a road and tunnel project of dubious benefit that nobody voted for;
  - (e) reduced kindergarten hours and no investment in public housing;
  - (f) a renewable energy industry in crisis;
  - (g) unprecedented spending on government advertising, an IBAC in need of urgent reform and FOI overseen by political staffers; and
  - (h) a manufacturing industry in crisis and the highest unemployment on the mainland;

and further notes the 2010 comment of the member for Hawthorn, the Honourable Ted Baillieu, MP, stating, 'If you want to change things for the better, you have to change the government'.

**Mr JENNINGS (South Eastern Metropolitan)** — I thank the President for his intervention and for his support of the principles of how this place should operate, and indeed how we should, in my view, maintain the commitments we make, not only to one another but most importantly to the Parliament and the people of Victoria.

This morning the Leader of the Government gave an undertaking to me to allow for a bill to be introduced to increase the transparency of emergency services. The government has failed to deliver on its obligations and most importantly on its commitment at the last election to the people of Victoria to improve those services. The coalition came to office having made promises to improve the performance of emergency services, to increase the number of hospital beds, to reduce the crime rate and to provide better outcomes in education. At every turn the government has failed to deliver on its commitments, and it has failed the test of governing.

The government has not been prepared to release in a transparent and consistent fashion information about how well government services are supporting the Victorian community, and it is not prepared to maintain the commitments it makes in this place. The government is not prepared to go the hard yards in relation to governing in the interests of Victorians. Today, on the second last sitting day of this Parliament, it has failed the test of being able to control its destiny in the Legislative Assembly, and the only way it can control the agenda in the Legislative Council is through a blanket denial of leave to discuss opposition business. This is something that has been a consistent feature of this chamber over this term of government, over previous terms and in fact going back through the history of this chamber. In the time set out for general business, the opposition has the opportunity to determine the agenda of the chamber and the business it will consider — that is, whatever the opposition parties, in this case the Labor Party or the Greens, wish to bring to the attention of the Victorian Parliament that represents the interests of Victorians.

Victorians are standing up in the thousands and saying that on key issues of service delivery, hospital performance, ambulance performance, the performance of emergency services and the performance of our police force in acquitting its responsibilities, whether it be the Country Fire Authority or the Melbourne Metropolitan Fire Brigade, all of those services have been shown to be operating under great stress. The capacity of these services to deal with emergencies in this state has been sorely put to the test due to the budget constraints, the cuts and the way in which those portfolios have been managed by this government.

Right throughout the term of this government, the key performance indicators of how services are rolled out — whether it be ambulance response times, ambulance ramping outside of emergency departments, patient transfers within emergency departments or the number of patients waiting in hospitals for elective surgery — on every one of those indicators, the government has failed. It has not only failed the test of what is expected of it in the budget papers it has produced, but most importantly it has failed in the promises and expectations that it raised among the people of Victoria at the last election. The government raised the expectation that those services were going to improve rather than deteriorate consistently day by day under its watch. At every turn this government has tried to deny Victorians access to the way in which they could understand the breadth of those issues, the urgency of their being addressed and fundamental truths in relation to the performance of our emergency services.

In my case, in relation to freedom of information requests I have made of Ambulance Victoria, I have spent about 18 months of my life pursuing the release of information through the Victorian Civil and Administrative Tribunal — that is, ambulance performance by locality. This information had previously been made available in the first year or two of this government, and as far back as 2010 the Auditor-General recommended it be published. The coalition, on coming to office, made an undertaking to release that information. After releasing that information on ambulance performance twice to my colleague the member for Williamstown in the other place, Ambulance Victoria decided that it would not continue to release that information. Its reasons for not releasing the information were bizarre and spurious. In fact those reasons do not really hold water, if one considers the financial position of Ambulance Victoria as published today in its annual report.

The argument Ambulance Victoria mounted — and it was supported by the government — was that if the public came to understand how poorly Victoria's ambulance services were performing in relation to their emergency response times, then ambulance subscriptions would reduce. That is actually not evident, and it is quite an extraordinary proposition. Despite the fact that Victorians clearly know that ambulances are failing them in terms of emergency response times, ramping and the reassurance the community has about ambulance performance, despite that evidence being in the public domain from time to time, ambulance subscriptions have gone up. Why have ambulance subscriptions gone up? They

have gone up because this mean, vengeful, vindictive government — —

**Mr Finn** — That's not very nice!

**Mr JENNINGS** — It is not very nice; I agree with Mr Finn. It is not very nice that this government has been mean, vengeful and vindictive. It is picking on the poorest members of our community. If you have a look at the financial statements of Ambulance Victoria released today, there is an item that has gone up more than any other budget component. Page 70 of those statements indicates that patients are transferred to hospitals at their own expense, and in fact under this government transport costs have gone through the roof. If you do not have an ambulance subscription, you are financially penalised.

Ambulance Victoria's cost structures are unbelievably vindictive. They are aggressive in terms of picking on pensioners across the state of Victoria. Ambulance Victoria is making them pay for a patient transfer from one hospital to another to receive the care they need. This government has been fully prepared to introduce a business model for Ambulance Victoria that has seen a reduction in the operating grant provided by the government to Ambulance Victoria. That is what the annual report released today shows on page 70. In the last 12 months government funding of Ambulance Victoria — the operational grants — has gone down by over \$13 million. However, what has gone up is the payments and contributions by pensioners across the state who have been subjected to patient transfer services by Ambulance Victoria. That is the budget line item that has gone up. The government has removed part of its contribution to Ambulance Victoria from the public purse, which has meant that certain costs have had to be borne by some of the most needy members of our community, including pensioners and people on fixed incomes. Hospitals have requested patient transfers for certain people, and these people have been required to pay — and pay through the nose — for that service. This is a shameful act of a vengeful and vindictive government that has actually tried to get away with this. It is trying to ignore any public commentary on that aspect of its decision-making and the business model it has imposed on Ambulance Victoria.

Why do I say that the government is vindictive and shameful and that it has tried to hide that from the Victorian public? Because the Minister for Health, who has scurried out of this chamber to absolve himself of responsibility and who is not prepared to listen to this debate, is obliged by Victorian law to release existing contracts of all health services, including Ambulance

Victoria, at least annually and certainly if they are requested by any member of the public, but for the past four years this minister has not released the contract for Ambulance Victoria. He has not released the statement of priorities, which is the operating contract for Ambulance Victoria.

Every year of this government's administration and under this minister's watch that contract has not been published. On numerous occasions in this chamber we have sought the release of that document in accordance with Victorian law and in accordance with the minister's responsibility, but he has run away, just as he has run away from his responsibility to the Victorian people. It is a great tragedy in terms of his performance and of his acquitting his obligations to the people of Victoria.

Yesterday I asked the minister a question in the shadow of the tragic death of a young girl. At the beginning of September Emmerson Boyle died in very tragic circumstances. She drowned in a bath in Melbourne's western suburbs. The tragedy was compounded by the fact that an ambulance did not respond until 23 minutes after the initial call was made to Victorian emergency services. Emmerson died at close to 5 o'clock on 2 September.

The following day this chamber passed a motion calling for the release of ambulance reporting data for each area of Victoria in terms of ambulance performance in response to emergencies. We sought from this minister information we know exists in Ambulance Victoria. It is information about the way Ambulance Victoria supports communities around this state in times of crisis that should be conveyed to them. We sought that information and gave the minister two weeks to provide it to us. We requested that he deliver it to the chamber on 17 September.

As I said, that motion was passed by this house, but it has not been complied with. Not only was it not complied with by 17 September but it had not been complied with by this sitting week. Yesterday I asked the minister whether he intends to comply with that request before Parliament rises at the end of this session. I asked him whether, in the shadow and sorrow associated with Emmy Boyle's tragic death, he would look within himself at how he accounts for his responsibilities and whether he would come clean to the Victorian community about how well ambulance services are performing in this state. He failed that test yesterday and he failed that test today.

Earlier today the minister gave an undertaking to me — and more importantly to the chamber — that it was his

intention to allow a bill that would provide for greater certainty about the reporting of the information I have just been talking about to be first and second-read in this chamber. However, for reasons he did not identify to the chamber or have the decency to convey to me or anybody in the public domain, he reneged on that undertaking. Time and again he has reneged on his obligation to share that information with Victorian communities so that they know where they stand in relation to the services that he and his colleagues have promised to deliver. Those reasons are, in part, why this motion is extremely important. It is important that the Victorian community understands that promises were made.

When I was in government and now that I am in opposition, Mr Drum — I am not inviting an interjection from him, but by referring to him I know that I might be inviting an interjection — has always expected me to act with some degree of honour and consistency and to not be a hypocrite by applying to others values I do not apply to myself. If the government I was part of let down the community, I take that on the chin. I take my share of responsibility for that. I take the pain and suffering of Victorians very seriously. If Victorians felt let down, they demonstrated that in part at the 2010 election. That is the reason why those members are on that side of the chamber and I am on this side of the chamber. I accept the Victorian public's decision — —

**Mr Finn** — On a point of order, Acting President, far be it for me to interrupt Mr Jennings unduly, but I feel it necessary to point out that Mr Jennings is not only flouting the standing orders by referring to Mr Drum directly across the chamber, but he is also canvassing interjections, which I believe is against the standing orders. I ask you to bring him to order.

**The ACTING PRESIDENT (Mr Ramsay)** — Order! I do not uphold the point of order, but I agree that Mr Jennings's line of contribution is inviting Mr Drum to make some comments. I suggest that he take his contribution along a line that does not invite interjection.

**Mr JENNINGS** — I recognise that I may have been doing that, but I did not want to. The complete irony of the point of order made by Mr Finn is that I was in a bit of a confessional mode and was indicating the validity of arguments that Mr Drum has mounted in the past. I was being generous in saying that I accept judgements that were made by the Victorian people in 2010. I suggest that Mr Finn may do well to be prepared to adopt the psychology I have adopted.

It is very important for all of us, whether we are in government or opposition, to understand if and when the Victorian community believes it is being treated with contempt. It is a very important lesson for any of us to learn.

I suggest that in the contribution to this debate preceding mine Mr Elsbury may have erred on the side of complacency and self-satisfaction, and that is not a good place for any government member to be. No member of any government should be self-satisfied and complacent. No member should believe for 1 minute that they have acquitted their obligation to the people of Victoria, because those needs keep accumulating and those expectations continue to rise. Demands on hospital services, demands on education and demands for infrastructure are insatiable. They need to be respected and responded to, and the actions of government should be seen to be responsive and committed to meeting the needs of the community. We should not for 1 second believe we can live in a state of denial, not assuming responsibility, not sharing information and not being open. If any government makes that mistake, it will be at its own cost. That is the contribution I am making to this debate today.

I put the government on notice that unless it treats these matters seriously, Victorians will assess for themselves whether this government has delivered on the expectations it established. I believe this is a test the government will fail if Victorians assess the performance of the government through the prism of what was promised and what has not been delivered and if they assess the secretive nature of withholding information, the truth, which is a hallmark of the Minister for Health's administration and of his performance in this chamber. It is his leadership style to deny leadership. He lives in denial of providing any structure, support and consistency in the way that the government acquits its task. It is not surprising that not only his backbench but also the people of Victoria are very confused about what he is trying to achieve. If they have a clear sense of that, they will know he is failing the test of his obligation — and he is not alone.

That criticism could apply to other components of the government's administration, but today I will concentrate, as I have for four years, on the failing of the health system and the failing of the health minister. For those reasons alone, I believe the government should be removed from office by the people of Victoria — but I await the judgement of the people. I respect their decision and I have confidence in them exercising good judgement on 29 November. Whichever side of the chamber I sit on in the future, I look forward to the day when there is a government that

lives up to its commitments, is not hypocritical and delivers as it says it will deliver in the name of the people of Victoria. I look forward to that day, and I hope that day comes in December.

**Mr FINN** (Western Metropolitan) — I listened to Mr Lenders fondly, because I know we will not get to listen to Mr Lenders for very much longer. I can understand why he has put forward this motion today — not through any sense of the need to put it forward but because everybody deserves a last hurrah, do they not? This is John Lenders's last hurrah.

As a farewell present, in New South Wales they give you a bottle of Grange, but down here they give you a motion on wacky Wednesday. What a stingy mob this Labor crowd is. There is no gold watch for Mr Lenders. He has the prized duty on wacky Wednesday! That is just magnificent!

I always enjoy Mr Jennings's contributions. When he entered the confessional, I thought to myself, 'I'm off to get the sleeping bag — we could be here all night! This is going to take forever'. But he was remarkably restrained and, I have to say, a little light on for sins — more than I had anticipated. I am sure a good number of people around the place will be exceedingly disappointed that he was not exactly fulsome in the confession he spoke of.

I take this opportunity to wish Mr Lenders well in his retirement and pay tribute to the contribution he has made to his party and this Parliament. I sincerely hope he does enjoy his retirement and puts his feet up and enjoys life in the slow lane.

Mr Jennings spoke — for a few minutes, anyway — about responsibility. I am glad he did, because I have been in this Parliament for 15 years and I think it is the first time I have ever heard anybody from the Labor Party talk about any form of responsibility. As for the Greens, Mr Jennings mentioned responsibility and they all ran from the chamber. They are not here; they cannot even cope with hearing the word 'responsibility'. It is good to hear Mr Jennings talk about responsibility and it is good that Mr Jennings believes we should be responsible for our own actions, because many years ago when I was in the other place we could not get the Labor Party to claim responsibility for even the Cain-Kirner era, much less what happened during the 11 years of Bracks and Brumby — the desalination plant, the north-south pipeline, myki and any number of other disasters inflicted —

**Mr D. R. J. O'Brien** — HealthSMART.

**Mr FINN** — As I say, Mr O'Brien, a number of disasters afflicted Victoria during the course of that Labor regime. Unfortunately, that is what happens during Labor governments. Disaster and Labor just go together. That is what the people of Victoria have to make a decision about next month. They have to decide whether they will continue with the growth, the enthusiasm and the liveliness of the Napthine government or go back to the disasters of Labor.

A disaster that springs to mind immediately, and I suppose it ties in with the suggestion that we should reduce emissions, is the desalination plant. The desal plant was built by the Labor Party at a cost of close to squillions and we are paying for it to the tune of \$1.8 million every day. I would be happy if I could have just one day of that money; I think most of us would be happy if we could have just one day of it. But every day the Victorian taxpayer is paying \$1.8 million. Why? Because the Labor government listened to Sandbags Flannery when he said it would never rain again. I was thinking about Sandbags overnight. I know he lives just north of Sydney and I hope he has not been washed away with all the rain they have had up there. I hope that if he was travelling out near Bathurst or Lithgow in the Blue Mountains, he was not been caught in the snow which fell persistently for 24 hours or so over the west of Sydney.

These people tell us we are all going to be fried in our beds because of global warming, that temperatures are going through the roof and all that sort of nonsense. They are the ones who told the Labor Party, 'You need a desal plant'. Far be it from me to offer a conspiracy theory, but I wonder if the green intellectuals — if that is not a contradiction in terms — who advised the Victorian government of the day to build a huge desal plant in Gippsland were in league with some of the trade unionists who made a decent killing from it. There seems to be some connection between the green movement and sections of the trade union movement. If you are looking at cash flow, is it going back and forth or is it just going one way?

**Mr D. R. J. O'Brien** interjected.

**Mr FINN** — Mr O'Brien points out that they are people who could do with a bit of confession, and that is something that would keep us here for six or seven months.

I am delighted when we hear about responsibility from Mr Jennings. I look forward to Mr Scheffer, if he is the next speaker, getting up and saying, 'Yes, we are responsible for the shemozzle of a desal plant down in Gippsland. We are responsible for the \$1.8 million that

Victorian taxpayers are having to pay every day'. I await Mr Scheffer then saying, 'And we are sorry'.

**Mr Scheffer** — No.

**Mr FINN** — He is not sorry. I am sure members in the house will have heard Mr Scheffer say by interjection, 'No'. When I asked if he was sorry and suggested that he say he is sorry, he said very loudly, 'No'. Labor Party members are not sorry. They have learnt nothing, zilch, nought, zero, not a thing from their time in government. They were turfed out at the last election, and you would think that in the last four years they might have done a bit of navel-gazing and introspection and given a bit of consideration as to why it occurred. They thought they were travelling very nicely and all of a sudden they found themselves on the other side of the chamber. There are only two Labor Party members in the chamber at the moment. I think Mr Elasmar could easily come and join us. If he felt inclined, he could do that — actually he is not happy.

What we have come to expect from the Labor Party is a refusal to accept responsibility.

**Mr D. R. J. O'Brien** — Admit they are guilty.

**Mr FINN** — And to admit they are guilty, absolutely. If it is genuinely going to provide a mea culpa to the Victorian community and if it genuinely feels remorse for the crimes that have been committed against the Victorian taxpayers, the first thing the Labor Party should do is to admit what it did. Its members should admit their guilt, and they still have not done that from way back in the 1980s when they wrecked Victoria. Now I think back to my much younger days, members of the Labor Party still have not accepted responsibility and apologised for what Gough Whitlam did to this country. There was one thing Gough Whitlam did that was positive: he made me a conservative for life. I probably would not be here without him, but that is beside the point.

**Mr D. R. J. O'Brien** interjected.

**Mr FINN** — Do not get me started on that or we will be here all night. I am delighted to stand here this afternoon to say that I claim full responsibility for what this government is doing for the western suburbs of Melbourne. I claim full responsibility for the fact that for the first time ever next year children with autism will have a full and proper education, because under Labor children with autism did not get a proper education purely because they lived in the western suburbs. If they lived in the north, the east or the south, they would get a proper education, but if they lived in the western suburbs — not on your Nelly. This is the

way the Labor Party treats the west. This is the way the Labor Party treats the area it likes to claim as its own, and that is despicable.

**Mr Ondarchie** interjected.

**Mr FINN** — Mr Ondarchie makes the point that Labor Party members do not seem to be very interested in the debate. I realise it is a bit of a joke debate. Mr Lenders is having a lend of us, if I can use that term, as his last farewell, and I can understand why members on the other side are not showing a great deal of interest. But it would be nice if a few of them came into the chamber as a gesture to their leader in this house.

I am more than happy to be responsible for providing a proper education for children with autism in the western suburbs. I am more than happy to claim responsibility for taking the people of Point Cook seriously. As members may be aware, the Labor Party and its former planning minister, now the member for Essendon in the Assembly, Justin Madden, allowed Point Cook to grow like Topsy. There was little infrastructure and there was no planning — he was largely the minister for no planning. The people of Point Cook were sold homes on which they paid stamp duty and land tax and all the rest of it. The money was dragged out of Point Cook but the government put nothing back. All these people built nice houses in Point Cook. I do not know, Acting President, if you have ever been to Point Cook, but it is a very nice area with a great shopping centre and some very nice houses. But in terms of infrastructure the Labor Party left them with nothing.

I can claim responsibility for being part of a government that has built schools there. I can claim responsibility also for being part of a government that is helping people in Point Cook to get to work in the city. We are building the Sneydes Road interchange, which is going to make a huge difference to the people of Point Cook. These people have been suffering for far too long because Labor would not take responsibility.

**Mr Ondarchie** interjected.

**Mr FINN** — Mr Ondarchie hits the nail on the head. He has obviously read our material from the last election because we made the point that Labor neglects Melbourne's west. What did the people of Melbourne's west say when we put forward that proposition? They said, 'Yes, we agree. We will elect Mr Elsbury as well' — and they did and they will again on 29 November. I think they will elect possibly two or three other new members as well. That is possibly

underestimating it, but I will say two or three just for starters.

People of the western suburbs are now looking at us and saying, 'Here is a government that is taking responsibility for its actions, here is a government that cares about people in the western suburbs'. For the first time in my memory the western suburbs are firmly on the radar of government. They were certainly never on the radar of any government when Labor was in power. I can say without fear of contradiction or any justification from anybody that the Napthine government is the best government the west of Melbourne has ever had in the history of this state. I am very proud to be a member of that government. I am very proud to say that we can go to Werribee and see the expansion of the hospital there. I am very proud to say we can go to Sunshine and see the expansion of the hospital there. I can see the plans being developed for the restructure and rebuild of the Footscray hospital. I am quietly confident that that will not be far away. There are no movie studios, Mr Ondarchie — just hospitals for sick people. This might be novel for the Labor Party, but this is something that we in the Liberal Party — —

Ms Lewis is going to go over there in a minute.

**The ACTING PRESIDENT (Mr Ramsay)** — Order! Ms Lewis should sit in her seat.

**Mr FINN** — I was concerned that she was going to go for a tumble. I am not sure she would have gone for a Tosca, but she certainly would have gone for a tumble and that is not something I would have liked to have seen.

**Ms Lewis** interjected.

**Mr FINN** — I was concerned for her welfare. We are Liberals; we do that. We are concerned about people. I was just doing that. That is what we do.

This motion talks about the coalition's promise to improve public transport. We have improved it. We have given public transport to areas in the western suburbs that have never had it before. Mr Elsbury and I were at Sanctuary Lakes last week or the week before and we announced a new bus service for the area. People came to us and said they needed a bus service. We had discussions with the minister's office and Public Transport Victoria, and as a result of those discussions and because of the need the people of Sanctuary Lakes put forward, that bus service will be established next year. That is the sort of thing that the Liberal Party does in the western suburbs. We are doing things. We do not think. We do not hope. We do! That

is something that Mr Jennings and his comrades in the Labor Party might like to take into consideration at some stage. There is too much nonsense on that side of the house and too much empty rhetoric when the Labor Party gets up and talks about the western suburbs.

In reality what we have seen over a long time is that the Labor Party could not give a stuff about the western suburbs. It could not care less about the western suburbs. That can easily be shown by the standard of member of Parliament they inflict on the western suburbs. I will not go through them individually. Mr Melhem may well be in Bali by this time — I do not know. He is not here at the moment and that is fair enough. I will not discuss each and every Labor Party western suburbs member and candidate, but one has me absolutely tossed and that is the Labor candidate for St Albans. I would be interested to hear what Mr Jennings has to say about the Labor candidate for St Albans. I think he is about to leave the chamber.

**Mr Jennings** — I have two points of order, Acting President. The first is that I have been specifically invited by Mr Finn to interject, which I will not do. The second point of order is that the member is already in great difficulty in his broadbrush criticism of existing members of Parliament and he is about to launch into a personal attack which may continually rope in members of the Labor Party in the western suburbs, including current members. I think that is an inappropriate thing to do. It is also appropriate for me to draw attention to that matter.

**Mr FINN** — On the point of order, Acting President, can I suggest that Mr Jennings might wait until I have committed the crime before he reports it.

**Mr Jennings** interjected.

**The ACTING PRESIDENT (Mr Ramsay)** — Order! I inform Mr Jennings that this is not a debate. I say to Mr Finn that I was going to rule on Mr Jennings's point of order, which might have implied that there was no need for him to take a point of order.

I do not uphold Mr Jennings's point of order. I understand Mr Finn went to some pains not to go into detail in relation to characterising a member of this chamber, and at that point in time he was not, as I understood it, naming a specific individual candidate. However, it might be wise for Mr Finn to take a cautious approach from here on in in relation to characterising individuals both in the chamber and outside it.

**Mr FINN** — I was of course referring to and basing my comments on the comments about responsibility

that Mr Jennings made during his contribution. As I have said a number of times, responsibility is important. For example, the former Brimbank City Council is something the Labor Party should take responsibility for. The Labor Party should not be putting up a disgraced former mayor of Brimbank as a candidate in a so-called safe Labor seat. Instead Labor should be taking responsibility for its actions in Brimbank. It should be saying to the people of Brimbank, 'We are sorry for what we have done to you', and it should not be putting up as its candidate in that area somebody who has been named in the Ombudsman's report and whose name is mud throughout St Albans and beyond. I say for the benefit of Mr Jennings that we are talking about Natalie Suleyman; he seems to have a quizzical look on his face — even more so than normal. I would be interested to see if — —

**Mr Jennings** — On a point of order, Acting President, I have again been invited to interject and, more importantly, the member has given an impression that the report he referred to included a reference to the former mayor of Brimbank in the form he has described it, which I believe is not accurate. It is not true that the findings of the report indicate that in any fashion.

**Mr FINN** — On the point of order, Acting President, what I said was that the former mayor of Brimbank had been named in the Ombudsman's report. Clearly she has been named in the Ombudsman's report. I have it upstairs, if the member would like me to go and get it.

**The ACTING PRESIDENT (Mr Ramsay)** — I advise Mr Finn that that is debate. I do not uphold Mr Finn's point of order and I do not uphold Mr Jennings's point of order. I ask Mr Finn to continue his contribution in relation to Mr Lenders's motion.

**Mr FINN** — I am very happy to do that. I am very happy, as I said, to claim responsibility for a lot of things that are happening across the west of Melbourne — so many things. Indeed I go back to St Albans — to the St Albans level crossing, for which we can claim responsibility. I understand that work on that will begin within weeks, if not days. That will be quite extraordinary. The Labor Party should apologise to the people of St Albans about that. It should apologise to the families who have lost members through accidents on that level crossing, because it did nothing for so long. It promised that that level crossing would be removed when it won government in 1982 — 32 years ago.

I have spoken to some people who are a little older than I am — and members may think that is not possible, but

it is; there are a few people around who are older than I am — and they claim that the Labor Party promised this way back in the 1960s. I cannot go back that far, but I can certainly go back to 1982, and as I said, the Labor Party promised then that it would remove the St Albans level crossing. Just for good measure the Labor Party promised that again in 1999, and now — are we not amazed? — it is promising it again.

I say to the Labor Party and to the Leader of the Opposition in the other place that Labor does not have to worry about promising it anymore, because we are doing it. This need of the St Albans community, which has existed over such a long period of time, is being met by the Napthine government. That is something which, yes, I am very proud to take responsibility for. It is something Mr Elsbury; Mr Mulder, the Minister for Public Transport; the Premier; and I are all very happy to claim responsibility for. It is long overdue, and the need is still there only because of the neglect of the Labor Party and because it refused to take the sort of responsibility that Mr Jennings spoke about.

This motion also refers to crumbling school buildings. I know a little about crumbling school buildings, because I have been around a number of schools in the western suburbs and some of them have been and still are in appalling condition. One that springs to mind is Sunshine College. I visited Sunshine College about five or six years ago, and it was in the worst condition of any school I have ever visited. It was in parts quite literally falling to pieces. I came into this place and raised that with the then education minister — a Labor minister — and of course I was ignored, as indeed was Sunshine College and as it had been for such a very long time.

Earlier this year, however, Mr Elsbury and I were able to go to Sunshine College and meet with the principal, Tim Blunt, and a number of others at the school and tell them we were providing funding to rebuild that school — to build a new school for Sunshine College. There would be no more of the neglect that the Labor Party had visited upon them for such a long time. Now the Liberal Napthine government is providing the money for Sunshine College to be rebuilt. I am very happy to take responsibility for that, and I am very much looking forward to seeing that school up and running and to being able to visit it and not to have to watch where I step, not to have to dodge bits of falling roof and not to put my hands through the walls or have any of the other experiences I had on my previous visits. That is only because as a government we have taken our responsibilities very seriously.

Paragraph 3(d) of Mr Lenders's motion refers to 'a road and tunnel project of dubious benefit that nobody voted for'. It is very clear that Mr Lenders does not have to drive here from Werribee. It is also very clear that Mr Lenders does not have to drive in from Melton, Sunbury or Caroline Springs every day, because if he did, he would not say that the east-west link is of 'dubious benefit'. This project will free up probably millions of hours of time for people who are currently stuck in traffic morning and night as they — —

**Mr Leane** interjected.

**Mr FINN** — Mr Leane talks about trillions, and he may well be referring to the debt which Labor members will amass if they ever get possession of the Treasury bench again. Mr Leane should talk to some of his constituents because it is not just the western suburbs that the east-west link will benefit greatly; it is the eastern suburbs as well. I can assure Mr Leane that the east-west link will be a godsend to the western suburbs.

**Mr Leane** interjected.

**Mr FINN** — I wish that Mr Leane, and indeed Dictaphone Dan, had been with me at the footy in Werribee a few weeks ago just days after Mr Andrews announced that he would rip up the contract for the east-west link. I will tell you what: if Mr Andrews had been down in Werribee that day, those people would have strung him up. Those dyed-in-the-wool Labor people were furious. They said, 'That's our road! That's the way to our freedom!'

**Mr Leane** interjected.

**Mr FINN** — Mr Leane laughs because he does not have a clue and he does not want to know about how people in the outer west think and what their needs are, and neither does the Labor Party for that matter.

**Mr Leane** interjected.

**The ACTING PRESIDENT (Mr Ramsay)** — Order! Mr Leane, through the Chair. Has Mr Finn finished?

**Mr FINN** — Not by a long shot. Mr Leane is getting excited, as he does, which I quite enjoy, because I think a bit of excitement every now and again is not a bad thing. Nevertheless, Mr Leane needs to get out into the real world and speak to real people. He needs to speak to people who are stuck in traffic every morning and every night as they go to work and crawl their way home. They are the ones he needs to talk to. He needs to speak to small business operators who are losing money.

*Honourable members interjecting.*

**Mr FINN** — Mr Elsbury picked up an interjection from Mr Leane that I did not quite hear regarding the Monash Freeway.

**Mr Leane** interjected.

**Mr FINN** — That just goes to show just how off the planet Mr Leane and some of his colleagues — sorry, comrades — in the Labor Party are. If they think that the east–west link is not going to help congestion on the Monash, then they are well and truly off with the fairies. They really have no idea what is going on. Let me assure you, Acting President, that the east–west link will be bigger for Melbourne than CityLink. Of course we remember that 20 years ago the Labor Party fought CityLink, and things never change, do they?

The Labor Party wants to drag us back to the bad old days. We all remember that John Cain was so against freeways that he instructed his driver to go for miles out of their way to avoid them. We had the south-eastern arterial car park — the only freeway in the world with six sets of traffic lights — courtesy of the Labor Party. Labor's opposition to the east–west link is just a nonsense. I have had some members of the Labor Party, and indeed some of my friends in the Greens, tell us that if people want to go shopping, then they can ride bikes — that is what they will say to you. But if you have two or three kids and you have to go and do the shopping for the week, then riding a bike is not very practical. It is highly impractical.

**Mr Elsbury** interjected.

**Mr FINN** — I am a charitable person; Mr Elsbury knows that, and I know Ms Pennicuik and Mr Leane also know that, and I would hate to disabuse them of that view.

**Mr Leane** — Ted Baillieu was right about you.

**Mr FINN** — Let me say to Mr Leane that this particular section of the motion that refers to 'a road and tunnel project of dubious benefit that nobody voted for' is pure and arrant nonsense. Generations of Victorians will be grateful for the east–west link. It will be as big as — in fact maybe a little bigger than — the West Gate Bridge, the Tullamarine Freeway and CityLink. It will change the lives of hundreds of thousands of Victorians. You have got to bear in mind that we have heard suggestions over the past week or so that in the next 20 years there will be 8 million Melburnians. If there are 8 million Melburnians, we will need the east–west link. We are desperately going to need the east–west link or we will literally be living

in each other's pockets. We desperately will need the east–west link. It is as simple as that — a no-brainer.

**Mr Elsbury** interjected.

**Mr FINN** — People in Geelong will appreciate it enormously — of course they will. Even people in Preston will appreciate it, but people in Geelong will particularly appreciate it, as will anybody on the western side of the state. I am sure, Acting President, that you will understand when I say that people on the western side of the state — not just on the western side of Melbourne but the western side of Victoria — will appreciate the east–west link and what it will create. People in Ballarat will appreciate the congestion lifter that the east–west link will be. It is a plus whichever way you look at it. Even some of my friends in Carlton North and Fitzroy North and some of those areas that I do not go through that often will appreciate the east–west link, because it is going to get the cars off Alexandra Parade.

Earlier on Mr Jennings said he was in confessional mode, and I might dip into that mode for a moment. I must confess that when I think of the east–west link and of those who oppose it — particularly those people around Clifton Hill, Carlton North and Fitzroy and similar places — I note that those very same people have been complaining about traffic congestion on Alexandra Parade and through Fitzroy and everywhere else for so long that it does not matter and for as long as I can remember. Here we have a solution, and those people are against it. We are going to put the traffic underground.

**Mr Ondarchie** interjected.

**Mr FINN** — As Mr Ondarchie says, they will have more room to ride their bikes, which has to be a good thing. Then, after all those years of people complaining and whinging — sometimes they are fit to kill — all of a sudden a solution comes along, and the same people do not want it. Can anyone work them out? Not only do they tell residents of Fitzroy and Carlton and such places that they must put up with traffic congestion, but they also say to my constituents in Yarraville and Footscray that they must put up —

**Mr Ondarchie** interjected.

**Mr FINN** — Francis Street indeed. They tell my constituents in Yarraville and Footscray that they must put up with all the trucks that they have been putting up with for so long. The east–west link will get trucks out of Yarraville and Footscray and off Francis Street and Somerville Road, yet members opposite, who say they represent the western suburbs, say, 'To hell with the

people of Yarraville and Footscray', because as far as Labor is concerned, Labor members will put even more trucks through Yarraville. They will put even more trucks along Francis Street and down Somerville Road. It is just extraordinary.

This motion is a nonsense. I sincerely hoped that I was wrong at the beginning and that the Labor Party would come up with a better present for Mr Lenders than this motion. It is a nonsense in so many ways. The people of Victoria know it is a nonsense, and they will show the rest of us that they believe it is a nonsense when they go to vote on 29 November.

**Debated adjourned on motion of Mr LEANE (Eastern Metropolitan).**

**Debate adjourned until later this day.**

## JUMPS RACING

**Debate resumed from 17 September; motion of Ms PENNICUIK (Southern Metropolitan):**

That this house takes note of the petition bearing 532 signatures from certain citizens of Victoria requesting that the Legislative Council of Victoria call on the Minister for Racing to intervene and end steeplechase and hurdle racing in Victoria tabled in the house on 5 August 2014.

**Mr ONDARCHIE** (Northern Metropolitan) — I rise to speak to general business, order of the day 1, the motion to take note of a jumps racing petition tabled in this chamber by Ms Pennicuik. I want to start by making sure that members are aware of the importance of Victoria's dynamic racing industry to the people of this state. The Victorian racing industry supports over 70 000 jobs across the state and contributes over \$2 billion to the Victorian economy, more than half of which is generated in country Victoria. The Napthine coalition government has committed up to \$79.5 million over its four years in office to the Victorian racing industry for initiatives to improve racing and training venues, and for selected programs to further stimulate industry growth and development. As part of its plan for racing, on 1 July 2011 the government established what is known as the Victorian Racing Industry Fund (VRIF), through which unclaimed wagering dividends and on-course wagering taxes are returned to the racing industry.

In addition to those existing government funding commitments to the racing industry, the following key priorities were identified, and funded through the VRIF. At least \$30 million has been provided for improving racetracks and facilities, at least \$10 million for the breeding and sales industry, \$4 million for drug research, \$2 million for jumps racing, \$1 million for the

fantastic greyhound adoption program and \$1 million for Living Legends, which is a great tourist venue. I encourage many Victorians, Australians and overseas visitors to go and visit Living Legends out there in Oaklands Junction as you head to Mr Elsbury and Mr Finn's electorate. Picnic races have received \$200 000.

Since the VRIF commenced operations the government has supported the three racing controlling bodies and their racing clubs, with over \$7.7 million already invested in 69 infrastructure projects at racing and training venues across the state. This was a long overdue initiative to provide our racing industry with new funds to support growth and to maintain Victoria's position as the leader of the national racing industry. We are the only state or territory where the Premier is also the Minister for Racing. That being the case, logic follows that Victoria is the premier state for racing.

As I indicated earlier in my contribution, in May 2011 the Premier announced the establishment of the Victorian Racing Industry Fund, which has provided funding for vital improvements to racing and training. All of that money has been committed to improvements in racing infrastructure and public facilities, and to support projects aimed at attracting more patrons to racing events. Through this fund the government has provided critical support to racing clubs — particularly regional racing clubs, both big and small, right across Victoria. We have also provided funding of over \$18 million to support important industry development initiatives. This includes \$4 million for drug research, \$2 million for animal welfare programs and \$10 million over the four years to support and promote Victoria's breeding and sales industries.

I want to touch on some of the initiatives the Napthine coalition government has delivered for the Victorian racing industry. In Cranbourne, where great local Liberal candidate Geoff Ablett is working hard to promote opportunities for that area, we contributed \$279 000 to the grandstand redevelopment at Cranbourne Racecourse. In Geelong, where Ron Nelson is campaigning hard for the Liberal Party, an outdoor deck and children's playground has received \$62 000. The outdoor picnic area at The Meadows, the greyhound racing track at Broadmeadows, has received \$80 000. That is a very important venue for greyhound racing. It is very busy on Saturday nights with families and patrons, and on Wednesday afternoons as well. We have also contributed \$120 000 to a track upgrade at The Meadows.

I know our candidates in Ballarat are campaigning very hard. Josh Morris is doing a lot of work in supporting

Ballarat. Over \$310 000 has been provided to the Ballarat track upgrade. A new float car park gate has been provided in Horsham. In Kilmore Donna Petrovich is working very hard to support the local community track drainage and resurfacing works, which have received \$14 600. There are various programs to ensure the return of racing to six tracks: Boort, Gunbower, Ouyen, St Arnaud, Wangaratta and Wedderburn. In Bairnsdale we made a contribution to promote racing to families — mini marquees and furniture will be put into the Bairnsdale Racing Club.

I have talked a bit about the Ballarat Turf Club, but I want to talk a bit more about what we are doing there. We have installed new fencing at the racecourse entrance, provided a new turf mower and funded an upgrade to the course proper and also the mounting yard, making it a really attractive venue for patrons and lovers of this great sport.

Other initiatives include irrigation works at Bendigo racecourse, an upgrade to the horse stalls at Burrumbeet Park & Windermere Racing Club and a new turf mower for Colac Turf Club. I have talked about the grandstand redevelopment at the Cranbourne Racing Centre, but we also upgraded the track drainage at the Cranbourne Training Complex. There is also the new heating and cooling system at the Donald and District Racing Club, which is part of Wimmera Racing Club. At the Drouin Picnic Racing Club we upgraded the administration building. At the Dunkeld Racing Club we upgraded the bar facilities to make it really exciting for patrons. The Edenhope Race Club has new floor coverings, modified barrier stalls and a new shed to store the horse starting stalls.

Interestingly, in terms of our environmental efforts — I know Ms Pennicuik would be very interested in this — we provided \$900 000 for six desalination units and eight water storage tanks at Flemington. At the Geelong Racing Club, which I know members are passionate about, there was an on-course facilities upgrade and an irrigation upgrade as well. A drainage upgrade was done to the racecourse at Hamilton. An upgrade was done to the pergola and outdoor heating at the Trackside Cafe at the wonderful Kilmore Racing Club. Some funding was provided for a roof over the betting ring at the Manangatang racecourse, and a new owners facility was provided at the Melbourne Racing Club headquarters at Flemington.

A new turf mower was provided for the Mildura Racing Club, and there was a reconstruction of the course proper at Moe. Sewerage works were done at the Mornington racetrack, one of our great provincial courses. A new horse wash area was provided to take

care of horses at the Mount Wycheproof & District Racing Club, and a new owners area was also provided at the club. We have provided a new turf mower for the Murtoa racecourse, and a course proper resurfacing was done at the Melbourne Racing Club at Sandown — a \$500 million commitment. And, most exciting, a new racetrack was installed at Tynong, just outside of Pakenham — a synthetic track installation — to which this government made a contribution of over \$3 million.

Some wonderful work has been done to the perimeter fencing and the practice starting gates at Sale Turf Club, and there has been an irrigation upgrade. At the Seymour Racing Club there has been the installation of an automatic horse float and car park gates. At Stawell there has been an automatic irrigation system upgrade and a new mounting yard upgrade as well. Stony Creek Racing Club saw support for track drainage and the Towong Turf Club received funding for track renovations. We also improved the patron experience at racecourses like Moonee Valley, Caulfield, Mornington and Sandown, with either permanent or mobile super screens. There was funding for a range of track drainage investigation programs across the state and funding for upgrades to perimeter fencing to make it safer, for occupational health and safety works at picnic racing sites and for plastic running rails, which have improved the sport at various tracks as well.

At Wangaratta we went ahead with stage 2 of the sand track upgrade, the bullring construction, the bore water project and the equine swimming pool — which I got to look at with the local member. The work they are doing up there is fantastic. There is a new mower for the Wimmera Racing Club at Warracknabeal. There is funding for stage 2 of its fantastic new irrigation system and for a new turf aerator and trailer at the Warrnambool Racing Club. At the Wodonga racecourse we have funded upgrades to the audiovisuals and practice starting gates. There is also new mounting yard and public area fencing at the Woolamai racecourse, and at the Wycheproof racecourse there is a new roof over the betting ring. We also made a contribution to the state reception for the Australian Racing Conference.

I talked very briefly about the race day attraction program, making it a wonderful experience to get people to come to the races, particularly in regional cities. It does wonderful things for the economic health of the towns, and it gets a whole lot of connectivity. It is a great, exciting thing. I will quickly touch on some of the things we have funded in that program. For the Geelong Greyhound Racing Club we have funded the Black Caviar Live Site, and we have funded the Sensational Summer for Kids program through

13 racing clubs through Greyhound Racing Victoria. We have promoted the Australian Cup Carnival. We have provided a free race day bus to Sandown, and we have supported the Sandown Autumn Carnival, the Greyhound Owner of the Day award and a wonderful ladies night at Sandown. We have also supported the Hawaiian Race Day at Shepparton, an event for participants in the Great Victorian Bike Ride at the Traralgon Greyhound Racing Club and wonderful girls night out events at various venues, including the Warrnambool Greyhound Racing Club.

The government has also invested in a Raceday Attraction Program, making a wonderful experience for the patrons and all those associated with racing. We have supported the Ballarat Cup's Fashions on the Field and a wonderful event at the Ballarat Harness Racing Club in Ballarat called Ballarat's Got Talent — and we know that Ballarat has a lot of talent, not least the young candidate for Western Victoria Region and former mayor of Ballarat, Josh Morris. We have supported the Night @ the Trots in Ballarat, the Anniversary Cup and Community Cup race meetings at Bendigo Harness Racing Club, Charlton's 150th Anniversary Cup and the Community Pink Ribbon Ladies Day at the Cobram & District Harness Racing Club. At Echuca Harness Racing Club we supported a New Year's night event, an Easter Sunday race meeting and the Black Caviar Live Site.

The other great celebration we saw was the Gunbower Harness Racing Club's return to racing event. The community just loved it. It was a new reinvigorated event for the people of Gunbower and surrounds. At the Hamilton Harness Racing Club we supported a promotion for the Hamilton Harness Pacing Cup and its Hamilton Cup Day. We supported new initiatives such as Great Southern Star and Breed for Speed with Harness Racing Victoria, and we supported the Victoria Cup Race Day meeting at the Mildura Harness Racing Club.

Mooroopna had wonderful children's activities and a Fashions on the Field day. Nyah District Harness Racing Club had a Family Race Day, St Arnaud Harness Racing Club had a Fairytales Race Day, Terang Harness Racing Club had Racing for Life and Wangaratta Harness Racing Club had its Wangaratta Pacing Cup. There was a Wedderburn Cup Day at the Wedderburn Harness Racing Club, and Yarra Valley Racing held a wonderful ladies day at Yarra Glen, making new experiences for patrons.

I am talking about all three forms of racing — greyhound racing, harness racing and thoroughbred racing — in reverse order, otherwise known as racing,

pacing and chasing. These are great initiatives. Victorians just love racing.

We helped promote four race meetings at the Alexandra Race Club. The Ararat Turf Club held the Willaura Cup event. There were the Avoca Anzac Day races at the Avoca Shire Turf Club. At the Bairnsdale Racing Club there was the 150th Bairnsdale Cup celebration. There was the Emergency Services Spring Race Day at the Ballan Jockey Club. The Ballarat Turf Club held a Tradies Day as well as the Gold Day, the Nugget Horses and Horsepower Day and a Community Appreciation Day.

At the Benalla Racing Club, there was support for the Euroa Cup Race Day. At the Bendigo Jockey Club there was support for the Golden Mile Race Day and a number of Mosstrooper jumps days. It was my pleasure to attend the Mosstrooper annual celebrations just a couple of weeks ago on behalf of the Premier. There was support also for the Pubs and Clubs Day, the Taste of Spring race day and the Christmas Party race day.

At the Buchan and Gelantipy Racing Club, the Buchan Cup and East Gippsland picnic racing days were supported by this government, as was the New Year's Day meeting at Burrumbeet Park & Windermere Racing Club. There was great support for the Colac Gold Cup at the Colac Racing Club and for lots of promotions through Country Racing Victoria for things like the Kids Summer of Country Racing Campaign and family days. Of course we also gave great support to the launch of night racing at the Cranbourne Turf Club. There is a fantastic tri-series there, with the greyhounds, harness racing and thoroughbreds running every 10 minutes throughout the day. It is a fantastic venue, which fills up with local patrons and people from afar.

There was support for the Dederang Picnic Racing Club and the St Patrick's Day races at the Geelong Racing Club, the Australia Day wine and food festival at the Greater Western Racing Club and Party with the Ponies at the Hamilton Racing Club. There is a free race day bus to get people to the Horsham Cup. The Kilmore Racing Club has a travel campaign for three race meetings, including the thoroughbreds.

Kyneton & Hanging Rock Race Club, a great venue, promotes a Green and Gold Day for its Australia Day meeting. We also supported the ChillOut Festival race days there as well as the wonderful 2013 Macedon Ranges Cup Day.

At the Melbourne Racing Club, there was support for Melbourne's Greatest Easter Egg Hunt. At the Mildura

Racing Club we supported a Trades and Services Day. There was the William Reid Stakes Black Caviar event at the Moonee Valley Racing Club. The Pakenham Racing Club promoted two race meetings, the Evergreen Turf Guineas Day and the Pakenham Gazette Oaks Day as well as Pakenham Cup day.

There is lots of support for new entrants with 2 for 1 competitions as well as the Black Caviar event at Federation Square. At the Stawell Racing Club there was the Women in Country Racing event. The Swan Hill Jockey Club held a Trades and Services Race Day. The Victoria Racing Club held the Australian Guineas, the Black Caviar Lightning Day and family days. The Wangaratta Turf Club held the Wangaratta Cup and a seniors day. We celebrated Seniors Week last week so it is a good time to mention that a lot of our older Victorians love the races. I will also mention the Yarra Valley cup — —

**Mr Tee** interjected.

**Mr ONDARCHIE** — There are lots more to go, Mr Tee; hold your horses. Picnic racing is a wonderful event for local towns. At Alexandra we provided some funding for a kitchen fit-out. At Balnarring we provided funds for a new set of public toilets. At Buchan we helped to replace the horse stalls and provided for some marketing and promotion signs. At Merton we made a contribution to the refurbishment of the judges tower. At Yea, we helped fund the course marker signs and promotion signage. At Balnarring, we provided funding for the ambulance and stewards truck. At Buchan, we provided funding for a portable bathroom and water tank. At Healesville, which is at a great venue off Chum Creek Road, we provided funding for the outside rails and public fencing. At Merton, we helped with the clubhouse redevelopment and at Yea with the administration building refurbishment and outdoor seating.

We take racing very seriously. I am pleased to report that the Office of Racing Integrity and its commissioner has been immensely active. This was an initiative of the Napthine coalition government to improve racing integrity in Victoria, and that office has been doing a wonderful job.

I know Ms Pennicuik is very keen for me to talk about jumps racing in addition to all the other forms of racing. The government believes that jumps racing represents a very important part of the culture and heritage of Victorian thoroughbred racing. It also provides a very important livelihood for a significant number of jockeys, trainers, stablehands and support staff. Jumps racing also delivers very real economic benefit to a

number of regional Victorian communities for increased tourism and associated economic benefits to local tourism for accommodation and trade.

Support for jumps racing is tripartisan in Victoria. On ABC radio on 3 May the Victorian Leader of the Opposition, Daniel ‘Dan’ Andrews said there was no need to ban jumps racing in Victoria. He also said:

That’s never been our view, and our view hasn’t changed.

Recently, in a similar fashion, the South Australian Labor government racing minister stated:

Jumps racing is an integral part of the racing industry ...

...

... I do not believe jumps racing is cruel and I will not be banning the sport.

The Labor government in South Australia continues to support jumps racing, as does the Leader of the Opposition here in Victoria.

The Victorian government is acutely aware of the need to continually work in cooperation with Racing Victoria and with all industry participants to ensure that the safety and welfare of jockeys and horses is paramount. Over the past two years a number of improvements have been adopted by the Victorian jumps racing industry as part of its commitment to safe and responsible racing. This includes modification to the design of jumps, improved schooling and trialling requirements and stricter horse qualification standards.

Over the past three years, the Napthine government has provided funding for Racing Victoria to hold preseason safety and welfare forums for all jockeys and trainers. World-leading equine experts from Europe and the United Kingdom have been a key part of these forums, helping to enhance rider and training techniques, which in turn increases safety for all. All entry funding — \$2 million over four years — has been provided through the Victorian government for these and other jumps racing initiatives and comes from the unclaimed dividends pool I talked about earlier. What I mean by that is that winning bets that have not been collected by punters go back into the industry. The funding does not come from taxes paid by Victorians.

The racing industry’s commitment to safe and responsible jumps racing is reflected in the improvement in safety indicators over the past few years, including a reduction in the number of falls. This is clear evidence that the industry’s greater emphasis on safety is working. While this trend is positive, both the

government and industry, as well as participants, are committed to further improvements.

We continue to grow our commitment to the safety of our greyhounds, our harness racing horses and our thoroughbreds. Referring to our commitment to the Victorian racing industry, I use as an example Pakenham's new \$70 million racecourse. A brand-new, state-of-the-art \$70 million Pakenham racecourse is open for training. This is the first thoroughbred racecourse licence awarded in 40 years. It is part of the Napthine government's \$79.5 million Victorian Racing Industry Fund, supporting jobs and building a better racing industry.

On 30 July the Premier, who is also the Minister for Racing, presented the Pakenham Racing Club with its new racecourse licence. It was a historic occasion because it was, as I said, the first time a thoroughbred racecourse had been awarded a new licence in 40 years. It was a very exciting day for racing across Victoria, particularly in the south-eastern region of Melbourne. I know Mrs Peulich, together with the coalition candidates down there, is a very strong advocate for these opportunities.

Across the south-east of Melbourne and Gippsland the thoroughbred racing industry provides an annual benefit of more than \$300 million to the economy and supports more than 3500 full-time jobs. I have no doubt that the new Pakenham racecourse is already adding to those benefits. The chief executive of the Pakenham Racing Club, Michael Hodge, said that the 600-acre racecourse development offers unique opportunities for employment, with commercial, retail and residential space. Those new facilities are a critical milestone for that club, the trainers and of course for their employees.

The government continues to grow the budget for the racing industry. As I outlined, we have supported a number of initiatives, including providing \$1 million for the greyhound adoption program and \$2.26 million for the Raceday Attraction program in partnership with clubs. Racing is part of the overall excitement of Melbourne and the regions in terms of the great entertainment and great opportunities that are there for Victorians.

I will touch on an exciting program that is immediately ahead of us, and that is what we are calling the 80 Days of Melbourne. From 9 to 22 January the 2015 AFC Asian Cup will be held here in Melbourne, attracting people from across the globe for what is going to be an exciting soccer season in Melbourne. From 9 January to 8 February the Fashion World of

Jean Paul Gaultier will be at the National Gallery of Victoria.

**Mr D. D. O'Brien** — Will you be there, Craig?

**Mr ONDARCHIE** — I will. The Australian Open tennis, the first leg of the grand slam, will run from 19 January to 1 February and will use the great, newly refurbished Margaret Court Arena. The Cadel Evans Great Ocean Road Race will be from 31 January to 1 February, and I know those in the Bellarine Peninsula and Geelong are great fans of what is going to happen down there.

**Ms Pennicuik** — On a point of order, Acting President, the petition is fairly narrow in scope: it refers to jumps racing. In fact it does not refer to any other type of horseracing, and I certainly did not mention other types of horseracing in my contribution. I am happy for that discussion to proceed, but I think that when we start talking about soccer and tennis we are really getting off the subject of the motion.

**The ACTING PRESIDENT (Ms Crozier)** — Order! Ms Pennicuik is correct in terms of the motion she has put forward. I ask Mr Ondarchie to get back to the motion in relation to jumps racing.

**Mr ONDARCHIE** — In the manner of Ms Pennicuik's comments to me, I will just remind members as we enter the Spring Racing Carnival — a very exciting time — that the Melbourne Festival of Racing will be held on 21 February and 7 and 14 March.

I remind Ms Pennicuik that this government engaged an internationally acclaimed jockey coach to build on the safety measures in Victorian jumps racing. We engaged Steve Smith Eccles from England, who conducted six days of intensive jumps training with jockeys and trainers. A very successful jumps jockey from the UK, Mr Smith Eccles is sought across the globe as a consultant coach to jumps trainers and jockeys. This followed the work of British Olympic equestrian coach Yogi Breisner, who conducted a multiday workshop with Victorian jumps jockeys in 2012.

Whilst we have seen a vast improvement in safety statistics in jumps racing over the last couple of years, as the Victorian coalition government we are not prepared to rest on our laurels. The Victorian coalition government and the racing industry are absolutely committed to delivering ongoing safety enhancements for both jockeys and horses. Indeed, conducting an annual jumps racing workshop to continually improve safety, welfare and participant skills is a key component

of our \$2 million package to support and enhance jumps racing, including some very important safety measures. Racing Victoria's jumps review panel chairman, Rob Montgomery, said the workshop program would be even more competitive than in previous years, and it served as a very important launch pad when we started this in 2013 season. The six-day jumps forum was a key component of our commitment and the industry's commitment to safety in jumps racing and to ensuring that participants continue to refine their skills for the betterment of the sport.

Mr Smith Eccles, who was accompanied by former champion jumps jockey Craig Durden, conducted a number of sessions over a six-day period across a range of locations to make sure that we catered for a large group of industry participants. As well as those workshops and indoor arena sessions, they also presented schooling sessions before jumps trials to maximise the practical application of the skills learnt. They watched jumps trials, gave feedback to the riders on their riding techniques and were available to answer questions from trainers in regard to jumping ability and training plans for their horses. This government is acutely committed to the safety and wellbeing of our horses, our jockeys and the participants involved in our racing codes. I take note of the motion.

**Ms PULFORD** (Western Victoria) — I am pleased to make a few comments on Ms Pennicuik's motion, which seeks to take note of a petition signed by 532 Victorians who would like the Minister for Racing, who also happens to be the Premier, to intervene in the racing industry and in jumps racing. This motion has been on the notice paper for debate on Wednesdays for quite some time now, so I was wondering if I would get to have a go at it before the election.

At the outset I would say that this motion misconceives the structure of the racing industry. Racing is governed by an independent board, Racing Victoria Ltd (RVL), which was registered in December 2001 as a public company limited by guarantee under the Corporations Act 2001.

At the time RVL was established it assumed the functions and responsibilities that had previously been undertaken by the Victoria Racing Club. This is an independent board — members are not appointed by the minister but are elected by participants in the industry — and it has legislative authority to run racing under the Racing Act 1958. I acknowledge that the Greens are asking members to take note of the petition rather than express a firm view one way or the other on its merit, but I suppose that by making comments on

Ms Pennicuik's motion we are in some way noting the views of the 532 petitioners.

The motion is hard to seriously contemplate unless the Greens are also arguing for a complete redesign of governance arrangements for racing in Victoria, and that is not a matter for the minister; it is a matter for the board. I wonder if petitioners gave that point much consideration when they put their names to the petition.

It is also worth noting that the Greens motion would fundamentally impact on a major economic and social event that occurs in my electorate of Western Victoria Region — the Warrnambool May Racing Carnival. The May Racing Carnival is a significant event in Warrnambool. Its economic impact for the community in and around Warrnambool is estimated to be in the order of \$20 million. The most contemporary figure I could find was a couple of years old. One might think that the economic impact has increased if my own expenditure in Warrnambool in May this year is anything to go by. I left it pretty late to book a room, and I had to stay in accommodation well out of town. I can say with some confidence that for probably two months before the carnival there was not a room available for booking in Warrnambool for the carnival weekend.

If Ms Pennicuik is provided with an opportunity to reply to contributions on this motion, I invite her to outline plans the Greens have for the racing industry and specifically for the Warrnambool event. Would they still want it to be a three-day event? Would it be a two-day event or a one-day event? What would their plans be for the public holiday in Warrnambool? What support would they propose for industry transition? There are many questions that remain to be answered, not least of all in relation to the governance and structure of the racing industry.

The Labor Party believes that this is a matter for RVL, but it acknowledges that jumps racing has had some dark days. No-one wants to see injuries or fatalities in racing and no-one wants to see falls, but over recent years the number of falls has reduced in response to changes to barriers and changes to training. A number of years ago falls were at an unacceptable level. No-one wants to see fatalities or injuries to jockeys, horses or participants, as happened a number of years ago.

The impact of falls, beyond their impact on jockeys and horses, is also significant for racing. They can lead to there being fewer entrants, lower levels of wagering, smaller crowds and declining returns. It is incumbent on the industry to work to overcome the risks in jumps racing. Like any industry, the racing industry has to

respond to the concerns of those who support it and it has to respond to those who do not support it — that is, it must also respond to views of the community more broadly.

As Mr Ondarchie indicated either in his contribution this week or in the one he made a month ago when we started this debate that the racing industry provides tens of thousands of jobs for people across Victoria. Most of these jobs are in regional Victoria. The Victorian thoroughbred racing industry generates nearly \$2.1 billion towards the Victorian economy, and when employees, volunteers and participants in thoroughbred, harness and greyhound racing are included, the participant numbers are in the order of 70 000 people.

An evaluation undertaken of the impact of racing on the Victorian economy indicated that around 63 per cent of participants reside in regional Victoria. Anybody who spends much time in regional Victoria would not have to go terribly far to find enthusiastic participants in racing. Last Friday evening I had the pleasure of attending the South West Trades and Labour Council annual dinner as a guest speaker. I caught up with some old friends and made some new ones. One of the first questions in the question-and-answer session was around racing and the importance of jumps racing. The importance of jumps racing and racing to the community in Warrnambool cannot be overstated.

It is important to note that the racing industry is under great pressure. Like many industries, the racing industry is making the transition to the online world. Online betting means that there are less returns because a lower share of betting is occurring on the tote. This is an important stream of income for the racing industry. Mr Ondarchie, fashionista that he is — and it is a shame he is not here to hear me make that comment — indicated that the racing industry also supports tourism, retail and hospitality to an extraordinary degree. As people in this place turn their minds to the issuing of the writs on Melbourne Cup Day, I think I can confidently assert that the overwhelming majority of Victorians, perhaps all Victorians except those who work in and around this building, will be either turning their eyes to their television screens or, for 100 000 people, turning their eyes directly to the track at Flemington on Melbourne Cup Day. While the Victorian government is hell-bent on denying kids in regional Victoria a decent education, a spot in a TAFE course or a job, the premature demise of the racing industry is something that Victoria cannot afford.

I ask the Greens if it is jumps racing it seeks to end or racing altogether. Greens members often take the opportunity to use parliamentary debates to express

their disapproval of industries they do not like. It is worth noting that the Greens are aggressively pursuing Mr David O'Brien's seat of Western Victoria Region. They make no secret of that. They expend a great deal of time travelling the length and breadth of the region I represent promising all kinds of things to all kinds of people. I invite the Greens to indicate to the people in Ballarat, Warrnambool, Coleraine and Casterton what plans they have to compensate these communities if they attain a position in which they are able to force the hand of the government of the day in relation to jumps racing or to a wholesale restructure of the governance of the racing industry. What plans do they have for industry transition? What time frame would they put in place for what is for them an aspiration to end jumps racing? What alternative job creation measures would they put in place, particularly for those in Warrnambool? What plans might they have for the iconic May carnival and the \$20 million boost to the economy it provides every year?

I join with other members in noting this petition which was signed by 532 Victorians. I do note the community's concerns about jumps racing and I do note that there are people in the community who would like to see an end to jumps racing and racing altogether. But it is also important to note that in this environment, when regional Victorian economies are under considerable pressure and the racing industry in Victoria is under considerable pressure from forces beyond the control of a Victorian government, there are important competing interests to be considered in relation to racing and the jobs of many tens of thousands of people across Victoria, including those in western Victoria, that arise from a robust and vibrant industry that means an enormous amount to a great many people.

I note the petitioners and their view. I also note the concerns of those who work in the racing industry. I note the enthusiasm for racing not only in south-western Victoria but right across the state. At this time of the year even those who pay scant regard to racing year-round get caught up in the magic of our Spring Racing Carnival. It is such an important driver of jobs and economic activity, and is so important to the fashion, retail and hospitality industries. I urge the Greens to outline how they would manage the transition and a wholesale restructure of the governance of racing in Victoria.

**Mrs MILLAR** (Northern Victoria) — It gives me great pleasure to speak on Ms Pennicuiik's take-note motion relating to jumps racing in Victoria. The coalition government believes that jumps racing represents an important part of the culture and heritage

of Victorian thoroughbred racing, and I will speak to the heritage of the racing industry.

But in starting off it is very important to also recognise that racing generally, which includes jumps racing as a very small component of the industry, provides a livelihood for a significant number of jockeys, trainers, stablehands and support staff. These jobs are principally based in regional Victoria. As Ms Pulford has just outlined, the racing industry has a presence in western Victoria, and I would say the same for northern Victoria, which is a very significant producer of horses for the racing industry and the equine industry more generally. In this place I particularly acknowledge Mr David O'Brien, a member for Western Victoria Region, who is a significant supporter of jumps racing and racing in western Victoria. If Mr O'Brien does not have the opportunity to speak on this motion, I want his particular dedication and support for the racing industry in Western Victoria Region noted.

Jumps racing delivers very real economic benefits to a number of regional Victorian communities. There is also the benefit of increased tourism and its associated benefits for local businesses. Local racing carnivals are able to deliver great benefits, both social and economic, to the towns in which they are based. The retail industry, which is often struggling in regional Victoria, receives these benefits through increased tourism, as do hotels, food outlets and other businesses. This is significant for regional communities.

I would like to note in starting that support for jumps racing is bipartisan in Victoria. As Ms Pulford noted in her contribution, this is also the position of the Victorian Leader of the Opposition in the Assembly, Daniel Andrews. On 3 May 2013 he said that Labor's view has never been to ban jumps racing, that there is no need for a ban and this view has not changed.

It is also very important to note in this context that there have been significant safety improvements made to the operation of jumps racing in Victoria. There will not be a speaker speaking on the motion today who will not acknowledge their love of horses. None of us like to see horses injured or hurt in any way. Horses die in both flats and jumps racing, and this is a tragedy. The answer to this is to make racing safer by overcoming the risks and increasing safety. This is something towards which enormous steps have been taken.

I also note that the number of jumps races in Victoria is very small in comparison to the overall number of race starts in any given year. Currently the number of events in the season, which runs from March to September, is comprised of approximately 33 steeplechases and

12 hurdle events. Over the past two years a number of improvements have been adopted by the Victorian jumps racing industry as part of its commitment to safe and responsible racing. Significantly this has included modifications to the design of jumps, improved schooling and trialling requirements, and stricter horse qualification standards.

I say this because, as a lover of horses, I believe it is very important that we do what we can to ensure the safety of those horses and their jockeys throughout this industry. Of course I also note the great love of horses held by our Premier, who is also the Minister for Racing. I must say that while my love of horses may be great, it can in no way compete with the Premier's professional knowledge, given his background as a veterinarian in the state of Victoria. His expertise and professional skills are significant in this space.

The Victorian government has provided funding over the past three years for Racing Victoria to hold preseason safety and welfare forums for all jockeys and trainers. This is assisting with improving the overall safety of jumps racing in Victoria. Significant increases in safety outcomes are being seen each year.

I would like to reflect on a steeplechasing event that I attended at the Bendigo Jockey Club in July. It was the Mosstrooper Steeplechase, which is a very large event for the Bendigo Jockey Club and was well attended this year. At this event I was speaking to a friend of mine, Mr Jason Ronald, whose grandfather was the owner of Mosstrooper. Mosstrooper is one of the most famous steeplechasing horses in Victoria. He was a chestnut gelding who lived from 1921 to 1945, passing away at the age of 25. His history is an interesting one. He was destined to be sent to India as an army horse, but shortly before this was to happen he showed great talent as a jumper while he was rounding up cattle. I want to make the point that many horses have a natural propensity for jumping. Mosstrooper's jumping talent was spotted while he was undertaking some activities on the farm, and he went on to become one of the greatest steeplechase horses in this state's history.

From 79 starts he had 11 wins. He won the Grand National Steeplechase and the Grand National Hurdle, and he earned over £14 000 — an enormous amount of stake money for his time. The epitaph on his tomb read, 'Mosstrooper was the best horse ever'. He was a loved horse, and this highlights the significance of the heritage of the Victorian thoroughbred racing industry. In the time since Mosstrooper raced, this has not changed. What have changed — and we all welcome this — are the safety standards that are applied to jumps racing in Victoria.

World-leading equine experts from Europe and the UK have taken part in forums in Victoria to help enhance rider and trainer techniques, which in turn increase the safety for all. I want to point out that all funding provided through the Victorian government for these and other jumps racing initiatives, including the redesign of jumps fences used in hurdle racing in Victoria, is taken from the unclaimed dividends pool. This funding has amounted to more than \$2 million over four years. It is not taken from taxes paid by Victorians. The funds are specific to racing. They are from the unclaimed dividends pool — that is, winning bets that have not been collected over time by the punters. I think this is an important distinction to make for those who have concerns about where these funds come from.

The racing industry's commitment to safe and responsible jumps racing is reflected in the improvement in safety indicators over the past two years, including a reduction in the number of falls. This is something that those in the racing industry work towards with as much dedication as anyone in the state of Victoria. This is evidence that the industry's greater emphasis on safety is working. While this trend is positive, the government, the industry and participants are committed to further improvements. Such improvements are occurring and will continue to occur.

I would like to touch on how the racing industry is an important part of this state's economic development. As a young graduate from university I worked at KPMG in bloodstock accounting for roughly two-and-a-half years. My love of horse racing is not all about putting on a pretty frock and hat and going to the track. My time in bloodstock accounting made me aware of the significant economic value this industry returns to the state. The racing industry is one of this state's largest employers, delivering great economic value. Most of that value resides in regional Victoria.

As a representative of regional communities I emphasise that it is very important that we recognise the value of this industry to those communities. There is an element of opposition to flats racing as well as jumps racing. These opponents need to think carefully about the impact that any ban on racing would have on regional communities. That does not for one moment take away the importance of focusing on the welfare of horses. This is and remains the aim of all Victorians, especially those who work in this great industry, many of whom I have met and worked with.

We should also note that the thoroughbred racing industry is responsible for breeding some of the world's finest racehorses. Dressage and showjumping horses

are also bred in Victoria. This is an industry in which Victoria can truly claim to lead the world.

**Mr Ondarchie** — Particularly in the Macedon area.

**Mrs MILLAR** — Particularly in the Macedon Ranges; Mr Ondarchie is quite correct. I thank him for that contribution. I also note the fine equine breeding areas around Nagambie. It is always my great pleasure to visit those areas and promote their world-leading status as breeders of racehorses and horses more generally.

I have concerns about those who represent themselves as enemies of the racing industry more generally. We have seen some of their activities in recent weeks, and they would cause concern for many people in regional Victoria. In saying that, this is a take-note motion. We will not be opposing it. We will certainly seek to acknowledge the concerns of the 532 people who put their names to this petition. Having said that, I think it is very important to again emphasise how much is being done to improve the safety of jumps racing in Victoria, whether it be in steeplechase or hurdles. I principally point to the redesign of the hurdles that are used and also the training which is being undertaken at this time.

In so saying, I am pleased to end my contribution here. I again acknowledge the contributions of my other colleagues who may not have an opportunity to speak on this motion today but who, like Mr David O'Brien, I know are similarly keen to acknowledge our support for the contribution and benefits of racing generally and jumps racing specifically. I know the people who work in this industry are committed to the welfare of horses, as are all the speakers on this motion. We acknowledge the concerns of those who have signed this petition, but those who, like me, support racing and jumps racing in Victoria are working towards a safer and better jumps industry for all horses and participants in this state. I am therefore pleased to take note of this motion.

**Mr D. R. J. O'BRIEN** (Western Victoria) — It is with great pleasure that I make a contribution, albeit brief, on this motion. I thank Mrs Millar for her contribution, which covered many and more of the matters that I want to endeavour to cover, because of her extensive knowledge of the industry. I am a big supporter of horseracing and a previous owner of racehorses, and that is because I respect the views of my local community. Western Victoria has a long tradition of successful horseracing in the Warrnambool area. The Minister for Racing, the Honourable Denis Napthine, the Premier, is a long-term supporter and has acute knowledge of all aspects of the industry in his life

as a vet. In his administration of this important portfolio he has shown he can not only deliver the benefits to the state of this important contributor to his electorate of South-West Coast, but he also supports our breeders, jockeys, stablehands, investors, punters, the Victorians who love the thrill of horseracing, the fashion industry, and the excitement of not only the major festivals for which Melbourne and indeed Victoria are famous but also the smaller races, picnic race meetings and jump races, such as the main carnival and other important events that occur in his electorate.

Jumps racing is something this government is not ashamed to support. Yes, there have been issues and there are continual improvements to the welfare of horses by the racing industry, but just as we respect local knowledge — unlike the Greens, who impose their views upon farmers without local knowledge — we respect the industry that can care for its horses, and we support its continual attempts to improve the safety of jumps racing.

**Business interrupted pursuant to order of Council.**

## STATEMENTS ON REPORTS AND PAPERS

### Department of the Legislative Council: report 2013–14

**Ms LEWIS** (Northern Victoria) — This evening I wish to speak on the annual report of the Department of the Legislative Council 2013–14. This report provides details and data relating to the operation and achievements of the Legislative Council over the past 12 months. However, a printed document can never convey the personal aspects of the Legislative Council. In saying this I refer to the highly professional attitude of the Legislative Council staff and their willingness to provide help, advice and assistance in a range of situations.

I came to the Council as a new member in June 2014. I was familiar with the Parliament buildings and the general processes of Parliament, but the finer details of protocols and standing orders was the area where I really appreciated the assistance and advice of the Legislative Council staff.

My arrival in the Council coincided with changes in senior staff, and several people were in acting roles. I would like to both congratulate Andrew Young on his appointment as Clerk of the Legislative Council and thank him for the advice he has provided to me. I would also like to congratulate Anne Sargent and thank her for her assistance. I thank the people behind the scenes who are always at the end of a phone or an email, Linda

Shatilko, Andrea Agosta and Jessica Pattison, for their help with sorting my way through the paperwork.

My heartfelt thanks go also to Greg Mills and his team of attendants for their support and willingness to share their knowledge. They all have a very detailed knowledge of the protocols and procedures of the Council, and there have been numerous occasions when I have been relieved to know I could ask them a question on protocol before entering the chamber. On a very practical level their assistance has also been invaluable, from finding a comfortable desk chair for my office to organising some on-the-spot shoe repairs when I lost the heel of my boot one morning. Other staff, including the chamber support staff, the table office staff and the Hansard staff, are all highly professional and supportive teams — to them also I send my thanks.

Learning — and more importantly trying to learn — the protocols and procedures of the Legislative Council has been an interesting experience. Some of the practices are steeped in tradition yet retain meaning in our modern society, while others are outdated, archaic practices that could be replaced with more appropriate practices that more accurately reflect our modern, multicultural society.

To be a dynamic democracy and a Parliament we need to embrace changes to meet the changing needs of our society. As more new members from diverse backgrounds enter the Legislative Council there is an opportunity to revise and review the practices and protocols and to dispense with some traditions and commence new some ones. I think a good test question to put when considering whether or not a procedure or practice is relevant in today's world is: if we were establishing our democracy and Parliament today, would we include this practice?

Within the Legislative Council there are some members who work particularly hard. These include the tireless party whips and the leaders of each party. I would like to extend my special thanks to the Labor Whip, Shaun Leane, for helping me sort through the various ways to participate in the Parliament. To John Lenders, our Labor leader, I would also like to extend my grateful thanks for his help and wish him well in his retirement. To my Labor colleagues, my thanks to each and every one of them for helping me with support and advice. To those members who are retiring, Johan Scheffer and Kaye Darveniza, I wish them well in their new life.

I would like to thank the President and the acting presidents. In particular I would like to thank the President for his calm and considered reasoning, and

for his sense of humour that has lightened many moments in the chamber.

Finally I would like to thank the people of Northern Victoria Region. It has been a pleasure meeting people from all walks of life across the electorate. I hope I have been able to make a contribution to the lives of people in the communities across the region of Northern Victoria. It has been a privilege and an honour to serve the people of Victoria in the Legislative Council of this, the 57th Parliament of Victoria.

**Law Reform, Drugs and Crime Prevention  
Committee: supply and use of  
methamphetamines, particularly 'ice', in  
Victoria**

**Mrs MILLAR** (Northern Victoria) — I am pleased to make a statement in relation to the inquiry into the supply and use of methamphetamines in Victoria. This has been a very significant and vast piece of work never previously undertaken in Australia. The inquiry ran for over 10 months, conducted 113 public hearings and heard from 220 witnesses in both metropolitan Melbourne and rural Victoria.

The inquiry report makes it clear that the extent and prevalence of illicit drug use has remained relatively stable since 2001, so it is not suggested that the use of methamphetamines is leading to a rise in the overall numbers using illicit drugs, which remain relatively small when compared to, say, alcohol abuse. But what is significant, and something which every member in the place would be aware of, is the escalating impact that the more complex and potent forms of methamphetamine, commonly known as 'ice' are having on our communities and towns. These impacts are widespread and include family trauma and violence, the linkages with road trauma, the linkages with violent crime and the linkages with mental health. I note the significant impact of illicit drug taking in terms of exacerbating forms of mental illness, and also those with mental illness using these more potent forms of illicit drugs to self-medicate.

As those who work directly with users will attest, there are complex and escalating consequences arising across communities as a result of these more dangerous and potent illicit drugs, and this will continue to occur as these forms of drugs morph and become more potent and complex. The report notes that the most common users of methamphetamine are in the 20-to-29 year age group and most in the age group are male. But it is used by a wide cross-section of the community, often including older people in our society who may not be typically regarded as users of illicit drugs.

I especially thank the committee for making the impact on rural and regional communities such a significant future of the report, as is the case in my electorate of Northern Victoria Region. Public hearings were conducted in seven regional areas, including Bendigo, Mildura, Shepparton and Wodonga. The lack of research on the impact of illicit drugs in regional areas is noted and for this reason it was significant that this inquiry placed a significant emphasis on the way in which rural and regional communities are impacted, given a lack of specialist services in regional areas, issues pertaining to confidentiality in small rural communities, and the impact of travelling large distances for treatment and services.

The inquiry resulted in a total of 54 recommendations, but time does not permit a review or even list of them. The government has acted quickly by already addressing many of the recommendations through numerous measures. I will just raise a couple of them. I know from my role on the Macedon Ranges community safety committee that the resources made available for the more extensive testing of motorists for illicit drugs has been very much welcomed by our local police and community members given concerns about the impact of drug taking on road accidents and fatalities. Likewise it has been very important that an extensive public education program has already commenced and is also focused strongly on rural and regional communities. Education, prevention and changing the thinking of people is an essential part of tackling this problem, which requires an integrated all-of-government and all-of-community approach.

I pay tribute to the committee members who worked on this inquiry, most particularly the chair, Simon Ramsay, but also to Johan Scheffer as deputy chair, as well as the members for Niddrie, Murray Valley and Caulfield in the Assembly, Ben Carroll, Tim McCurdy and David Southwick. I also acknowledge the dedicated staff of the Department of Parliamentary Services who worked on this inquiry for the vast amount of work undertaken as is evidenced by the large two volume report. We see another parliamentary inquiry producing significant findings for our state. I recognise and thank the coalition government for the work already commenced and well underway to tackle this important issue in our society.

**Department of the Legislative Council: report  
2013–14**

**Mr SCHEFFER** (Eastern Victoria) — I would like to make some remarks on the annual report of the Department of the Legislative Council. The departure of the Legislative Council's former Clerk, Wayne

Tunnecliffe, and Deputy Clerk, Matthew Tricarico, and the appointment of Andrew Young as Clerk and Anne Sargent as Deputy Clerk has made 2014 a time of leadership change for the Council. The Council provides a range of services that directly support MPs in the chamber. Council staff tender advice on legislation, on motions and procedures as well as on the work of committees.

The report is a reminder of the wide range of responsibilities the Council has in managing the public tours, open days, special events, documentation administration and management, and in conjunction with the Legislative Assembly, the library, Hansard, the gardens and grounds and maintenance. I take this opportunity, which of course is my last statement on reports and papers, to thank the attendants, Greg Mills, Michael Stubbings, Peter Anastasiou, Philip Stoits, Chris Welstead, Patrick Boribon and Nick Paraskavas, who over the years have been fantastic to work with. Their advice, assistance and conversation have made my days here more enjoyable than they might otherwise have been. I also thank Jon Breukel and Tim Fewings and many others in the library for so effectively and seamlessly maintaining the collection and delivering the services that we rely on, particularly for the many in-depth legislation reports they prepare. I especially congratulate the library staff who have been responsible for putting so much archival material online. I think the greater access one has to the documents contained in the library the better is our understanding.

I thank all the folk from Hansard, including Maria Hansen and Patrick Spillane amongst many, for what they do for us and for the countless hearings they cover for the parliamentary committees. One of the best things I find is catching up with one or other of the Hansard people in the corridor, in the grounds or sometimes even on the street in Carlton or somewhere and getting into a deep conversation about some matter that came up in a public hearing.

I extend my thanks to the staff in the dining rooms, in Strangers Corridor and Sessions Cafe, including Jacquie Doolan and Karen Fox for their warmth and friendliness. All of us meet frequently with organisations and constituents in the Parliament and I always feel very confident that the professionalism of the hospitality staff is of the highest standard and that my guests will feel comfortable and will at the very least be guaranteed a terrific cup of coffee.

One of an MP's most rewarding and stimulating roles is as a member of a joint standing committee and, of course, the other committees. The committee research

teams make or break the inquiries. I think I have been a member of five joint investigatory committees and over time in this place I have chaired three of them. I record my enormous gratitude for the work of all the many excellent researchers who have supported the committees I have been a part of. In particular I pay special tribute to the work of the executive officer of the now Law Reform, Drugs and Crime Prevention Committee, Sandy Cook, and of Pete Johnston, its legal research officer. The work they have undertaken on behalf of the Parliament on a number of important inquiries, including harmful alcohol consumption and most recently methamphetamine use, has provided important policy observations for government, professionals in the field and the community. I have worked closely with both Sandy and Pete for about 8 of my 12 years in the Parliament, and the respect I have for them is boundless. I also acknowledge Kim Martinow, Justin Elder, Natalie-Mai Holmes, Michelle Summerhill and Sean Coley for their work and collegiality.

I make special mention of Janine Bush, the executive officer of the Family and Community Development Committee, who came onto the committee when I was chairing it, for the phenomenal work she did on the child abuse inquiry. I also acknowledge the splendid work of Keir Delaney and Anthony Walsh on the Legislative Council Environment and Planning Committee.

It is evident that the Council is a complex organisation that works, and it works because of the expertise, skills and dedication of the many individuals and units that make it up. It is not possible to mention everyone, but I extend my heartfelt appreciation to everyone who so positively contributes to this great Victorian institution. I am honoured to have been a member of it for the past 12 years — and this is not my valedictory speech.

### **VicForests: report 2013–14**

**Mr D. D. O'BRIEN** (Eastern Victoria) — It not being his valedictory speech, I will not wish Mr Scheffer good luck as he rides off into the sunset. I want to make a brief contribution on the VicForests annual report and the forestry industry in Victoria. VicForests is an organisation that I think has been unfairly and often inaccurately targeted by green non-government organisations (NGOs), the Greens and even some in the media. The VicForests annual report for 2013–14 has some good news in it for my electorate of Eastern Victoria Region and for Gippsland in particular. VicForests managed to deliver a net profit after tax this year of \$3.4 million, something that many of its critics say it never does. That is good news not

only for my electorate but also for Victorian taxpayers because VicForests returned a dividend to the Victorian government this year.

The annual report highlights a number of challenges that the forestry industry faces. They are outlined in detail in the report and are present in particular in East Gippsland. The East Gippsland mixed species sector faces some significant challenges at the moment, and I will talk about those briefly. South East Fibre Exports Pty Ltd (SEFE) in Eden, New South Wales, has announced that from the end of this year it will no longer take residual logs from East Gippsland or Victoria. That has certainly presented some challenges for the sawlog industry, but I am pleased to say that VicForests has been working very hard, as has the coalition government, to secure alternative markets for the residual timber that comes out of the forests of East Gippsland. I believe we are well on the way to replacing SEFE contracts and hopefully ending up with an even better outcome in terms of the use of the forest resource and the return it brings to VicForests and the Victorian taxpayer.

There are a number of challenges. One that is alluded to in the annual report is the regular and now ongoing legal action being visited upon VicForests by various green NGOs, often changing their names or titles or their structure so as not to appear to be the same ones over and over again. While I understand the legal costs were small in 2013–14, they were quite significant in previous years as VicForests fended off various legal challenges from environmental groups who are hell-bent on destroying this industry, and which have in the process managed to significantly impact on VicForests' operations as well as its returns to government.

The report highlights this year that things have been reasonably good. VicForests conducted the largest log allocation process since 2006, with 16.8 million cubic metres of sawlog and residual log going on offer. More importantly, VicForests is an active participant in the Leadbeater's Possum Advisory Group, which the coalition government managed to steer to a good and balanced outcome whereby the industry gives up a small proportion of the Central Highlands ash timber resource to help protect the possum's future. I think that highlights VicForests' sustainability focus and shows the timber industry to be one of the ultimate sustainable resources. Clearly you can harvest trees and you can regenerate forests — they grow back.

It astounds me that many in the environmental movement and indeed the Greens would rather shut down our industry, which is sustainably managed and

has a very broad and representative reserve system around it, and import our timber from Indonesia, Malaysia or Brazil, which no doubt do not have as well-managed forests. It makes no environmental sense, let alone economic sense.

The Greens have almost succeeded in closing the East Gippsland industry, but The Nationals in coalition will ensure that they do not succeed. We are working assiduously by ensuring that we have markets for residual log. I hope we will have announcements to make soon that will see us working through that challenge to ensure that the industry has a strong future. I am confident that we can replace the market lost by the SEFE decision and that we will have a strong, sustainable and balanced industry into the future.

I said in my maiden speech here that I would support this industry. I will continue to do so while I am in this place. I am very pleased to see VicForests is reporting a strong result in 2013–14. I believe the industry will have a strong intermediate and long-term result.

### **Auditor-General: *Coordinating Public Transport***

**Ms TIERNEY** (Western Victoria) — I will make some comments on the Auditor-General's report on coordinating public transport which was tabled in Parliament in August. I begin by saying that this report points to the ineffectiveness of Victoria's public transport network and the sluggishness of progress to improve public transport services and connectivity by the Napthine government. The report found that public transport services are poorly coordinated, and since the establishment of Public Transport Victoria (PTV), work to improve the network has been slow. To put things simply, Public Transport Victoria's draft coordination framework is not yet finished and more information is required on its plans for regional services and how they can be better coordinated. This has left Victoria with a public transport system that does not make sense, making it very difficult for people to make travel plans and coordinate trips.

Market research undertaken by PTV in 2011 shows that long wait times between bus and train services make users less likely to want to make multimodal trips. Despite this knowledge, three years on little has been done to improve the system. Regional growth plans have shown the need to have better linked public transport services and a better offering of accessibility to regional areas. In spite of this there are no details or set targets that would allow for the monitoring of how the planned action would lead to better coordination of the transport network.

The coordination of public transport remains inadequate, with little progress having been made to improve the system under the Napthine government. The coordination of Victoria's public transport network is essential to satisfy the needs of its users and to encourage its use to prospective passengers. Good connection between the different modes of public transport is needed to ensure harmony on the transport system. Bus services should be timed to match train services to make it faster and easier for people to get where they need to go.

Precise statewide coordination objectives and provisions are essential to monitor the results of coordination efforts. There need to be proper measures in place to ensure that the services being offered are doing what they were set out to achieve. The report states that PTV's current indicator of bus–train connectivity across the network is 'limited and inaccurate'. It would seem that despite efforts to coordinate the public transport network, there cannot even be accurate measurement to determine whether these efforts are actually paying off.

In relation to barriers, there are also many basic problems with the transport network that the Napthine government has failed to address, even though this was one of the government's most specific promises made on public transport. Bus services are not properly connected with trains due to limited hours. Public transport interchanges are poorly designed and are not suited to the needs of passengers travelling on the network. Even the signage at many stations has been found to be confusing and unhelpful. You would think that if anything would be done right, it would be having signs that point passengers in the right direction. All of these problems should have already been addressed, but the ongoing delays in beginning to implement the full draft coordination framework have left efforts at a standstill.

For most of regional Victoria, bus services are the only public transport option available. Despite this, many bus services in regional Victoria have been found to have very indirect routes. Having more direct bus routes would cut travel and wait times for passengers across regional Victoria.

Under this government better coordination of the public transport system has been promised, but we are yet to see proper plans. These need to be put in place so that Victorians have a service that meets their needs. Further work is required to improve the coordination of the network generally. Progress to improve the connectivity of the public transport system has been incredibly slow, and delays are leaving users of the public transport

system suffering unnecessary wait times and confusion. This has also been reported by the On Track survey, which has demonstrated that only 6 per cent of customers on the Geelong–Melbourne line have been satisfied with the V/Line service.

### **Linking Melbourne Authority: report 2013–14**

**Mr FINN** (Western Metropolitan) — I wish to speak this evening on the annual report of the Linking Melbourne Authority. The authority was established in 2003 — —

**Mr D. D. O'Brien** interjected.

**Mr FINN** — It is interesting that Mr O'Brien mentions that. It was in fact established as the Southern and Eastern Integrated Transport Authority by the then Bracks government, as I recall. It was established to oversee delivery of the \$2.5 billion EastLink project. Members may recall the EastLink project, which had been called the Scoresby freeway when I was a lad and then became the Scoresby tollway after the Bracks government did a complete double face — or a back face, a double backflip or whatever you want to call it — on an election promise that there would be no tolls on that freeway. The authority was renamed the Linking Melbourne Authority in 2009, and it oversaw the completion of EastLink and the delivery of Peninsula Link, which has been a major achievement of this government, brought about through the availability of a public-private partnership.

In 2013 the Minister for Roads appointed the Linking Melbourne Authority as project proponent for the eastern section of the east–west link — to link the Eastern Freeway and CityLink, with a connection to Port Melbourne. Since then, of course, the state government has announced there will also be a western section of the east–west link. How important this is for Melbourne. I have a great deal of difficulty understanding how anybody could oppose the east–west link. It makes no sense at all to try to stop this project. Given that the population of Melbourne is forever expanding and is projected to be 8 million — almost double the current population — in just a few short years, I would have thought that anybody who has any concern for the major metropolis of Melbourne would be very enthusiastic about the east–west link.

I can certainly assure this house that those in my electorate, in the western suburbs, are extremely excited about the prospect of the east–west link being completed. You do not have to go very far to hear people express their enthusiasm for this roadway. For

too long, as a result of policies which may have been a bit short-sighted in the past, the people of the western suburbs have been subject to roadways which are gridlocked most of the time. Residents in my area are subject to gridlock morning and night, and they spend far too much time in their cars heading to and from work.

**Mr D. D. O'Brien** interjected.

**Mr FINN** — I was not going to mention this, but I am glad Mr O'Brien reminded me that I should. It seems that the opposition in this state is opposed to having the idea of having an east–west link. Labor MPs are saying to the people of the western suburbs — the people of Werribee, Caroline Springs and Sunbury — that they do not particularly care that those people are stuck in traffic. The MPs are saying they do not particularly care that it takes those people so long to get to work and to get home. In fact those MPs are saying to the people of the western suburbs that as far as the MPs are concerned, those people can rot while they wait to get to work and to get home. Those MPs are saying — —

**Mr D. D. O'Brien** interjected.

**Mr FINN** — The latte set, it seems to me, is more important. It seems to me very clear, as explained by the Leader of the Opposition in the other place, Dictaphone Dan, that a few votes in the inner city, needed to protect his mates in the Socialist Left of the ALP — from not the Liberals but the Greens — is what this is all about. The Labor Party has decided to sacrifice the people of Werribee, the people of Sunbury and the people of Caroline Springs — the people of the outer west — on the altar of protecting its vote from the Greens. That is pathetic. Bring on east–west link.

**Auditor-General: *Management and Oversight of the Caulfield Racecourse Reserve***

**Mr ELASMAR** (Northern Metropolitan) — I rise to speak on the Victorian Auditor-General's report *Management and Oversight of the Caulfield Racecourse Reserve*. The Caulfield Racecourse Reserve is a 54-hectare parcel of Crown land located 8 kilometres south-east of Melbourne. According to the state's annual financial report the reserve is currently valued at \$145 million. I am very disappointed with the Auditor-General's findings. This racecourse reserve has been a family favourite of many generations of Victorians. Under the original Crown land grant, 15 trustees are appointed by the Governor in Council to manage the reserve — six each representing

government and the Melbourne Racing Club, and three representing Glen Eira City Council.

The audit finds that the trustees have not been effective in their overall management of the reserve. Not surprisingly, racing interests have trumped all other aspects of this community asset. To make matters worse, government departments with responsibility for overseeing the equitable management of the facility have not even established a framework within which trustees can report to the Department of Environment and Primary Industries and, in turn, to the Minister for Environment and Climate Change on their management of the reserve.

From my perspective it appears that the board has not been dealt with fairly by the Department of Environment and Primary Industries. Without a proper reporting mechanism it would seem that no-one knows what their true responsibilities and accountabilities are. The very composition of the trust membership conflicts with its purpose — racing, community and public space purposes, the three uses set out in the Crown grant.

The report states there is no land management plan for the reserve and no designated reserve areas for the public's use. According to the report, risk management is almost non-existent. Good governance arrangements are missing in action, together with a total lack of transparency and accountability of the trust's performance. It is a pretty poor state of affairs and one that needs addressing as a matter of urgency.

The Department of Environment and Primary Industries has acknowledged these weaknesses and has committed to improving its oversight of and support for the trust. The report makes very clear that, for all intents and purposes, there is no management and oversight of the Caulfield Racecourse Reserve. The Auditor-General's office has made 15 recommendations in the report to address glaring matters that require immediate attention for the future good governance and management of the reserve, all of which should be implemented in consultation with all representative sections of the board of trustees.

**Family and Community Development Committee: social inclusion and Victorians with disability**

**Mrs COOTE** (Southern Metropolitan) — This is my final contribution to statements on reports and papers, and I have chosen to speak on an extremely important report presented to this Parliament by members of the Family and Community Development Committee (FCDC). I refer to that committee's report

on its inquiry into social inclusion and Victorians with a disability.

Before I do so, let me say that I have listened with great interest to the contributions made tonight by those who are — and those who are not — giving their valedictory speeches tomorrow. I am giving my valedictory speech tomorrow, and I have to jam 15 years into 15 minutes which — I warn Hansard — will make it a very quick speech, and I will be speaking very quickly!

However, it is with great pleasure that I speak about the social inclusion of people with disability. As members of this chamber will know, the issue of people with a disability in this state has been very close to my heart and is a great passion of mine. As I said in my 90-second statement this morning, I have learnt an enormous amount from people with a disability in this state, so I know from the inquiry we conducted that social inclusion is very important to them.

I will read a passage from our report into *Hansard*. I will read the entirety of a comment because if the recommendations we finally came up with are accepted, what this comment describes will never happen again in this state. I will give a word of advice to members of the next Parliament. It is incumbent upon the next Parliament and the next government to agree to the report's recommendations but, as we all know, many recommendations from committee reports are agreed to by the incoming government. I would like to see the incoming government — and I expect it to be a Napthine coalition government — look at the recommendations in this report and ratify them. The FCDC's inquiry was conducted by a bipartisan committee and should there be, for some reason, a change of government, I believe and hope that that government too would ratify the recommendations in this report.

During our inquiry we found that people in the wider community find it very hard to deal with people with a disability. Often they do not know what to do. I will read a poignant comment. It is a little lengthy, but I would like to read it. It was made by Kevin Stone from the Victorian Advocacy League for Individuals with Disabilities. Talking about the media, he said:

... lo and behold, *A Country Practice* did a thing on the integration of a kid with Down syndrome at a local school and all the bullying and teasing they were experiencing. In the space of the two weeks that show was on the whole town of Cobram turned completely around. It was unbelievable. The show of support was not patronising but genuine concern. They saw that these kids, including my son — Damien was one of them — were real kids.

My first experience of being excluded and feeling it as a dad was one Sunday morning when my son Damien and I were walking back from the local milk bar. It was a beautiful sunny Sunday morning. Damien was walking about 20 paces ahead of me and carrying the milk and bread. Damien had been living with us for about a month. We came into our street, and out in the street was a father playing kick-to-kick with his two sons. Damien, who is as physically fit as anyone, saw the footy — he was singing at the top of his voice — dropped the bread and milk and took off after the footy. The dad saw him coming, grabbed the footy, kicked it over into his front yard and called his sons inside. That was my first experience. I had never seen Damien cry. It hit me because he just shut up, went home and lay on his bed. It was a feeling of, 'bloody hell! This is what we're doing to kids'.

Up until that point I thought it was okay to be a principal of a segregated school. I thought that was what my job in life was. It was at that point that I realised that if the most we can ever do is make a kid feel like that, then we are all failing. But that changed thanks to *A Country Practice*. It really did, and that is another pointer to the fact that we do not use the mainstream media. We have been asking for 25 years, 'Where is the public education campaign?'

The incoming government's implementation of these recommendations will help to break down these barriers further. These recommendations are to initiate a new review through the Council of Australian Governments in order to streamline and clarify the interactions of the states; to incorporate a strategy into its future disability plan; to encourage interactions and positive personal experiences between people with disability and members in the community; to change broad community attitudes and prevent young people from developing negative attitudes and to target specific audiences to change negative attitudes.

For people with a disability in this state it is incumbent upon all of us to see the ability and not the disability. That is my charge to all of you.

### **Department of Education and Early Childhood Development: report 2012–13**

**Ms DARVENIZA** (Northern Victoria) — I rise to make some further comments on the Department of Education and Early Childhood Development annual report 2012–13. Once again it is important to acknowledge the work of the secretary, Mr Richard Bolt, and of his departmental staff, as they have a huge set of responsibilities in providing a range of learning and development opportunities for Victorian children, young people and adults.

At another time I spoke about early childhood and school education, so today I will address the issue of higher education and skills that engage people from the age of 15 years to 65 years plus. Higher education reaches over 890 000 learners and includes vocational education and training, higher education,

apprenticeships and traineeships, and adult, community and further education. The secretary, Mr Bolt, states in the report that vocational education and training was reformed to place it on a sustainable and commercial footing and that there was a clear trend towards enrolments in courses with higher economic value.

When we wade through the spin, what we see is that the government's reforms have come in the form of savage cuts of hundreds of millions of dollars from this sector.

The *Victorian Training Market Report* for the 2014 half-year states that the sector is near collapse. TAFE's share of the training market dropped from 48 per cent in the first half of 2010 to 27 per cent in the first half of 2014. The report also reveals that TAFE enrolments in regional Victoria dropped 12 per cent and traineeship enrolments dropped 25 per cent. Apprenticeships and traineeships are popular choices for young people in my electorate of Northern Victoria Region because they want to remain in the region and learn trades as they combine training with employment. It is disappointing that the Liberal-Nationals state government fails to grasp the essential role that TAFEs play in rural and regional communities.

According to the Victorian Auditor-General's Office, Victoria's 14 TAFE institutes generated a net deficit of \$16.2 million in 2013, which represents a \$74.8 million deterioration from 2012. The report by the Auditor-General also states that while a majority of TAFEs reduced their expenditure during the year, the cost reductions and revenue gained from increases in student fees were not sufficient to offset the reduction in funds provided by the state government.

In 2013, 18 300 fewer students completed a TAFE course compared to 2012. The number of students enrolled in government-subsidised training fell in every region of the state from 2012 to 2014. In the Loddon Mallee region 26 per cent fewer students were enrolled, and in Hume, which is also in my electorate, 12 per cent fewer students were enrolled in TAFE courses.

In May and June 2013 the Australian Education Union conducted a survey of 505 Victorian TAFE teachers. This survey indicated that teaching workloads have significantly increased while staffing levels have decreased. One TAFE teacher said that students have less teaching contact time, so they struggle in the classroom. She said:

I find in some subjects I am lecturing and not teaching. Students don't get time to practise skills properly before I need to move on to the next topic.

These are stories consistently heard across the state, and these experiences are taking their toll on staff who are

passionate about education. I commend the work of the department and commend the report to the house.

### **Outer Suburban/Interface Services and Development Committee: livability options in outer suburban Melbourne**

**Mrs KRONBERG** (Eastern Metropolitan) — Before making my contribution on the report of the Outer Suburban/Interface Services and Development Committee's inquiry into livability options in outer suburban Melbourne, I want to commend Mrs Coote for her contribution. I was profoundly moved by the quotation she shared with us on the issue of disability. I thank her very much for her final contribution to statements on reports and papers in this chamber, in which she offered us something very memorable, and as we all know, that is a signature of Mrs Coote.

This is my final contribution in this chamber with regard to committee reports. I make it with a fair degree of pride because the inquiry into livability options related to maintaining the livability of Melbourne. As a result of the policy platforms implemented and the decisions made by our Minister for Planning, Matthew Guy, Melbourne has been recognised as the world's most livable city for the fourth consecutive year. It is important to put that into context. As a city of 4.3 million people, Melbourne competes for the title of world's most livable city with other cities, few of which have a population over 2 million. Having this livability status accorded to us is even more significant, profound and noteworthy if we compare Melbourne with an example such as Vancouver, which has a population of 2.1 million. Melbourne constantly competes with Vancouver, Toronto, Calgary and Vienna, as well as Perth, for that top position.

When the committee undertook its international inquiry, one of the issues that it collected information on and that formed part of chapter 6 of the report was a focus on 'Containing and transforming Melbourne's outer suburbs', and in particular 'Agricultural urbanism'. We learnt a lot from what the government of British Columbia has done in this area. I would like to include some elements of the report in my statement. It states:

Agricultural urbanism is defined as a 'planning policy and design framework that focuses on integrating a wide range of sustainable food system elements into urban planning projects and neighbourhoods'. Agricultural urbanism is aimed at altering the historically strict division between urban and rural land to enable both increased production of food within cities and the preservation of extensive tracts of valuable and productive agricultural land within the metropolitan area.

...

Melbourne's urban fringes contain some of state's most highly productive agricultural land. The regions around Port Phillip and Western Port are the state's second highest producers of agricultural products, with output per hectare four times the Victorian average. While agriculture forms a declining proportion of Melbourne's economic activity and employment, it remains an important part of the Victorian economy ...

Some of the thinking in British Columbia, where we derived this input, is about a model for meeting the challenges posed in areas where agriculture and urban development meet. Agricultural urbanism is the integration of agriculture and urban development and includes an emphasis on developing social understanding of the link between agriculture and food production and the integration of agriculture into local urban communities. British Columbia's branch of the Urban Development Institute gave us evidence that for integration to be successful, people who live on the urban interface need to value the agricultural activities and farming taking place on the other side of the urban interface boundary. According to the Urban Development Institute, the concept of agricultural urbanism blurs the boundaries of urban and agricultural land, softening the political arguments about where urban growth boundaries should begin and end and whether they should be changed over time.

**The PRESIDENT** — Order! Time!

**Economic Development, Infrastructure and Outer Suburban/Interface Services Committee: marine rescue services in Victoria**

**Mr EIDEH** (Western Metropolitan) — I rise to speak on the Victorian Parliament's Economic Development, Infrastructure and Outer Suburban/Interface Services Committee report on the inquiry into marine rescue services in Victoria, which I tabled in the Parliament a few weeks ago.

I commend and thank all those who worked tirelessly on this report, including the chair, Mr Neale Burgess, the member for Hastings in the Assembly, and committee members Mrs Amanda Millar, Mr Andrew Ronalds, Mrs Inga Peulich, Mr Frank McGuire and Mr Geoff Shaw, the members for Broadmeadows and Frankston respectively. In addition, I wish to once again thank members of the committee's secretariat — the executive officer Mr Nathan Bunt, research officer Mr Matt Newington, and Ms Natalie-Mai Holmes and Ms Michelle Summerhill — and all the Hansard staff who worked on this inquiry.

In preparing this report committee members found that despite the selfless and exceptional commitment of Victoria's marine rescue volunteers there are significant

and growing pressures confronting this sector and the ability of its members to respond to marine incidents in waters across the state. Such pressures include increasing financial demands, which are resulting in local fundraising efforts, and new federal vessel and crew certification laws, which have resulted in a change to responsibilities for vessels. Despite facing these pressures, Victoria's marine rescue services are offered no support to adequately meet the increasing requirements. We discovered a serious lack of statewide regulation and the lack of a governing body to monitor the sector.

It was very disappointing to read that the level of support offered to the Country Fire Authority (CFA) and the Victoria State Emergency Service (VICSES) is not being matched for Victoria's volunteer marine search and rescue (MSAR) sector despite the important services it provides. It must be noted that both the CFA and VICSES have a central governing body and have access to legislative and regulatory protections to safeguard their work.

Recreational boating is increasing in popularity in Victoria, with nearly 173 000 registered powered vessels and an estimated 40 000 unregistered recreational vessels across the state. Understandably this has been matched with an approximately 24 per cent increase in recreational marine incidents during the five years to 2012–13. Despite the increase in registrations and registration fees, there has been no commitment by the current government to increase financial support to the rescue services, which is extremely disappointing.

The issue of support and governance to ensure safety on Victorian waters is not a new concern. In fact an inquiry conducted 12 years ago by Ernst & Young outlined three main recommendations, quite similar to those made in this report — the introduction of an overseeing stakeholder body to manage MSAR resources; the accreditation of volunteer MSAR organisations or affiliation with an accredited organisation as a basis for volunteer involvement and funding; and annual audits of volunteer capabilities. Not one of these recommendations has been actioned. This is despite the fact that accreditation and ongoing capability assessment schemes are a standard feature in this sector in other states across the country, including New South Wales, Western Australia and Queensland.

In this report the committee has made a total of 43 recommendations, including three key recommendations which must be actioned with a serious degree of urgency by this government. They are the introduction of an accreditation system for all

volunteer MSAR units, which would focus on volunteer training and the suitability of MSAR vessels and equipment, which would be supplemented by an annual self-audit and by random external audits; changes to the existing governance arrangements for the sector, which are aimed at providing the state's MSAR volunteers with a stronger voice; and a formal consultation process for consideration by the state's MSAR volunteers regarding the option of forming a single statewide organisation.

After being heavily involved in this inquiry and the compilation of this report, I hope that the government truly understands the importance of regulating and lending support to our marine rescue volunteers and acts quickly to ensure that they continue to protect all the people who use Victorian waters. I commend the report to the house.

### **Right of reply: Cr Geoff Lake**

**Mrs PEULICH** (South Eastern Metropolitan) — It would be remiss of me not to make some comments on the right of reply tabled on 4 September of Cr Geoff Lake of Monash City Council relating to a statement I made on 7 August.

Before making some comments on Cr Lake's right of reply, I would like to commend Mrs Coote on her very moving last statement and also Mrs Kronberg. Both Mrs Coote and Mrs Kronberg have put in a phenomenal amount of work through the committee system. I would also like to commend Ms Lewis, who also made a very classy contribution in her statement.

I wanted to place on the record my response to Cr Lake's right of reply because I think it shows a number of shortcomings that need to be addressed across a range of areas in order to prevent something like this happening again. Cr Lake sought to clearly use his position to undertake a very robust and partisan campaign against the government in the guise of acting in the best interests of the Monash community, often in the name of Monash City Council itself. But I will come to that later. I wanted to make sure that Cr Lake's response did not go unanswered because I raised a number of concerns, many of which I hope will be taken up. Cr Lake is a very clever young lawyer. It is a shame that he has not put that ability towards establishing a more constructive career rather than what has essentially been — and I do not resile from the comments that I have made — one that has been divisive and partisan.

Cr Lake uses inductive reasoning to narrowcast my statement and apply it to only one issue as opposed to

the number of issues to which I alluded. In actual fact it was his conduct that was the umbrella issue. He did not comment on many of the other things to which I made reference. In his response, Cr Lake claims my allegations are without foundation, but, dare I say it, I have an abundance of evidence to the contrary. Cr Lake provides little evidence to dispute this.

I will not refer to the controversies in which Cr Lake has been involved over many years since his election to Monash City Council, including the staking out of the late Cr Morrissey's business during an election campaign, or his abuse of and subsequent forced apology to Cr Jeanne Solity and Cr Kathy Magee.

However, I would like to highlight some of the ways in which I believe Cr Lake has used his position inappropriately. Sometimes motions are passed by Monash City Council, but Cr Lake's actions go beyond the scope of the motions. I think there needs to be clear scrutiny of this. As I said, many of his actions go beyond the spirit of council resolutions. In other instances he has acted without the resolution of Monash council but has claimed to indeed be representing the council. I think this is inappropriate conduct, and it blurs the line between advocacy and impartial implementation of the legislation.

The most blatant example of Cr Lake's misuse of his position was his promotion of a Labor candidate for deputy mayor, with what basically counts as an endorsement in relation to a Huntingdale car park issue that both Cr Bill Pontikis and Cr Theo Zographos were also heavily involved in promoting. Cr Lake did that without a resolution of council, and I believe it is an expense that needs to be returned. He has distributed mail to closed school sites raising concerns in relation to the planning process that did not apply to all of those school sites. He has tried to sabotage the grade separation at Clayton and the rebuilding of the station — and was resoundingly rebuffed at a public meeting that he convened on that site — and he continues to do so. He has distributed letters throughout the Mount Waverley electorate.

In closing — because I could devote a lot of time to Cr Lake — I note that he has some good attributes, but regrettably there are many examples where he has misused his position in order to give political favours to his colleagues. I think this should be investigated.

### **Department of the Legislative Council: report 2013–14**

**Mr LEANE** (Eastern Metropolitan) — I would like to speak on the Department of the Legislative Council

2013–14 report as well. I start by thanking the Clerks very much for their assistance and for their patience with me in this term. I also pay tribute to the President for the great job he has done this year and for his patience towards me. I also give credit to Mr Koch. We have worked together very well, putting the Parliament first many times rather than acting along party lines. I think that is an important thing for whips on either side of the chamber to do.

I wish retiring members on both sides of the chamber much joy and happiness in their life after this Parliament. They deserve it; they have worked hard, and we all wish them well. I pay tribute to my leader, Mr Lenders, for his great leadership, his advice and his patience towards me. I also pay tribute to Ms Darveniza, Ms Lewis and Mr Scheffer, whose contributions to our party and to this chamber have been immense. We will miss them greatly, but as was said during someone else's speech about someone who is leaving, they are not actually leaving the planet, they are only leaving this chamber, and I am sure we will see lots of them into the future.

**Sitting suspended 6.30 p.m. until 8.03 p.m.**

**SENTENCING AMENDMENT  
(HISTORICAL HOMOSEXUAL  
CONVICTIONS EXPUNGEMENT) BILL  
2014**

**Hon. D. M. DAVIS** (Minister for Health) — I move:

That the bill be treated as an urgent bill.

**Motion agreed to.**

*Statement of compatibility*

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

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006, (the 'charter act'), I make this statement of compatibility with respect to the Sentencing Amendment (Historical Homosexual Convictions Expungement) Bill 2014.

In my opinion, the Sentencing Amendment (Historical Homosexual Convictions Expungement) Bill 2014, as introduced to the Legislative Council, is compatible with human rights as set out in the charter act. I base my opinion on the reasons outlined in this statement.

**Overview**

The bill makes amendments to the Sentencing Act 1991 with the objective of creating a scheme for people convicted or

found guilty of offences constituted by conduct in connection with homosexual sexual activity to apply to have that record expunged as long as that conduct would not be an offence under today's law.

Expungement will require that the record of a conviction or finding of guilt be disregarded and not disclosed. In so doing, it will remove the stigma of a criminal record and the practical impediments created by a criminal record in relation to travel and employment.

**Human rights issues**

*Human rights protected by the charter act that are relevant to the bill*

**Section 8 — Recognition and equality before the law**

Section 8(3) of the charter act provides that every person has the right to equal and effective protection against discrimination. For the purposes of the charter act, discrimination is defined to mean discrimination on the basis of an attribute set out in section 6 of the Equal Opportunity Act and relevantly includes sexual orientation.

Whilst the laws that criminalised homosexual sexual activity have been repealed, the effects of these laws and of discriminatory enforcement of general sexual offences continue if a conviction or finding of guilt remains on a person's record.

Section 8(2) of the charter act is promoted in relation to persons of homosexual sexual orientation because the bill provides for the expungement of criminal records that relate to homosexual sexual activity that would be lawful today and will remove the stigma associated with such criminal records.

In addition, the bill includes 'expunged homosexual conviction' under new part 8 of the Sentencing Act 1991 as an attribute under the Equal Opportunity Act 2010 (EO act). Accordingly, in addition to the protections provided in new section 105J of the bill, discrimination on the basis that a person has an expunged homosexual conviction is prohibited under the EO act and can be the subject of complaint to the Victorian Equal Opportunity and Human Rights Commission.

The bill does not apply to convictions which involved heterosexual sexual conduct. Although this may be discriminatory on its face against persons with certain historical convictions based on heterosexual conduct, charter act s. 8(4) provides that measures taken for the purpose of assisting groups disadvantaged because of discrimination do not constitute discrimination.

**Section 13 — Right to privacy and reputation**

Section 13 of the charter act provides that a person has the right not to have his or her privacy unlawfully or arbitrarily interfered with and not to have his or her reputation unlawfully attacked.

Section 13 rights not to have reputation unlawfully attacked are enhanced by the bill. Findings of guilt and convictions in relation to sexual offending and public morality offences carry stigma. The existence of such records might also restrict certain employment opportunities and volunteering. The person will not be obliged to disclose an expunged record and the expunged record of a person will not be a proper ground

for refusing the person any appointment, post, status or privilege.

Section 13 privacy rights are also relevant because the application process requires applicants to provide personal information to the secretary including, for example, name, date of birth, address etc.

The applicant will give written authority to the secretary to access relevant government records that include the applicant's personal information. If official records are not clear or contain insufficient information, the applicant will be obliged to provide further evidence which could involve seeking corroborating evidence about the consensual nature of the homosexual conduct from other parties, but such statements can only be provided with the cooperation and consent of the third parties. The requirements for and powers to obtain this information are not arbitrary, are set out in legislation and necessary to assess the application and so do not interfere with the s. 13 privacy right.

To further protect the applicant's privacy, the bill makes it an offence to disclose information handled as part of the application process or about an expunged conviction. (See new sections 105J(5) and 105O(1)). If an applicant seeks a review of the secretary's decision, the Victorian Civil and Administrative Tribunal (VCAT) must not identify the applicant unless it is in the public interest to do so. The tribunal file will not be open to third parties.

If a person who would have been entitled to apply to have a homosexual conviction expunged has died, the bill provides that an appropriate representative (such as a spouse or domestic partner) may make an application on the deceased's behalf. This may give the appropriate representative access to personal details about the deceased person. However a person's right to privacy under s. 13 does not extend to a deceased person. In any event, the strict restrictions on releasing details about the expunged historical homosexual conviction or the application process will continue to protect the deceased person's information more broadly.

### Section 15 — Freedom of expression

Section 15(2) of the charter act provides that every person has the right to freedom of expression, which includes the freedom to seek, receive and impart information and ideas of all kinds.

The bill does place limitations on the ability of people to report on proceedings in VCAT. The bill also makes it an offence for a person who has any access to official records to disclose the fact that a person with an expunged conviction had been charged with or convicted of that offence, and makes it an offence to make a record of, disclose or communicate any information obtained during the course of the application where the information was obtained in performing a function or exercising a power under these provisions.

However, the bill does not restrict the right set out in section 15(2) of the charter act because these limitations are lawful and protect the rights of the applicant to privacy and their reputation. VCAT retains the power to identify parties to an application if it is in the public interest to do so, and the confidentiality provisions are in place to protect the privacy of the applicant for an expunged conviction. In this way, a

careful balance has been struck between freedom of expression and the rights of privacy and reputation.

### Section 24 — Right to a fair hearing

Section 24(1) of the charter act provides that a person charged with a criminal offence or a party to a civil proceeding has the right to have the charge or proceeding decided by a competent, independent and impartial court or tribunal after a fair and public hearing.

In my view, the application to and determination by the secretary is not a civil proceeding to which s. 24(1) applies. If the secretary refuses the application, he or she is obliged under new section 105G(4) to provide the applicant with reasons for that decision and the applicant can seek a review of that decision by VCAT on the merits of the case. Review proceedings in VCAT are a civil proceeding to which s. 24 applies and which satisfy s. 24.

Section 24(3) of the charter act also provides that a proceeding should be public unless an act other than this charter permits. The proposed amendments to schedule 1 of the Victorian Civil and Administrative Tribunal Act provide that the VCAT proceedings cannot be reported on unless VCAT orders that it is in the public interest to do so.

David Davis, MP  
Minister for Health  
Minister for Ageing

### Second reading

**Hon. D. M. DAVIS** (Minister for Health) — This second-reading speech is different to the second-reading speech read in the Legislative Assembly to the extent that the second-reading speech I am incorporating reflects the amendments made by the Legislative Assembly to this bill. I move:

That the second-reading speech be incorporated into *Hansard*.

### Motion agreed to.

**Hon. D. M. DAVIS** (Minister for Health) — I move:

That the bill be now read a second time.

Pursuant to sessional orders I make the following statement declaring that the bill is the same in substance as the Sentencing Amendment (Historical Homosexual Convictions Expungement) Bill 2014 previously read a second time by the Council in this session:

I inform the house that the Sentencing Amendment (Historical Homosexual Convictions Expungement) Bill 2014 (No. 2) as passed by the Legislative Assembly is a bill in identical terms to the Sentencing Amendment (Historical Homosexual Convictions Expungement) Bill 2014 that has been debated and read a second time in this house.

**Incorporated speech as follows:**

Earlier this year the government announced that it would legislate to allow the criminal records of people who were convicted of criminal offences because, and only because, of homosexual conduct to be expunged. Victoria decriminalised homosexual conduct in 1981, but some Victorians continue to carry convictions related to their homosexuality that have hampered their opportunities to work, travel or volunteer.

It is now generally accepted that this consensual sex between adults should never have been a crime. While we cannot turn back the clock and undo what occurred in previous decades, we can act to ensure that Victorians do not have to continue to suffer from the legal consequences of what occurred.

This bill establishes a process that will allow people to apply to have historical homosexual convictions expunged. Once expunged, a conviction will be treated at law as if it were never imposed. It will not be released as part of a criminal history check and a person will be protected from ever having to reveal that conviction.

Although allowing historical convictions to be expunged is simple in concept, it presents a legally complex problem. The offences that have over the years been used to charge those engaged in consensual homosexual activities are often the same offences that were used to charge cases of truly criminal sexual assault.

We cannot tell from simply looking at a person's criminal record whether the convictions on that record relate to consensual adult behaviour, or conduct that would still be criminal today. It is very important that this scheme not expunge the criminal records of those who have committed serious criminal offences that remain crimes today. Furthermore, many of the offences with which persons were charged were offences that did not relate solely to homosexual activity, even where those offences were used to target homosexual activity.

Accordingly, the historical convictions expungement scheme is built around two tests. Was the person charged with the offence because of the homosexual nature of the conduct and, if so, would that conduct be legal today? Where both these tests are satisfied, the conviction will be expunged.

The scheme has been drafted broadly to allow those who believe they have such a conviction on their record to apply to have it expunged.

The bill also allows applications to be made posthumously, by an appropriate representative of the deceased.

There may be cases in which the family of the deceased do not agree about making such an application, or who is best placed to make the application. To provide clarity in these situations, the definition of 'appropriate representative' of the deceased person draws on the concept of the senior next of kin, as established in the Coroner's Act 2008. The definition sets out a sequence of the appropriate representatives, which starts with a spouse or domestic partner; then encompasses adult children, parents and siblings, and then executors or personal representatives. If none of these people are available, the secretary may still accept an application from any person with a close relationship with the deceased.

In each case, it is the most senior person in this sequence who is entitled to make an application on behalf of the deceased.

A historical homosexual offence can be any sexual offence, or any public morality offence, that was used to punish homosexual behaviour.

The bill does not exhaustively list these eligible offences because of the large number of relevant offences that have applied over the years, and the varied range of offences that have been used to target homosexual behaviour. But the sexual offences will obviously include the old offences of buggery and gross indecency with a male. The public morality offences will capture loitering for homosexual purposes and behaving in an indecent or offensive manner. These offences have been defined broadly to ensure that the scheme can consider convictions for behaviour ranging from loitering at a known gay beat, to public displays of affection between same-sex couples.

Regardless of the historical homosexual offence that an applicant seeks to have expunged, the facts surrounding that conviction will have to be considered, and a decision made. The responsibility to make this decision will at first instance be that of the Secretary of the Department of Justice.

An applicant will provide the secretary with those details known to the applicant about the offence. This will allow the secretary to search the relevant records from Victoria Police, the Office of Public Prosecutions and the courts.

Once the contemporaneous records have been collected, the secretary will apply the two tests referred to earlier. Was the person charged with the offence because of the homosexual nature of the conduct? Would that conduct be legal today?

The first test is to ensure that the scheme only expunges convictions that were the result of a person's homosexual conduct, and not convictions in circumstances where charges would have been laid and a conviction would have resulted regardless of whether the conduct was homosexual or heterosexual.

Offences can also, of course, only be expunged if the conduct would be legal today. In some cases the secretary will need to consider the age of those involved.

In other cases, the secretary may need to consider whether behaviour once considered offensive because of its homosexual nature would still be considered offensive today. The secretary will be able to draw on the advice of legal experts, if necessary, to assist in making this decision.

Much will turn on the records of the original criminal conviction. These records may, in many cases, be old, incomplete or ambiguous. They may not be sufficient to allow the secretary to be satisfied, on the balance of probabilities, that the conduct would be legal today. The secretary in such cases will be able to return to the applicant to require further information, for example, information to demonstrate that the conduct was consensual.

As I noted earlier, it is important that this scheme not inadvertently expunge convictions for truly criminal behaviour and that those who committed serious sexual offences in the past cannot attempt to use this scheme to hide their convictions.

If the secretary is not satisfied of either of the two tests, the application will be refused and the conviction will stand. However, there will be a right of review to VCAT if the application is refused.

If the secretary is satisfied that the person was only charged because of the homosexual nature of the conduct and that the conduct would be legal today, then the offence will be expunged at a set time after the secretary's determination.

If an offence is expunged, then a person will in future be treated for all purposes in law as if they had never committed the offence.

A person whose conviction has been expunged is not required to answer any question in a legal proceeding that requires them to disclose information about the conviction, and may state, under oath, that they do not have a conviction for the offence. An expunged conviction can no longer be a bar to a person receiving any kind of licence or permission.

The person will be further protected by obligations that are placed on those within the police, the courts and the Office of Public Prosecutions who hold the official records of the conviction. These organisations may not disclose the fact that the person was charged with or convicted of the expunged conviction.

The bill will also amend the Equal Opportunity Act 2010. An expunged conviction will be listed as an attribute on the basis of which discrimination is prohibited under the Equal Opportunity Act. This will be an added protection for a person who has had a historical homosexual conviction expunged.

In addition to creating these legal rights, the bill ensures that the records themselves will be altered. This scheme will cover official records held by a court, VCAT, Victoria Police or the Office of Public Prosecutions. These are the documents that are used to generate a criminal history and so are the documents that must be addressed if a conviction is to be expunged.

The records will take many shapes — from electronic records on the LEAP database through to written records in individual courts' ledgers. The bill requires that, once an application is approved, the secretary will inform those who control the relevant records and they will then be required by the legislation to expunge the entry relating to the conviction.

The records will be annotated with a statement to the effect that they relate to an expunged conviction. Electronic records that are not original records may be dealt with in a number of ways.

The entry relating to the conviction may be removed completely; or may be altered so that it cannot be found; or may be de-identified so that the record cannot be linked to the individual in any search of that database.

When the records are altered, the secretary will be notified and will, in turn, notify the applicant. An applicant can be assured that, as far as possible, their conviction will no longer have any legal effect.

It is intended that this scheme will be established and ready to accept applications by mid-2015.

The Liberal government of Sir Rupert Hamer decriminalised homosexual conduct in the early 1980s. This government now recognises the social and psychological impacts of carrying old convictions for behaviour that has not been considered to be criminal for over 30 years.

Many people have felt constrained from applying for jobs or from volunteering, and some have been unable to travel overseas. These convictions have been allowed to stand for far too long, and we are acting to rectify this.

I commend the bill to the house.

**The PRESIDENT** — Order! I wish to inform the house that I have had this bill that the minister has brought in examined as well as the second-reading speech that has just been incorporated into *Hansard*. I advise the house that I am of the opinion that the bill is the same in substance as the Sentencing Amendment (Historical Homosexual Convictions Expungement) Bill 2014 previously read a second time by the Council in this session. Therefore, pursuant to standing order 14.33, the remaining questions will be put without amendment or debate.

**Motion agreed to.**

**Read second time.**

*Third reading*

**Hon. D. M. DAVIS** (Minister for Health) — I move:

That the bill be read a third time.

In doing so I thank honourable members for their contributions, and I thank other parties for their support for this bill. I acknowledge the support of key groups in developing the bill. I acknowledge particularly the contribution of Clem Newton-Brown, the member for Prahran in the Assembly, in this process.

I wish to make a minor personal reflection. My predecessor in the old East Yarra Province was Haddon Storey, who was Attorney-General at the time that homosexuality was decriminalised in Victoria. I regard the passing of this bill as a step in completing that process. This legislation will ensure that those who were charged and convicted under historical processes are now able, under this bill, to have a measure of justice and an outcome that I think everyone in this chamber believes is fair.

**Motion agreed to.**

**Read third time.**

**CRIMES AMENDMENT (SEXUAL  
OFFENCES AND OTHER MATTERS) BILL  
2014**

*Second reading*

**Debate resumed from 14 October; motion of  
Hon. D. K. DRUM (Minister for Sport and  
Recreation).**

**Mr D. R. J. O'BRIEN** (Western Victoria) — It is with great pleasure that I rise to make a contribution on the Crimes Amendment (Sexual Offences and Other Matters) Bill 2014. This is an important piece of legislation, and it follows another important piece of legislation. It is a bill that will make laws related to key sexual offences, including rape, clearer and simpler. It will introduce a new fault element into these offences. The bill has taken some time to prepare and has involved careful consideration of the issues. It will make the law in this area much simpler and therefore fairer and better able to serve the interests of justice, particularly for the victims of sexual offences, but also in relation to fairness for the accused parties. The bill will remove redundant exceptions to sexual offences against children under 16, which purport to apply where the accused is married to the child. It will remove time limits that currently prevent the prosecution of certain sexual offences committed against children prior to 1991. It will provide for a course of conduct charge to be filed in cases of repeated sexual offending, and it will address other specified crimes such as fraud-related offences.

The bill will also make a number of important reforms to sexting laws, which have been the subject of important work by the Victorian parliamentary Law Reform Committee in its inquiry into sexting. These reforms will ensure that teenagers who are involved in sexting are not inappropriately criminalised under existing child pornography laws.

I am glad Mrs Coote is in the house, because I am going to pay tribute to her and various aspects of her parliamentary career, which will shortly be coming to an end. It is important in the context of not only this legislation but also the government's consistent whole-of-government approach to ending violence against women and children that Mrs Coote, given her various capacities, her assistance to Minister Wooldridge in those capacities and her work on the inquiry into the handling of child abuse by religious and other organisations — an inquiry that I also had the honour and privilege of serving on — can see this legislation reach Parliament and hopefully pass.

Last week the Premier, in conjunction with Minister Wooldridge and the Deputy Premier, released another important initiative in Victoria's action plan to address violence against women and children in 2014–15. It includes existing key achievements but also seeks to end violence against women and children by introducing various initiatives, including better policing and legislative reform. This is one of several important pieces of legislation that the Attorney-General, to whom I take this opportunity to also pay tribute, and his staff, have been diligent in preparing and consulting with members of the community, the legal profession and victims of crime so that the legislation can be brought to the Parliament in a timely way.

We are also focusing on prevention, and have announced a \$42 million initiative to stop violence against women and children in our community. I note that the Minister for Crime Prevention, Minister O'Donohue, who is also the Minister for Corrections and the Minister for Liquor and Gaming Regulation, has performed diligently and consistently within those portfolios to date. He is very proud to be the Minister for Crime Prevention, and he made significant remarks earlier this week in response to questions.

We are also focusing on safety — there is a \$61 million initiative to keep women and children safe — and holding perpetrators to account. There is a \$42 million accountability initiative. I urge all important interest groups that are close to these debates and issues to look at this government's record, its genuineness across all aspects of its portfolios and its serious commitment to ending all forms of violence and all forms of sexual crimes against women, children and anyone in our community. The report also notes the estimated annual cost of crimes and violence against women and children to be \$3.4 billion.

In that context I turn now to some of the important aspects of the bill. I will cover them as briefly as I can. The three important aspects of the bill relate to the amendments to the Crimes Act 1958, the course of conduct legislation and the sexting reforms.

The bill will make important reforms to definitions in the Crimes Act 1958 and will introduce sexual offences into the act. These will be in relation to rape, rape by compelling sexual penetration, sexual assault, sexual assault by compelling, sexual touching, assault with intent to commit a sexual offence and threat to commit a sexual offence. They will replace the existing sexual offences in subdivision 8A of the Crimes Act. Importantly the sexual offences will contain a new fault

element which will apply where the accused does not reasonably believe that the complainant consents to the new sexual act.

As has been outlined by the Attorney-General in the second-reading speech, these changes, which will apply to a number of the offences, introduce a very important objective element to the offences so that it will not be enough for an accused to simply say, 'I thought they were consenting'. That belief, if it was held, must have been held on objectively reasonable grounds. This will improve the law, enabling it to be conceptually simpler than the current law, which is currently complex. It will make the law consistent with laws in other jurisdictions, including those of the United Kingdom, New Zealand and New South Wales. It will also ensure that the law better reflects contemporary standards of acceptance of sexual behaviour by placing the responsibility on people initiating sexual activity to ensure that the other person is consenting.

I turn now to changes to the offence of grooming. The bill will make some minor amendments to the offence of grooming to better ensure that it covers all the circumstances in which parents and carers are victims. The offence of grooming applies where the person groomed is a child under 16 or a person in whose care, supervision or authority the child is. The offence is intended to apply where an element of the offence occurs outside Victoria, as long as some other element occurs in Victoria. For instance, it applies where an offender communicates with a child from outside Victoria, so long as the child was in Victoria at the time of the communication.

The bill amends the grooming offence simply to make it clear that parents and carers are covered by these extra provisions. I wanted to touch on grooming because grooming was another matter which the Family and Community Development Committee as a whole, and in particular Mrs Coote in public hearings, pursued with great vigour in relation to victims groups, victims themselves and institutions and authorities charged with the task of protecting children in particular from aspects of child abuse. The committee recognised the importance of addressing this serious question of grooming.

Grooming is a very difficult question to address from a legal point of view because it is often a preventive way in that you seek to address an offence before it occurs by reason of the evidence in the whole context of the case — in particular, for example, the intent of the accused to undertake grooming and ingratiate themselves not just with the victim but also with their family and in other areas where they can access

children to then commit rape and other horrific sexual crimes.

Another aspect I wish to touch on is the 'course of conduct' which is being introduced for sexual offences. This will overcome limitations in the current law which make cases of repeated and systemic sexual abuse extremely difficult to prosecute. The current law requires victims to give details about discrete occasions of sexual offending. Ironically, this can be very difficult to do as, because of the ongoing nature of the abuse, it can be difficult for victims to distinguish one act from another and then to particularise dates if required. Tragically, under the current law this means that the more sexual offences a person commits, the less likely it is that specific acts will be distinguishable and that repeat offenders will be convicted. The new course of conduct charge will improve the effect of this law in dealing with repeated sexual abuse. This will increase community confidence in the law and also respond to further findings of the *Betrayal of Trust* report in relation to the systemic abuse of children.

The last aspect I wish to touch on in my contribution is in relation to the sexting reforms which aim to ensure that teenagers who have engaged in inappropriate sexting are not inappropriately criminalised under the existing child pornography laws. The bill reforms the law in relation to sexting by introducing four exceptions to the child pornography offences — production, procurement, possession and publication or transmission of child pornography where minors were involved in sexting — and creates new summary offences of distribution of an intimate image and threat to distribute an intimate image in circumstances contrary to community standards of acceptable conduct. The exceptions provide protection for minors who would otherwise breach these child pornography laws, and they focus on behaviour which is not exploitative or predatory.

I understand amendments will also come from the Greens in relation to the jury directions aspect. They are important and consistent with the Jury Directions Act 2013 introduced by the government. I understand they will be taken up in the committee stage of the debate on the bill so, for the sake of the convenience of the house, Mr O'Donohue will deal with the arguments in relation to those matters once the amendments are moved by the Greens.

It is with those words that I commend the Attorney-General. I also commend Mrs Coote and wish her well in her post-parliamentary career. I commend her for her mentorship of me as a more junior member of Parliament in her various guises — —

**Mrs Coote** — You're a great success.

**Mr D. R. J. O'BRIEN** — I would not credit or discredit you with that comment! I commend this important bill to the house.

**Ms PENNICUIK** (Southern Metropolitan) — The Crimes Amendment (Sexual Offences and Other Matters) Bill 2014 is a quite important bill. It deals with an area I think everyone in the house would agree is difficult from the perspective of victims and also difficult to prosecute through the court system. It has historically been a very difficult area. Over many years there have been attempts to make it fairer for victims and more likely that successful convictions will be made in the courts. There is a history of trying to reform this area.

There is a general agreement amongst the stakeholders that this bill goes a long way towards making the law regarding sexual offences clearer and simpler. However, there are some departures from that view, in particular in the areas of jury directions and reasonable belief. Those are the two areas I have uncovered where there is some non-agreement with the government, but overall there is a general approval, even a welcoming, of this bill.

I have spent quite a bit of time on this, and there has been a lot to read. There was the Victorian Law Reform Commission's report on sex offences and the parliamentary Law Reform Committee's report on its inquiry into sexting. I have been looking at what changes this bill makes to the Crimes Act 1958 and the Jury Directions Act 2013 and at how those two sets of changes may or may not interact with each other. It has required quite a lot of thinking and consideration of the views put not only to the Greens but also to the government and to the opposition from, in particular, the Victorian Centres Against Sexual Assault (CASA) Forum and the Federation of Community Legal Centres Victoria. There was also a view put by Liberty Victoria and the Criminal Bar Association which departs somewhat from the view put by the Federation of Community Legal Centres Victoria. We have had to consider all these views in coming to our position on this bill.

I will go to the technicalities of the bill. It amends the Crimes Act to reform the law relating to rape and sexual assault and abolishes in certain child sexual offences the exception for someone who is married to a victim, as Mr David O'Brien just mentioned, so that there would be no defence for the apparent marriage of a person to someone who is under 16. That issue was raised by the Greens in relation to a bill debated earlier

this year, as we did not believe that could possibly be the case in Australia, and that is good to see. By amending the Crimes Act, this bill provides further for the offence of grooming for sexual conduct with a child under the age of 16 years and provides for exceptions for child pornography offences.

It also amends the Criminal Procedure Act 2009 to remove the time limits on commencing proceedings for certain sexual offences and to provide for a course of conduct charge. That has come from the *Betrayal of Trust* report, which made it very clear that there has to be an ability for persons to bring forward charges even if they go a long way back in time and that there is a need to introduce the course of conduct charge. That area has been raised with us by Liberty Victoria because it has some concerns about the removal of time limits and the introduction of a course of conduct charge in that in many cases it will be difficult for an accused to defend themselves against such charges and in particular where a course of conduct is involved. I see the point that Liberty Victoria makes. Sadly there are cases where accusations of sexual assault are brought against innocent people. Sometimes people are accused of doing something many years after the event and in fact they are innocent. On balance it is best to include the removal of the time limits and the introduction of a course of conduct charge to deal with repeat offenders and offences that occurred a very long time ago and to trust the courts to deal with those issues.

The bill also amends the Jury Directions Act 2013 to make jury directions on consent in rape and certain other sexual offence cases no longer mandatory. The removal of mandatory jury directions in sex offence cases has attracted strong representations to us as well as to the government and the opposition. The Greens have considered this carefully and agree with the CASA and the Federation of Community Legal Centres that even though there are good reforms in the bill, the removal of the mandatory jury directions in sex offence cases is probably premature. This is a particularly difficult area of the law, as I mentioned before. The nature of sexual offences and the way perpetrators operate and victims react can be unique, and that area of the law requires special consideration as opposed to, for example, a trial for theft. Given the nature of the offences we agree with the CASA forum and the Federation of Community Legal Centres, which feel strongly that the bill should not remove mandatory jury directions.

With that in mind the Greens have prepared amendments to that effect, and I am happy to have them circulated. I have circulated them previously to

the opposition and the government, but I am happy to have them circulated in the house.

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

**Ms PENNICUIK** — Our amendment relating to jury directions relates to clause 20 of the bill. Originally we proposed simply deleting the clause, but members will see that the amendments now delete the clause but then reproduce it in a form that makes jury directions mandatory, using language different to that reflected in the rest of the bill. If the bill were to pass, the wording in the act would be different. If people are wondering about the way the amendment has been devised, that is the reason, but we can go into it in the committee stage.

Given the particular nature of sexual offences we agree with CASA and the Federation of Community Legal Centres that it is premature to take away mandatory jury directions and leave it up to defence counsel or the prosecution to raise matters. We feel that could result in miscarriages of justice. We still have concerning attitudes in the community. For example, a recent national community attitudes survey found that about 20 per cent of Australians think that a woman is partly to blame for being sexually assaulted if she is drunk or drug affected. Twenty per cent is one in five people, and on a jury of 10 or 12 people, 2 to 3 people might hold those views. In order to make sure that miscarriages of justice do not occur we think the mandatory jury directions should stay in place until community attitudes improve. It is very concerning to see that figure in the recent survey.

The bill amends the Summary Offences Act 1966 to insert offences relating to intimate images. It amends the Classification (Publications, Films and Computer Games) (Enforcement) Act 1995 to provide for exceptions to an offence against section 57A of that act, and it amends the Working with Children Act 2005 to provide for offences relating to intimate images to be treated as category B offences for adults and category C offences for children for the purposes of that act. Those amendments relate to the sexting provisions, and they aim to prevent minors from being caught up in the criminal justice system for sending images by text.

Interestingly, it was reported in the *Age* of 9 October that a survey of 509 people aged 15 years to 29 years who were attending the Big Day Out in Melbourne found that 46 per cent had participated in sexting but also that they were concerned about the risk of photos being distributed widely. More than three-quarters of

them agreed that it should be illegal to pass on images without permission.

The bill protects minors under 18 years. It will be an offence for someone over 18 years, even if they are within the age group of the other person — so less than two years older than them — to distribute images of that person. A person who is 19 years would not be able to distribute an image of a person who was 17 years. They may be very close in age, but the person who is 17 years is still a minor, and the Greens agree that that person needs to be protected. They are still a vulnerable person and cannot be expected to make a decision that an adult could make with regard to this issue.

Going back to the changes to the Crimes Act, clause 4 inserts new section 37G into the Crimes Act. It provides a reasonable belief test as to whether a victim has given consent in the circumstances, including any steps the person took to find out whether the other person consented or would consent to the act. We had discussions with the Federation of Community Legal Centres, and its representatives made the point that we need to have a link here as to whether an accused had a reasonable belief with regard to section 34C of the Crimes Act, which refers to consent-negating circumstances. That is covered by one of the amendments I circulated just before.

I will now go to the reasoning for that amendment. The CASA Forum and the Federation of Community Legal Centres point out that the key issue relates to the relationship in the bill between the accused's reasonable belief as defined in proposed section 37G and their knowledge of consent-negating circumstances as defined in proposed section 34C. They think that at present there is a technical problem with how the law will work in practice if the bill is passed as it stands. They believe it is likely to result in the same level of confusion and number of appeals as at present, which the legislation is intended to prevent.

These organisations recommend that section 37G be amended in relation to the section 34C consent-negating circumstances and reasonable belief. They believe it is really important from a technical perspective, because at present there is nothing in the bill that expressly relates the element of reasonable belief to the accused's knowledge of a circumstance that precludes consent. The only place that this link is made is in the jury directions, which are now not mandatory under the legislation.

The problem with the link only being in the jury directions is even if the direction is mandatory, it does not have the same legal force as if it were in the Crimes

Act as an element of the offence. That means that if the judge directs a jury on this relationship, there may well be grounds for an appeal, and there could be confusion in jury decision-making due to a lack of guidance in the law, thus increasing the likelihood of appeals. I am happy to go into that further in the committee stage.

They are the two key amendments to the bill that the Greens are putting forward. We feel that these amendments will improve the bill. This amendment to section 37G is a small amendment and links it back to the Crimes Act. The other amendment retains the mandatory jury direction provisions.

Liberty Victoria has also written to us, and possibly to everybody else, regarding some of its concerns with the bill. It makes the point that much of the complexity in the area of sexual offences and successful appeals has been the product of continual reforms and tinkering with the sexual offence provisions in the Crimes Act over the past decade, which has resulted in inconsistent application by trial judges and matters having to be challenged in the Court of Appeal.

Liberty Victoria is concerned about the objective test of reasonable belief in cases where an accused person genuinely believes that a complainant was consenting but the jury regards that as an unreasonable belief and the accused is then convicted of rape. It says serious criminal offences should have a subjective fault element and the objective fault element may have unintended and deleterious consequences in making the focus in criminal trials on how the reasonable man or reasonable woman may behave sexually in stereotypical ways such as how someone is dressed, flirting et cetera, and therefore whether the accused person's belief in consent was reasonable. It believes that this may result in gendered and stereotypical submissions in order to try to establish what a reasonable person would have thought. Liberty Victoria says the proper focus of a criminal trial should be the subjective knowledge, belief and intention of the accused person. It submits that this bill will result in as much confusion as already exists in the area.

Liberty Victoria raises the issue of the course of conduct offence, which I referred to briefly before. It contends that that may make it difficult for accused persons to defend themselves. On balance, however, the Greens believe we need to move towards being able to prosecute offenders. David O'Brien put it well in saying that repeat offenders have been able to be acquitted or not convicted because of the inability of complainants to remember the particulars of every single action.

I raise these issues because I regard Liberty Victoria, the Federation of Community Legal Centres and the CASA Forum with great respect, and I take this opportunity to thank them for the advice they have given us over many years on many of the complex bills that come before the house. This is a very complex area. It is not an easy one to get exactly right. Who knows whether this bill has got it right? There is general support for the bill, but these issues have been raised and it is worth raising them in the debate.

Liberty Victoria also raised the issue of removing the limitation and making it difficult for a person to defend themselves, but on balance I think we need to be able to do this. It also raised the issue of the line being drawn at the age of 18 with regard to being responsible and being able to be charged with sending an image of a person that that person did not agree to being sent. I agree with the Attorney-General that we need a cut-off point somewhere, and certainly 18 is seen as the cut-off point between a minor and an adult in many other areas. In terms of sexting, I agree that there needs to be more education amongst young people about these issues. They are the main comments we have to make on the bill.

It is worth also noting that the Federation of Community Legal Centres and the Victorian Centre Against Sexual Assault Forum say legislative reform must occur:

... in tandem with:

ongoing, appropriately funded community education campaigns, primary prevention initiatives and funding of community-based legal services and sexual assault victim/survivor advocacy organisations;

ongoing education of judges, defence counsel, prosecutors and police about the social context of sexual assault; and associated specialisation;

development of clear definitions and examples ... to be included in the Crimes Act 1958 ... and also used in training materials for judges, legal officers, police and victim/survivor advocates;

and

empowering judges to disallow questioning of the complainant that is unduly intrusive, humiliating, intimidating or overbearing ...

More detail is available in their submission, but those are broadly the measures that the federation and the centre against sexual assault ask for. We need ongoing education of the community and the judiciary in this area, because it is one of the most difficult areas to prosecute in the courts. With those comments, I note that I look forward to the committee stage.

**Motion agreed to.****Read second time.****Committed.***Committee*

**Hon. E. J. O'DONOHUE** (Minister for Liquor and Gaming Regulation) — I seek leave for Mr David O'Brien to join me at the table.

**Leave granted.****Clause 1**

**The ACTING PRESIDENT (Mr Elasmr)** — Order! Ms Pennicuik has proposed amendments to this bill which include the insertion of a new clause, which would follow clause 3 and is proposed to be inserted by amendment 6. All but one of Ms Pennicuik's amendments are consequential on the proposed new clause, and they will be tested by amendment 1, which would amend clause 1. Ms Pennicuik has one further unrelated amendment to be dealt with, amendment 7, which would amend clause 4. I will call Ms Pennicuik to move amendment 1, which I consider to be a test of her further amendments 2 to 6 and 8 to 40, and which would amend clause 1.

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

1. Clause 1, page 2, omit lines 16 to 18.

This proposed omission would omit one of the purposes of the bill, expressed by clause 1(c):

to amend the Jury Directions Act 2013 in relation to directions on consent in rape and certain other sexual offence cases ...

As you pointed out, Acting President, this is a test for the rest of the amendments barring one, which I think is amendment 2. Never mind — we will get to that.

As I mentioned in my second-reading debate contribution, the amendments are to ensure that jury directions in sexual offence cases, including rape cases, covered by the bill continue to be mandatory.

I might also say that there has been some confusion in the drafting of these amendments and in the numbering in particular, which I was a little confused about when I was speaking with parliamentary counsel. There seems to be confusion with respect to the existing Jury Directions Act 2013, which has a part 7, and a new Jury Directions Act that would have existed had the jury directions bill of 2013 been debated and passed, which

has not occurred. That led to some confusion between parliamentary counsel and me, which is one of the reasons the amendments were not circulated earlier. There is some crossover between the wording in the new Jury Directions Act and the numbering there. The numbering is therefore a bit confusing, so I ask members to perhaps disregard the numbering and just work with the content. The content really is the intention to retain the mandatory nature of the jury directions in sex offence cases.

Accordingly I will refer members to amendment 6, which, if amendment 1 were passed, would insert a new clause that would substitute a section on jury directions on consent and reasonable belief in the Crimes Act 1958. The substitute section would state that:

For the purposes of section 37, the matters relating to consent on which the judge must direct the jury are —

and they are listed on the rest of page 2 of my amendments.

That list repeats what already exists in the Jury Directions Act, but in the new style of wording. To paraphrase the matters listed, a person may consent to an act only if they are capable of consenting and free to choose; where a person has given consent to an act, they may withdraw that consent at any time; that the person did not say or do anything to indicate consent; that the evidence that they did not protest or did not have an injury is no evidence that they did consent or did not consent; that the relevant circumstances must be taken into account; whether the accused knew or believed that a circumstance referred to in section 34 of the Crimes Act comes into play; whether the person was intoxicated and whether that intoxication was self-induced et cetera. Whether or not those issues have been raised by the defence, the judge should give direction to make sure that jury members are fully aware of their duties and requirements and the meanings of these terms when they come to make their deliberations. That is what this amendment would do.

**Ms MIKAKOS** (Northern Metropolitan) — At the outset I point out that Ms Pennicuik did circulate some amendments that I saw yesterday. Whilst the content of the ones being distributed now is the same, they are quite significantly different in terms of the clause numbers. It would be useful to get confirmation that they are in essence the same content. I believe they are.

**Ms Pennicuik** — Same content.

**The ACTING PRESIDENT (Mr Elasmr)** — Order! I will make a clarification before Ms Mikakos

finishes. It is amendment 7 to clause 4 and not to clause 7.

**Ms MIKAKOS** — Thank you, Acting Chair. I advise the house that the Labor opposition will be opposing Ms Pennicuik's amendments. We understand this is a complex issue, and it is imperative that we get these matters right. What is at stake is whether offenders will be able to be prosecuted and successfully convicted of quite serious charges. There is always the presumption of innocence, but it is important that jury directions are given very carefully and precisely so that we do not reopen matters for retrial on legal technicalities.

As I understand it, essentially these amendments are about making jury directions on consent issues mandatory rather than optional for the judge. During the course of the debate on this bill in the other place, the shadow Attorney-General indicated to that house that Labor's position is that we support judicial discretion, and we have taken that position consistently in respect of a range of different pieces of legislation that have come before the Parliament. We have enough confidence in judges knowing when to issue these directions and when not to issue them, and it is for those reasons that we will be opposing these amendments, which are to be tested by amendment 1.

**Hon. E. J. O'DONOHUE** (Minister for Liquor and Gaming Regulation) — The government welcomes the position of the opposition in opposing the amendment moved by Ms Pennicuik as the government will also oppose it. I thank members of the opposition for their support of the bill and thank Ms Pennicuik for her comments during the second-reading debate that the changes are in general a welcome improvement. While the government will oppose the amendments foreshadowed by Ms Pennicuik, it welcomes the support of the house for the bill more generally.

Consistent with the government's view, and noting the opposition's perspective, the government also believes that judicial discretion is an important factor and that implementing a mandatory requirement is not the best way forward. The amendment moved by Ms Pennicuik is inconsistent with the new approach to directions in the Jury Directions Act 2013. Under the new approach embodied in the Jury Directions Act, the prosecution and the defence counsel must assist the trial judge in determining the relevant directions, the trial judge must give requested directions unless there are good reasons for not doing so and the trial judge must also give a direction that has not been requested if it is necessary to do so to avoid a substantial miscarriage of justice.

The consequence is that it enables directions to be tailored to the issues in the case, it can significantly

simplify jury directions and it can ensure that directions improve the fairness of the trial. This approach is consistent with the Victorian Law Reform Commission's report of 2009. The government will not be supporting Ms Pennicuik's amendment.

**The ACTING PRESIDENT (Mr Elasmr)** — Order! Ms Pennicuik has moved an amendment to clause 1, and her amendment 1 is a test for further amendments 2 to 6 and 8 to 40.

#### Committee divided on amendment:

*Ayes, 3*

Barber, Mr (Teller)  
Pennicuik, Ms

Hartland, Ms (Teller)

*Noes, 35*

Atkinson, Mr  
Coote, Mrs  
Crozier, Ms  
Dalla-Riva, Mr  
Darveniza, Ms  
Davis, Mr D.  
Eideh, Mr  
Elasmr, Mr  
Elsbury, Mr  
Finn, Mr  
Guy, Mr  
Jennings, Mr  
Koch, Mr (Teller)  
Kronberg, Mrs  
Leane, Mr  
Lenders, Mr  
Lewis, Ms  
Lovell, Ms

Melhem, Mr  
Mikakos, Ms  
Millar, Mrs  
O'Brien, Mr D. D.  
O'Brien, Mr D. R. J.  
O'Donohue, Mr  
Ondarchie, Mr  
Peulich, Mrs  
Pulford, Ms  
Ramsay, Mr  
Rich-Phillips, Mr  
Ronalds, Mr  
Scheffer, Mr  
Somyurek, Mr  
Tarlamis, Mr (Teller)  
Tee, Mr  
Tierney, Ms

#### Amendment negatived.

#### Clause agreed to; clauses 2 and 3 agreed to.

#### Clause 4

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

7. Clause 4, page 9, after line 11 insert —

“(3) In determining whether or not a person reasonably believes that another person is consenting to an act, a finding that the person knows or believes that a circumstance referred to in section 34C exists in relation to the other person is enough to show that the person does not reasonably believe that the other person is consenting.”.

Amendment 7 relates to the issue of reasonable belief, and it would add a new subsection (3) to new section 37G, inserted by clause 4. Currently the clause reads:

#### 37G Reasonable belief

- (1) For the purposes of this Subdivision, whether or not a person reasonably believes that another person is consenting to an act depends on the circumstances.

- (2) Without limiting subsection (1), the circumstances include any steps that the person has taken to find out whether the other person consents or, in the case of an offence against section 42(1), would consent to the act.

My amendment would add subsection (3) to provide that if the accused knew or believed that a circumstance referred to in section 34C of the Crimes Act 1958 existed in relation to a person, that knowledge or belief is enough to show that the accused did not reasonably believe the person was consenting to the act.

This amendment has been strongly put to everybody — the government, the Greens and the opposition — by the Victorian Centres Against Sexual Assault Forum as almost a technical amendment that is needed. The forum makes the point that if the legislation does not specify the relationship between consent-negating circumstances and reasonable belief, but only states it in a jury direction, even a mandatory one, this is likely to reproduce the same problems that we currently have regarding the relationship between awareness, non-consent and reasonable belief, which has led to various lengthy and confusing appeals and further trauma for victims. It is critical that this statement that knowledge of a section 34C circumstance precludes reasonable belief in consent is brought in to the definition of reasonable belief and not left only in a jury direction.

The purpose of my amendment is to include this subsection in the Crimes Act. I make the further point that the minister in his statement of compatibility says that:

... if an accused knew or believed that a consent-negating circumstance existed, that knowledge or belief is enough to show that the accused did not reasonably believe that the other person consented.

My amendment is simply making this explicit in the bill and giving it the full force of the law as the stakeholders have recommended.

**Ms MIKAKOS** (Northern Metropolitan) — I have already indicated to the committee that Labor is opposing Ms Pennicui's amendments.

**Hon. E. J. O'DONOHUE** (Minister for Liquor and Gaming Regulation) — The government will not be supporting Ms Pennicui's amendment, which has the effect of inserting this subsection into the Crimes Act. We believe the discretion should be given to the judge, and we will be opposing this amendment.

**Ms PENNICUIK** (Southern Metropolitan) — On that point, this is not about the discretion of judges. This is about the definition in the Crimes Act with regard to

reasonable belief and referring back to consent-negating circumstances. It is not actually about the discretion of judges.

**Hon. E. J. O'DONOHUE** (Minister for Liquor and Gaming Regulation) — The only thing I would add is that we do not believe it is appropriate to move this component into the Crimes Act.

#### Committee divided on amendment:

*Ayes, 3*

Barber, Mr  
Hartland, Ms (*Teller*)

Pennicui, Ms (*Teller*)

*Noes, 36*

Atkinson, Mr  
Coote, Mrs  
Crozier, Ms  
Dalla-Riva, Mr  
Darveniza, Ms  
Davis, Mr D.  
Drum, Mr  
Eideh, Mr  
Elasmar, Mr  
Elsbury, Mr  
Finn, Mr  
Guy, Mr  
Jennings, Mr  
Koch, Mr  
Kronberg, Mrs  
Leane, Mr  
Lenders, Mr  
Lewis, Ms

Lovell, Ms  
Melhem, Mr  
Mikakos, Ms  
Millar, Mrs  
O'Brien, Mr D. D.  
O'Brien, Mr D. R. J.  
O'Donohue, Mr  
Ondarchie, Mr  
Peulich, Mrs  
Pulford, Ms  
Ramsay, Mr  
Rich-Phillips, Mr  
Ronalds, Mr (*Teller*)  
Scheffer, Mr  
Somyurek, Mr  
Tarlamis, Mr  
Tee, Mr (*Teller*)  
Tierney, Ms

#### Amendment negated.

#### Clause agreed to; clauses 5 to 37 agreed to.

#### Reported to house without amendment.

#### Report adopted.

*Third reading*

#### Motion agreed to.

#### Read third time.

### ROAD SAFETY AMENDMENT (MANDATORY DRUG TESTING) BILL 2014

*Introduction and first reading*

**Hon. M. J. GUY** (Minister for Planning), pursuant to notice, introduced a bill for an act to amend the Road Safety Act 1986 to provide that it is an offence for a person to drive a motor vehicle with any concentration of a substance in the person's blood indicative of recent heroin use, to provide for the mandatory drug testing of the driver of a motor

**vehicle that is involved in an accident that has resulted in serious injury or death of another person and for other purposes.**

**Read first time.**

## ADJOURNMENT

**Hon. E. J. O'DONOHUE** (Minister for Liquor and Gaming Regulation) — I move:

That the house do now adjourn.

### Sandhurst Centre

**Ms MIKAKOS** (Northern Metropolitan) — My matter this evening is for the Minister for Community Services. I rise to highlight the sheer arrogance of this government when it comes to disregarding the clear wishes of local communities. The community, residents, families and staff in Bendigo have warmly welcomed Labor's announcement that it would build five Department of Human Services-run residential care homes when the Sandhurst Centre closes in June 2016.

The Napthine government's obsession with signing anything and everything before the election has gone well beyond dud tunnels and now extends to disability services. Despite Sandhurst not being scheduled to close until mid-2016, the Napthine government has rushed the tender process forward by six months and it is now to be completed in no less than 14 working days.

The process has been a shambles. There has been complete disregard for the local community from the word go. Residents and staff first learnt about the closure of Sandhurst, which was announced last year, through Melbourne-based media. Private providers have expressed concern about the fact that next to no notice was given about an information briefing session which was moved at the 11th hour from Bendigo to Melbourne.

Just two business days shy going into caretaker mode the government intends to announce the successful tenderer and is snubbing its nose at the wishes of the Bendigo community — —

**Hon. E. J. O'Donohue** — On a point of order, President, your previous rulings on set speeches are clear. I seek your guidance as to whether Ms Mikakos is delivering a set speech in contravention of previous rulings.

**The PRESIDENT** — Order! I must indicate that I concur with the point of order as I too was concerned about where this adjournment matter was going. To me

it had all the characteristics of a set speech, particularly where it talked about policy and what the government was doing and so forth. It seemed to be going in the direction of a set speech rather than setting the context for an adjournment request. The member might bear that in mind as she continues with her adjournment item.

**Ms MIKAKOS** — President, I am just giving some background information; I do have a specific request of the minister. Labor has been absolutely clear about its plans to give residents, their families and the staff at Sandhurst both certainty and choice into the future. The Napthine government is removing this choice by rushing this tender process and seeking to sign contracts on the eve of the election. It is saying to these residents that the government will tell them what is good for them. This is the height of arrogance.

Labor MPs in Bendigo have been fantastic advocates on behalf of their local community and have heeded their concerns. I call on the Minister for Community Services to respect the wishes of the local community and abandon this rushed tender process.

### East–west link

**Mr FINN** (Western Metropolitan) — I wish to raise a matter for the attention of the Minister for Roads. I am sure the minister will recall coming with me to meet with local residents in Francis Street, Yarraville, some years ago and to view just how badly they are affected by heavy transport — semitrailers, tankers of various descriptions and other trucks. It is quite unbearable at times. Of course it is not just in Francis Street but also Somerville Road and right around that area in Yarraville through to Footscray that locals are impacted deleteriously by this heavy transport. I recall the minister saying at the time that if we came to government, he would work to find a solution to this problem. It is a longstanding problem and I am sure there are a good many members of this house who are aware of it.

My understanding is that that problem will be solved by the government's decision to push ahead with the east–west link. The east–west link will take those trucks and heavy transports off the streets of Yarraville and send them elsewhere. I understand there may be other policies which may well impact to an even greater degree on the people of Yarraville by sending even more trucks onto their streets. I think it is important that people know what those various policies are, particularly the impact of the east–west link. A lot of people are very aware of the benefits the east–west link will bring to the outer west and east.

However, I do not think they understand nearly as much what the benefits will be for people in the inner western suburbs.

I think we as a government have somewhat of an obligation to point out these benefits to those people, which is what I am asking the minister to do. I ask him to take my comments on board and communicate them in very clear and direct language to the people of Yarraville, Footscray and the inner west suburbs to assure them that the problems they have suffered over many years are about to disappear. I am sure they will be extremely grateful for the minister's intervention.

### **Cybersecurity strategy**

**Mr SOMYUREK** (South Eastern Metropolitan) — I wish to raise a matter for the Minister for Technology, Mr Gordon Rich-Phillips. The minister will be well aware that the Auditor-General today tabled the *Information and Communications Technology Controls Report 2013–14*, which identifies five themes regarding ICT control in the public sector. The themes are that ICT security controls need improvement, management of service organisation assurance activities requires attention, prior-period audit findings are not being addressed in a timely manner, patch management processes need improvement and ICT disaster recovery planning is weak. The action I seek from the minister is that he release the government's cybersecurity strategy.

### **Orbost Snowy Rovers Football Netball Club**

**Mr D. D. O'BRIEN** (Eastern Victoria) — My adjournment matter this evening is for the Minister for Sport and Recreation, Mr Drum. I ask the minister to address the state of the Orbost Snowy Rovers Football Netball Club's netball courts. The member for Gippsland East in the Assembly and I have been contacted about this matter. The member for Gippsland East in particular has been quite vocal about his support for netball in East Gippsland. He is a strong supporter of the club, having formerly played football in the East Gippsland league.

The court at the Orbost Snowy Rovers Football Netball Club is in fairly poor condition. The club needs an additional court and is seeking funding as such. I understand that club stalwarts Doc Nettleton and Garry Squires have been onto the member for Gippsland East about this issue, and others in the club have been involved in getting onto me about seeking the minister's support. I know the minister is a strong supporter of netball in Gippsland and has been involved in upgrades at other clubs and courts around the region.

**Mr Finn** interjected.

**Mr D. D. O'BRIEN** — He was a very good player on the football field in his day, Mr Finn.

Football and netball are, of course, inextricably linked in country Victoria, and have been even more so in the past 10 or 15 years. Most leagues now have both strong football and strong netball competitions, and the East Gippsland Football Netball League is no exception. The Orbost Snowy Rovers have not had a great time on the field with football this year, but the A, B and C grade netball teams all made the finals. The C grade team unfortunately lost in the East Gippsland league grand final.

The club is in a town that has struggled in recent years, particularly in the wake of the timber industry cutbacks I alluded to earlier. It would be very grateful for some support. I know the minister has a number of programs available that could support an upgrade of and a new netball court at Orbost. The minister would also be interested in Swifts Creek, another great, resourceful community in East Gippsland which is also seeking support for an upgrade of its netball/tennis courts.

I ask the minister to actively consider supporting an upgrade of the netball court at the Orbost Snowy Rovers Football Netball Club, a great little club in a great town in a great part of Victoria.

### **Beechworth Secondary College**

**Ms LEWIS** (Northern Victoria) — The matter I raise tonight is for the Minister for Education, and it relates to Beechworth Secondary College. In 2009–10 Beechworth Secondary College developed a master plan for building works, and stage 1 was constructed. The school was anticipating funding for stage 2 the following year. Unfortunately this did not eventuate, and the school has been left with buildings from the 1950s and 1960s that are completely past their use-by date. At the start of 2013 the school was told not to undertake any major maintenance work as its stage 2 funding was on the way; however, 18 months later it appears that the stage 2 funding somehow lost its way, as the school has received no further funding.

The school council has undertaken some work, including constructing sheltered walkways and concrete paths between portables. While this protects students and teachers from the weather as they move between classrooms, it does not alter the conditions inside those very old portable classrooms. On a visit to the school I saw broken downpipes, mould and water stains on ceilings and walls, peeling paint, badly damaged floor

coverings, signs warning of asbestos in the buildings and toilets that I would not wish to use.

Research has shown that our surroundings affect our mood. Consequently, children who are forced to try to learn in and around shabby, drab buildings and classrooms are not going to work to their best ability. Children need bright, light and comfortable buildings with spaces where they can work and learn in groups or find a quiet space to reflect on their thoughts or ponder the solution to a problem. A Victorian Auditor-General's report released in April this year shows that rural and regional students are lagging behind their metropolitan peers in academic achievement, aspiration and attendance. Buildings such as the old ones at Beechworth Secondary College are certainly not going to inspire children to learn.

The students and parents I met were unanimous in their view that the programs provided by the school are and always have been as good as those provided at any other school. Their concern is with the very poor standard of classrooms that the students and teachers have to work in. The students have become disheartened with the lack of progress on their buildings and started a Facebook group called 'Let's Build Up Beechworth Secondary College' to raise awareness across the community about their plight. My request to the minister is that he visit Beechworth Secondary College and see firsthand the problems that the community is being forced to cope with.

### Ararat Active City

**Mr D. R. J. O'BRIEN** (Western Victoria) — My adjournment matter is for the Minister for Sport and Recreation, the Honourable Damian Drum.

**Mr Finn** interjected.

**Mr D. R. J. O'BRIEN** — Yes. That was in the east of the state. I am asking him to visit Ararat in my electorate in the west of the state to meet with representatives of the Rural City of Ararat to consider providing important support for an important initiative of the Rural City of Ararat — namely, the Ararat Active City program which that council has pioneered.

By way of context, the rural city of Ararat and its residents were famously on a television program earlier this year when it was chosen to host a series of *The Biggest Loser*. This followed 2012 figures which showed that 59 per cent of Ararat residents were either overweight or obese. I note that the Honourable Hugh Delahunty, the member for Lowan in the Assembly, is in the gallery. When he was the Minister for Sport and

Recreation he led the vision of trying to get more people more active more often, which is something this council has taken up in its desire to turn its residents around from being obese or overweight to being part of an active Ararat, with the municipality becoming a centre for regional health and fitness and healthy lifestyles.

I met with the mayor of the Rural City of Ararat, Cr Paul Hooper, who in launching the regional investment plan made reference to the Ararat Active City community renewal project and other sporting infrastructure projects which the council is keen to see delivered, particularly in relation to preventive medicine. Cr Hooper was quoted in the local paper as saying, 'If we don't give it our best shot, we are failing our community'. He also reminded me that we might be raising the first generation of people who will have a lower life expectancy than their parents have. It is important in relation to the incidence of diabetes, heart issues, life expectancy and wellness that we do indeed get more people more active more often and that we support initiatives such as the Ararat Active City program.

I also note that one of the contestants in this series of *The Biggest Loser*, Mr Rodger Turner, is in fact the brother of Mr Scott Turner, The Nationals candidate for the seat of Ripon, which encompasses Ararat. Scott himself is obviously a keen supporter of health and fitness, being an former footballer with the Richmond Football Club and a current player with the Ararat Football Netball Club. His recent appearance in support of Ararat on *The Footy Show* raised \$7000 for that club.

Ararat Active City is a holistic program by which the council intends to turn Ararat around from a city that appeared on *The Biggest Loser* to one with a high level of fitness and preventive medicine — indeed, an active Ararat. Councillors desire that Mr Drum, the Minister for Sport and Recreation and a former footballer, meet with them to discuss further initiatives that can be pursued under this important Ararat Active City program.

**The PRESIDENT** — Order! We almost got the entire team.

### South Eastern Centre Against Sexual Assault

**Mr LENDERS** (Southern Metropolitan) — The matter I raise on the adjournment tonight is for the attention of the Minister for Community Services, Mary Wooldridge. It concerns the South Eastern Centre Against Sexual Assault (SECASA), which is based at 12 Chapel Street, St Kilda. I understand that the land on

Chapel Street is owned by the Salvation Army and is going to be redeveloped. The current tenants, including SECASA, have been asked to vacate the premises, and the counsellors and advocates, some of whom have been at the St Kilda centre for more than 10 years, will have to make a decision about whether to relocate to SECASA's East Bentleigh site.

Local residents are of the belief that the St Kilda SECASA will close in a matter of days, and this is causing great anxiety. It appears that this vital service will no longer have a base in the St Kilda area, and therefore there will be many people, victims of sexual assault, who will be adversely affected.

I call on the minister to investigate an alternative location in the immediate area for SECASA and to act promptly to assist victims of sexual abuse in and around St Kilda, particularly as SECASA, which has supported them, is facing great uncertainty.

### Responses

**Hon. E. J. O'DONOHUE** (Minister for Liquor and Gaming Regulation) — I have 14 responses to matters previously raised on the adjournment, including matters raised by Ms Tierney on 12 November 2013, Ms Pulford on 29 May 2014, Ms Mikakos on 11 June, Mr Jennings on 7 August, Mr David O'Brien on 20 August, Mr Melhem on 21 August, Ms Lewis and Mr David O'Brien on 4 September, Mrs Millar and Ms Pulford on 16 September, and Mr Leane, Ms Lewis, Ms Mikakos and Ms Pulford on 18 September.

A number of members raised matters this evening. Ms Mikakos and Mr Lenders raised matters for the Minister for Community Services, and I will refer those to Ms Wooldridge.

Mr Finn raised a matter for the Minister for Roads, and I will refer that matter to Mr Mulder.

Mr Somyurek raised a matter for the Minister for Technology, and I will refer that matter to the minister.

Mr Danny O'Brien and Mr David O'Brien raised matters for the Minister for Sport and Recreation, and I will refer them to the minister.

**Mr LENDERS** (Southern Metropolitan) — This is the penultimate adjournment debate during which I will be in the house, and I have three outstanding adjournment matters. Because Mr Drum, the Minister for Sport and Recreation, is in the chamber, I ask him to obtain responses to these matters for me. I have one from December last year when I asked the Minister for Agriculture and Food Security about what I called

Goatgate. The other two are probably of less urgency to me, but it would be nice to have a conclusion to the question on Goatgate. I am also seeking responses to matters on fishery fees and Ashburton police station, which are very important. For sentimental purposes, it would be nice if Mr Drum could get me the answer to my question on Goatgate before I leave the Parliament. That would be much appreciated.

**Hon. D. K. DRUM** (Minister for Sport and Recreation) — Whilst I am unable to give Mr Lenders an answer on Goatgate, I would love to take a photo of him reading his adjournment matter from his iPad, if that were possible.

**Mr Lenders** interjected.

**Hon. D. K. DRUM** — I do not have an answer for Mr Lenders on Goatgate, but I believe he has progressed in his pilgrimage — —

**The PRESIDENT** — Order! I do not understand where Mr Drum is at. He has me completely flummoxed.

**Ms MIKAKOS** (Northern Metropolitan) — I too wish to raise with the minister outstanding responses to adjournment matters under standing order 4.13. I have a number outstanding, some of which have been outstanding for a considerable period of time.

I raised two matters with the Minister for Education: one on 7 February 2013 regarding the School Focused Youth Service and another on 29 May 2013 regarding youth services program funding. I raised three matters with the Minister for Children and Early Childhood Development: one on 19 September 2013 regarding kindergartens in the shire of Mornington Peninsula; one on 11 December 2013 regarding vocational education and training subsidies; and one on 18 February 2014 regarding the Olympic Village child and family centre.

I raised four matters with the Minister for Community Services: one on 10 June regarding Salvation Army residential units; one on 19 August regarding youth justice centres; one on 20 August regarding the Sandhurst Centre; and one on 4 September regarding the *Betrayal of Trust* report. I also raised a matter with the Minister for Disability Services and Reform on 6 September regarding disability services. I ask that these matters be followed up with the relevant ministers, given that we have only one sitting day remaining.

**Hon. E. J. O'DONOHUE** (Minister for Liquor and Gaming Regulation) — If Ms Mikakos could give me a

ADJOURNMENT

3390

COUNCIL

Wednesday, 15 October 2014

---

copy of the dates, I will follow up on those matters for her.

**The PRESIDENT** — Order! The house now stands adjourned.

**House adjourned 9.37 p.m.**