

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE COUNCIL

FIFTY-EIGHTH PARLIAMENT

FIRST SESSION

Wednesday, 10 June 2015

(Extract from book 8)

Internet: www.parliament.vic.gov.au/downloadhansard

By authority of the Victorian Government Printer

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Procedure Committee — The President, Dr Carling-Jenkins, Mr Davis, Mr Jennings, Ms Pennicuik, Ms Pulford, Ms Tierney and Ms Wooldridge.

Legislative Council standing committees

Standing Committee on the Economy and Infrastructure — Dr Carling-Jenkins, Mr Dalidakis, Mr Eideh, Mr Elasmarr, Mr Finn, Ms Hartland, Mr Morris and Mr Ondarchie.

Standing Committee on the Environment and Planning — Ms Bath, Mr Dalla-Riva, Mr Davis, Ms Dunn, Mr Leane, Ms Shing, Ms Tierney and Mr Young.

Standing Committee on Legal and Social Issues — Ms Fitzherbert, Mr Melhem, Mr Mulino, Mr O'Donohue, Ms Patten, Mrs Peulich, Ms Springle and Ms Symes.

Joint committees

Accountability and Oversight Committee — (*Council*): Ms Bath, Mr Purcell and Ms Symes. (*Assembly*): Mr Angus, Mr Gidley, Mr Staikos and Ms Thomson.

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

Economic, Education, Jobs and Skills Committee — (*Council*): Mr Elasmarr, Mr Melhem and Mr Purcell. (*Assembly*): Mr Crisp, Mr Perera and Ms Ryall.

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

Environment, Natural Resources and Regional Development Committee — (*Council*): Mr Ramsay and Mr Young. (*Assembly*): Ms Halfpenny, Mr McCurdy, Mr Richardson, Mr Tilley and Ms Ward.

Family and Community Development Committee — (*Council*): Mr Finn. (*Assembly*): Ms Couzens, Mr Edbrooke, Ms Edwards, Ms Kealy, Ms McLeish, and Ms Sheed.

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

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

Law Reform, Road and Community Safety Committee — (*Council*): Mr Eideh and Ms Patten. (*Assembly*): Mr Dixon, Mr Howard, Ms Suleyman, Mr Thompson and Mr Tilley.

Public Accounts and Estimates Committee — (*Council*): Dr Carling-Jenkins, Ms Pennicuik and Ms Shing. (*Assembly*): Mr Dimopoulos, Mr Morris, Mr D. O'Brien, Mr Pearson, Mr T. Smith and Ms Ward.

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

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-EIGHTH PARLIAMENT — FIRST SESSION**

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Deputy President: Ms G. TIERNEY

Acting Presidents: Ms Dunn, Mr Eideh, Mr Elasmr, Mr Finn, Mr Morris, Ms Patten, Mr Ramsay

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Deputy Leader of the Government:
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Leader of the Opposition:
The Hon. M. WOOLDRIDGE

Deputy Leader of the Opposition:
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Leader of The Nationals:
The Hon. D. K. DRUM

Leader of the Greens:
Mr G. BARBER

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Barber, Mr Gregory John	Northern Metropolitan	Greens	Morris, Mr Joshua	Western Victoria	LP
Bath, Ms Melina ²	Eastern Victoria	Nats	Mulino, Mr Daniel	Eastern Victoria	ALP
Bourman, Mr Jeffrey	Eastern Victoria	SFP	O'Brien, Mr Daniel David ¹	Eastern Victoria	Nats
Carling-Jenkins, Dr Rachel	Western Metropolitan	DLP	O'Donohue, Mr Edward John	Eastern Victoria	LP
Crozier, Ms Georgina Mary	Southern Metropolitan	LP	Ondarchie, Mr Craig Philip	Northern Metropolitan	LP
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Dalla-Riva, Mr Richard Alex Gordon	Eastern Metropolitan	LP	Pennicuik, Ms Susan Margaret	Southern Metropolitan	Greens
Davis, Mr David McLean	Southern Metropolitan	LP	Peulich, Mrs Inga	South Eastern Metropolitan	LP
Drum, Mr Damian Kevin	Northern Victoria	Nats	Pulford, Ms Jaala Lee	Western Victoria	ALP
Dunn, Ms Samantha	Eastern Metropolitan	Greens	Purcell, Mr James	Western Victoria	V1LJ
Eideh, Mr Khalil M.	Western Metropolitan	ALP	Ramsay, Mr Simon	Western Victoria	LP
Elasmr, Mr Nazih	Northern Metropolitan	ALP	Rich-Phillips, Mr Gordon Kenneth	South Eastern Metropolitan	LP
Finn, Mr Bernard Thomas C.	Western Metropolitan	LP	Shing, Ms Harriet	Eastern Victoria	ALP
Fitzherbert, Ms Margaret	Southern Metropolitan	LP	Somyurek, Mr Adem	South Eastern Metropolitan	ALP
Hartland, Ms Colleen Mildred	Western Metropolitan	Greens	Springle, Ms Nina	South Eastern Metropolitan	Greens
Herbert, Mr Steven Ralph	Northern Victoria	ALP	Symes, Ms Jaelyn	Northern Victoria	ALP
Jennings, Mr Gavin Wayne	South Eastern Metropolitan	ALP	Tierney, Ms Gayle Anne	Western Victoria	ALP
Leane, Mr Shaun Leo	Eastern Metropolitan	ALP	Wooldridge, Ms Mary Louise Newling	Eastern Metropolitan	LP
Lovell, Ms Wendy Ann	Northern Victoria	LP	Young, Mr Daniel	Northern Victoria	SFP
Melhem, Mr Cesar	Western Metropolitan	ALP			

¹ Resigned 25 February 2015

² Appointed 15 April 2015

PARTY ABBREVIATIONS

ALP — Labor Party; ASP — Australian Sex Party;
DLP — Democratic Labour Party; Greens — Australian Greens;
LP — Liberal Party; Nats — The Nationals;
SFP — Shooters and Fishers Party; V1LJ — Vote 1 Local Jobs

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Wednesday, 10 June 2015

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

ROYAL ASSENT

Message read advising royal assent on 2 June to:

Crimes Amendment (Repeal of Section 19A) Act 2015

Regional Development Victoria Amendment (Jobs and Infrastructure) Act 2015

Sentencing Amendment (Correction of Sentencing Error) Act 2015.

CONDOLENCES

Hon. John Hamilton Simpson

Mr JENNINGS (Special Minister of State) — I move:

That this house expresses its sincere sorrow at the death, on 19 May 2015, of the Honourable John Hamilton Simpson and places on record its acknowledgement of the valuable services rendered by him to the Parliament and the people of Victoria as a member of the Legislative Assembly for the electoral district of Niddrie from 1976 to 1988 and as Minister of Public Works from 1982 to 1983, Minister for Property and Services from 1982 to 1985, Assistant Minister of Transport and Minister of Labour and Industry from 1983 to 1985.

I do so acknowledging the sentiment and spirit conveyed by Mr Simpson's loved ones in a funeral notice, which refers to him as a:

Salesman, showman, raconteur, politician, sportsman and businessman. A larger than life figure.

With that effusive introduction, when I read Mr Simpson's inaugural speech I thought his style was opposite to mine, not because I do not share his Labor values — I share his values to a significant extent — but because he says:

Whenever I am delivering a public address, it is my custom to endeavour to make some observations other than my prepared speech —

which in fact is the opposite of me.

Under normal circumstances, I make a series of observations and sometimes pepper them with a prepared speech. So we start from a different premise, but nonetheless I would hope that we both had the ability on various occasions not only to entertain the Parliament but sometimes to inform and enthuse

members and the community about the values we bring to this place and the outcomes we seek to achieve.

In his inaugural speech Mr Simpson referred to the fact that parts of his electorate of Niddrie, in the north-western suburbs of metropolitan Melbourne, required water to be carted in as recently as 1976. That is quite extraordinary because it indicates to me and to the community that the pressures of urban development are omnipresent and insatiable. In that speech Mr Simpson passionately advocated for better outcomes for his community in Niddrie and in the west generally in terms of the infrastructure that was required to support that growing community, whether it be water supply or transport services. Throughout his political life he continued to be a passionate advocate for those outcomes.

He was also a passionate advocate for the benefits of multiculturalism in Victoria, the cultural diversity of not only his electorate but this state. He clearly identified and continued to articulate the benefits of respect and harmony in the Victorian community and the strength in our cultural diversity. He celebrated that diversity on many occasions, both locally and across the Parliament.

He was known to be a quite jovial man and was referred to as 'Jovial Jack' and 'Jester Jack', and he was called 'Big Jack' on a number of occasions. From what I understand, I assume he would never have referred to himself as being 1.91 metres tall. He was more than a Collingwood 6-footer; he was probably of the order of about 6 feet 1½ inches tall. Whilst he was not a Collingwood 6-footer, he did play in the ruck for Essendon. I was going to be somewhat irreverent in my reference to his football career by indicating to the chamber that he had played six more games for Essendon than I have, but he was self-effacing enough to be on the public record as saying that he was 94 games short of his century. That probably squares the ledger in terms of both his and my football career. For the second day in a row I have acknowledged my interest in the Essendon Football Club. He certainly brought his interest in it as part of his background and his commitment to his community. It was an important part of his CV when he came into this Parliament.

In Parliament he was a passionate advocate for better education outcomes, notwithstanding the fact that he had left school aged 15. In many ways he took an interesting path to Parliament. He was a French polisher and worked in shearing sheds and in his family's furniture business, so he took what today would be an unusual path here. That did not prevent his being a successful member of Parliament and a successful

minister in addressing his responsibilities for public works and property and services, where he wanted to make sure that we got things done — that is, that we got things built for Victoria consistent with the issues he outlined in his inaugural speech. He was interested also in transport systems and labour force issues, and he dedicated his life to achieving in his political career the outcomes he had outlined.

On behalf of the Labor Party, we congratulate him on his efforts in his long life. He died in Perth a week or so ago at the age of 86. We in the Victorian community can be pleased that somebody of his stature, standing and commitment lived a long and successful life not only in politics but after politics. At this time we wish his family and other loved ones the best in dealing with the loss of their loved one and friend. We offer our condolences to those people in their loss. We can all be pleased about and proud of the contribution by Jack Simpson to the life of Victorians.

Mr FINN (Western Metropolitan) — I wish to associate the opposition with the motion moved by the Leader of the Government. In doing so, I cannot but comment on the irony of losing Jack Simpson in the same week that Paul Hogan made the comment, ‘We just don’t have enough larrikins left in Australia’. I cannot say for certain that Jack Simpson was a larrikin, but he was most certainly a character — a character larger than life. He made the Parliament of his time a more colourful place perhaps than the one we enjoy today. I did not know Jack. Jack wrote the odd letter attacking me in the newspaper, sometimes even from Perth. I did not get away from him even on the other side of the nation, but unfortunately I did not know him.

He retired in 1988, and I was not first elected to this place until 1992. My guess is that I would have liked him. The fact that we did not know each other was most certainly my loss. I knew a few Labor blokes from that era, people like Uncle Doug Elliot, Carl Kirkwood and Jack Culpin. They were legends of the Parliament to varying degrees, and they were all top people. I have no reason to believe that Jack Simpson would have been any different. As I say, he was quite a character.

Jack Simpson had four great loves. First, and foremost, he had his family. On behalf of the opposition I offer my deepest condolences to Jack’s wife, Joyce, and to his closest family and extended family on the loss of Jack. He loved his electorate of Niddrie. He was elected in 1976 with a margin of 2.1 per cent. I imagine a margin of 2.1 per cent in Niddrie would make you a bit toey, but he worked it very hard and got it up to almost 6 per cent after 1982. He held the seat right through until his retirement in 1988. You have to have a

commitment to an electorate to take over in a closely contested seat like that and hold it for as long as he did.

His third great love was the Labor Party. He was a Labor man to the bootstraps. I cannot say that I particularly or personally understand this, but his great love was the Labor Party, even though he described himself as a conservative seeking change. That is possibly something I could ascribe to myself. It is interesting that after he was dumped from the shadow ministry for supporting John Cain’s early challenge for the leadership in May 1980, Mr Simpson is reported in the *Herald* — we are going back a way — as having said:

I have been reported for kicking in danger. My number has been taken. I went before the tribunal and was given the same sentence as Phil Carman — out until the end of the season.

That season lasted nearly two years and ended on 3 April 1982 with the election of the Cain government, and he was a minister in that government. One cannot begin to imagine the sense of moment if not of sheer excitement and joy of being a member of a government that had been in opposition for 27 years. To finally sit on the Treasury bench must have been quite a thrill.

Jack Simpson knew what he was on about. He knew why he was a Labor man. We might have had our differences on that, but you have to admire him for that. He did not need focus groups. He did not need lectures from some long-haired lefty lair straight out of university as to why he should believe certain things; he knew. The Leader of the Government referred to Mr Simpson’s background, and I think that largely explains why he knew what he believed. That is a very good thing and is something more people should take note of.

The fourth thing that he loved was his footy. He loved his football. I note here that he played in the Dousta Stars in the Essendon District Football League, and — how can I put this kindly? — the Dousta Stars had a reputation in those days for being somewhat tough. Let us just say tough; I am being charitable here. I think Jack Simpson may have taken to the Christian axiom of giving more than he received, and that has probably gone down very well in the annals of the Dousta Stars. He went on to play for Brunswick in the then Victorian Football Association, and those of us who remember watching the Victorian Football Association — on Channel 0 as it was then, and later Channel 10 — on a Sunday afternoon will remember that that was not exactly kindergarten stuff either. Jack apparently excelled himself on that front as well.

As has been stated by the Leader of the Government, Jack's great joy was his career playing for Essendon. As the Leader of the Government quite correctly pointed out, he often described himself as just 94 games short of his 100th. There was considerable controversy during the course of his career in this Parliament when a media outlet reported that he was in fact 96 games short. He had to rectify that immediately and apparently did so with some gusto. His love of the Essendon Football Club was almost legendary. It is worth considering what he may have said at half-time in the Essendon game last weekend, at which point Essendon had not kicked a goal. But he was very proud of Essendon and very proud of his contribution to football.

He was somebody who loved to get into it. He loved to mix it up. I think those who were nearest and dearest to him should be very proud of the contribution he made not just to this Parliament but to life in general. I go to the death notice that Mr Jennings referred to in his contribution from Jack's sister Betty, which describes him as follows:

Salesman, showman, raconteur, politician, sportsman and businessman. A larger than life figure.

I do not believe there is any way that I can top that. Vale, Jack Simpson. He can be very proud of the contribution he made to this nation.

Mr BARBER (Northern Metropolitan) — As has been noted, and as is known by all, Mr Simpson represented the true Labor values of a bygone era. Like the Labor Party itself, he walked a path from shearing shed to power in the Parliament and ultimately in executive government itself. While his parliamentary career of the mid-70s to mid-80s might seem like part of a bygone era in our short memories, the fact is that the issues he was talking about at the time are still absolutely pertinent.

In his first speech he talked about the problems visited upon his electorate by the noise and disruption of Essendon Airport. He talked about the problem with the quarries in the area. Back then it was dust; today it is more to do with what has been put into those quarries and what might be coming out through the water. He also addressed in particular public transport. He said:

What I want to make my main thrust is public transport in the western suburbs or, perhaps more to the point, the lack of it. The Labor Party has argued for many years about the division of the metropolis of Melbourne into 'transport rich' areas and 'transport poor' areas. I do not intend to be flamboyant or to use excessive language when I suggest that the electorate of Niddrie and the city of Keilor are in fact a 'transport slum'.

While we can celebrate Mr Simpson as a true example of the politics of a bygone era, the fact is that he could

walk back into Parliament today and pick up where he left off and be just as relevant to the issues of the day as he was then. The Greens would like to associate ourselves with the motion and send our condolences to his loved ones, friends and colleagues.

Mr DRUM (Northern Victoria) — The Nationals would also like to associate ourselves with the condolence motion for Jack Simpson, who was the Labor member for Niddrie in the Assembly from 1976 to 1988. It was great to hear not only the Leader of the Government talk about Jack Simpson but also Mr Finn, who did not know him but who made it clear that when you read about the legacy he left behind it made us all wish we had known him. For the second day in a row we are in this place talking about Labor Party people whose pathway to this Parliament was from a very different era to today. Perhaps that has something to do with the overarching size of their character and personality, which seemed to be so much bigger than just what they did in Parliament.

Jack Simpson also seems to have led another life as well as that of a parliamentarian. His role as a furniture store owner — as his father had been before him — before entering Parliament set him up with a whole raft of skills associated with industry and labour, which was one of his ministries, as was the role of Assistant Minister of Transport at one stage. It did not work out for him when he backed the wrong person in a Labor Party leadership tilt, and for that he paid a price, but I suppose that happens on all sides of Parliament.

As Mr Finn pointed out, his footballing exploits were significant because in those days the Victorian Football Association was a very strong competition, and for him to be a very good player for both the Brunswick and Williamstown teams led the way for him to then having a crack at playing for Essendon. Reading about this man, one overarching feeling that comes to mind is that I wish I had had the opportunity of knowing this gentleman. Unfortunately that was not the case. I am sure he has left behind a raft of people who feel greatly cheated that he is no longer with them, and to those people, his family and friends, I offer my deepest condolences.

The PRESIDENT — Although I did know Mr Simpson, I spent some time around the Parliament in the period when he was a minister, and certainly he is most worthy of the comments that have been made in support of the motion today. Mr Simpson was a very affable person, a very engaging person, with a terrific sense of humour. He was quite a formidable person in the sense that he was tall and, walking down the corridors, you certainly did not miss Jack Simpson both because of his form and also because he was usually

regaling somebody with a story. He was indeed a raconteur, as was mentioned in both the obituary notice in the newspaper and in comments made today.

I have no doubt that his business experience was a cornerstone of his success in this place. There is no doubt that whilst he might have lost a position in the shadow ministry for some time, he was certainly one of the people who helped to lay the foundations for the election of the Cain government, and he certainly distinguished himself as a minister in that government. He was a very competent minister, and there is no doubt that his family and friends can be very proud of the contribution he made to Victoria and to this Parliament.

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

ADJOURNMENT

Mr JENNINGS (Special Minister of State) — I move:

That, as a further mark of respect to the memory of the late Honourable John Hamilton Simpson, the sitting be suspended until 10.35 a.m.

Motion agreed to.

Sitting suspended 10.05 a.m. until 10.39 a.m.

HEALTH PRACTITIONER REGULATION NATIONAL LAW AMENDMENT (MIDWIFE INSURANCE EXEMPTION) REGULATION 2015

Ms MIKAKOS (Minister for Families and Children), by leave, presented regulation.

Laid on table.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Victorian Auditor-General's Office financial audit

Ms PENNICUIK (Southern Metropolitan) presented report on appointment of person to conduct financial audit, including appendices.

Laid on table.

Ordered to be published.

Ms PENNICUIK (Southern Metropolitan) — I move:

That the Council take note of the report.

The Audit Act 1994, as amended, requires that an independent financial auditor be appointed for a period of three years to conduct annual financial audits of the Victorian Auditor-General's Office (VAGO). The Public Accounts and Estimates Committee is responsible under the act for recommending to both houses of Parliament the appointment of a suitably qualified person to undertake the financial audit.

Section 17 of the act provides in part that:

- (1) A person may be appointed by resolution of the Legislative Council and the Legislative Assembly, on the recommendation of the Parliamentary Committee, as an independent auditor of the Victorian Auditor-General's Office.
- (2) An appointment
 - (a) must not be made for a period exceeding 3 years, but may be renewed; and
 - (b) may provide for the payment of remuneration.
- (3) Remuneration payable under the appointment shall be paid out of the Consolidated Fund which is to the necessary extent appropriated accordingly.
- (4) The function of the independent auditor is to carry out audits of the Victorian Auditor-General's Office in accordance with this Part.

Under section 18 of the Audit Act the independent auditor can also report on any recommendations for the more effective, efficient and economic operation of VAGO.

While sections 17 and 18 do not explicitly state what the audit comprises, the Audit Act 1994 defines an audit as including 'an examination and inspection'. The audit is therefore intended to comprise an examination of VAGO's annual financial statements and the expression of an independent professional opinion on these statements, attesting to their fair presentation in line with professional standards and processes.

The report outlines that the previous financial auditor appointed by Parliament for three years, commencing in 2012, was Mr Steven Bradby, partner at PKF Melbourne Audit & Assurance. Mr Bradby's term expired in 2014, following his audit of VAGO's financial statements for the year ended 30 June 2014.

The report points out that members of the Public Accounts and Estimates Committee of the

58th Parliament were appointed on 16 April 2015. The new committee was faced with constraints associated with its delayed establishment, the impending parliamentary recess in July 2015 and the imperative that the financial audit for the year ending 30 June 2015 must be planned and commenced in July 2015 and conducted within a three-month period. This time frame is required for the committee and the Auditor-General to have adequate time to receive and consider the independent auditor's report. The Auditor-General incorporates his financial statements together with the independent auditor's opinion within VAGO's annual report, which is generally tabled in October each year.

The committee considered a number of options in making a recommendation to Parliament for the appointment of the independent auditor by 30 June 2015. Given the unique constraints associated with the appointment this year, the committee determined that the overriding considerations of the timeliness of the appointment and recommending an auditor with proven expertise in conducting such an audit were paramount, while still meeting the requirements of the legislation, professional auditing standards and the Parliament's Presiding Officers *Expenditure Approval Guidelines for Joint Investigatory Committees*.

Mindful of these considerations, the committee chose to defer until 2016 a prolonged selected market tender process option, such as that conducted in 2012. The total time frame required for such a tender process is estimated at 12 weeks. If such an option were adopted in 2015, an appointment would be delayed until August 2015.

The committee considered and chose the option permitted by section 17(2) of the Audit Act 1994, which enables Parliament to renew Mr Bradby's appointment for a further term of 12 months.

Motion agreed to.

**SCRUTINY OF ACTS AND REGULATIONS
COMMITTEE**

Annual review 2014

**Mr DALLA-RIVA (Eastern Metropolitan)
presented report, including appendices.**

Laid on table.

Ordered that report be published.

Mr DALLA-RIVA (Eastern Metropolitan) — I move:

That the Council take note of the report.

Members may be aware that even though this report is being tabled today, in June, it is the annual review for the last calendar year, 2014. As I was the chair during that period, I thought it would be important to put on the record my appreciation of the work of the Scrutiny of Acts and Regulations Committee (SARC). A number of members of the committee have since retired not only from SARC but also from the Parliament.

I acknowledge the work of Ed O'Donohue in his role as chair, a role I took over from him. I acknowledge my deputy chair at the time, the Honourable Christine Campbell, the former member for Pascoe Vale in the Assembly. I also acknowledge other members of the committee: Ms Ann Barker, the former member for Oakleigh in the Assembly; Mr Michael Gidley, the member for Mount Waverley in the Assembly; Mr Don Nardella, the member for Melton in the Assembly; Dr Bill Sykes, the former member for Benalla in the Assembly, with whom I also worked on a range of other committees; and Mr Graham Watt, the member for Burwood in the Assembly. As we move through this calendar year, the new chair is Ms Lizzie Blandthorn, the member for Pascoe Vale in the Assembly, and I continue to serve in my role as deputy chair.

The purpose of this report is to advise the Parliament of the work that was done over 2014, and the report reflects that purpose. I also put on the record my appreciation of the work of a range of members of the secretariat. I particularly acknowledge the committee administrative officer, Ms Sonya Caruana; Mr Simon Dinsbergs, our support officer; Ms Helen Mason, the legal advisor who is also on the regulations subcommittee; and last but by no means least, Mr Andrew Homer, the executive officer and also our senior legal adviser. Mr Homer has recently taken a sideways role whilst a new executive officer has been appointed. Mr Homer has worked in that role for many years — probably more than he would like to admit to — and he is looking towards a period of retirement post SARC. On behalf of all committee members who have been there for many years, including myself as the former chair, I put on the record my appreciation of Mr Homer and the work he has done. We also appreciate the work of our human rights advisor, Professor Jeremy Gans from the University of Melbourne. He has been assisting the committee with specialist advice and inquiry assignments with respect to the Charter of Human Rights and Responsibilities,

required work that is reflected in bills before the chamber.

As we know, the committee's work is to scrutinise the bills introduced to Parliament, to scrutinise subordinate legislation and to look at legislative instruments and deal with any inquiry or review of acts that are referred as required. Highlights during the period that I would like to mention include the practice notes. One of the things that concerned me was that the practice notes of SARC started to become voluminous. We had got to the point where we were building up practice notes 1 to 4. We developed a program to consolidate them, and we now have one practice note, dated 26 May 2014. Practice notes consist of general advice to government legal and legislative officers. They provide advice and guidance concerning the committee's expectations with respect to information that should be provided to the Parliament.

The final aspect of the report was something that was novel last year. Again, it was a suggestion by the executive officers, and I thought it would be a good idea to include it. It was in appendix 7, 'Committee impact on legislation 2007–2014'. There has been a raft of instances where SARC has made comments and where scrutiny issues have been raised. Remarks have been made by ministers or members, and subsequently house amendments have occurred, predominantly in this chamber, during the committee stage of a bill. I put on the record my appreciation of the fact that members and ministers, no matter their colour, their party or their political persuasion, always take note of SARC comments and then deal with them responsibly. I commend the report to the chamber.

Motion agreed to.

Alert Digest No. 6

Mr DALLA-RIVA (Eastern Metropolitan)
presented *Alert Digest No. 6 of 2015, including appendices.*

Laid on table.

Ordered to be published.

PAPERS

Laid on table by Acting Clerk:

Auditor-General's Reports on —

Delivering Services to Citizens and Consumers via Devices of Personal Choice: Phase 1 — Interim Report, June 2015 (*Ordered to be published*).

Operational Effectiveness of the myki Ticketing System, June 2015 (*Ordered to be published*).

Crown Land (Reserves) Act 1978 —

Minister's Order of 17 February 2015 giving approval to the granting of a lease at Brighton Beach Oval.

Minister's Order of 11 March 2015 giving approval to the granting of a licence at Sandringham Beach Park.

Minister's Order of 15 May 2015 giving approval to the granting of a lease at Cheltenham Park and leases at Sandringham Beach Park.

Minister's Order of 21 May 2015 giving approval to the granting of a lease at Wunghnu Public Park and Recreation Reserve.

Ombudsman — Investigation into Allegations of Improper Conduct by Officers of VicRoads, June 2015 (*Ordered to be published*).

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

Ballarat Planning Scheme — Amendment C164.

Banyule Planning Scheme — Amendment C93.

Cardinia Planning Scheme — Amendment C184.

Glen Eira Planning Scheme — Amendments C107 and C131.

Greater Geelong Planning Scheme — Amendment C306.

Indigo Planning Scheme — Amendment C70.

Kingston Planning Scheme — Amendment C146.

Macedon Ranges Planning Scheme — Amendment C108.

Melbourne Planning Scheme — Amendment C227.

Port Phillip Planning Scheme — Amendment C104.

Warrnambool Planning Scheme — Amendment C73 (Part 1).

Wyndham Planning Scheme — Amendments C192 and C214.

Yarra Planning Scheme — Amendment C189.

Statutory Rules under the following Acts of Parliament —

Magistrates' Court Act 1989 — No. 41.

Supreme Court Act 1986 — No. 38.

Supreme Court Act 1986 — Constitution Act 1975 — No. 39.

Supreme Court Act 1986 — Criminal Procedure Act 2009 — No. 40.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 38 to 44.

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

Education and Training Reform Amendment (Funding of Non-Government Schools) Act 2015 — 1 July 2015 (*Gazette No. S133, 2 June 2015*).

Gambling Regulation Amendment (Pre-Commitment) Act 2014 — Sections 32, 33 and 34 — 20 June 2015 (*Gazette No. S133, 2 June 2015*).

Gambling and Liquor Legislation Further Amendment Act 2014 — Sections 3, 5, 8, 25 to 31, 35 and 36 — 20 June 2015; Section 42 — July 2015 (*Gazette No. S133, 2 June 2015*).

Credit (Commonwealth Powers) Act 2010 — Division 15 of Part 3 — 1 June 2015 (*Gazette No. 122, 26 May 2015*).

DISTINGUISHED VISITORS

The PRESIDENT — Order! I welcome to the gallery a former Speaker in the other place, Mr Alex Andrianopoulos. Welcome to the Parliament today.

NOTICES OF MOTION

Notices of motion given.

Mr DAVIS giving notice of motion:

The PRESIDENT — Order! There is a cameraman in the top gallery. Our media rules require that the only person he is allowed to film is the member who has the call. In this case, unless the camera is trained on Mr Davis, he will not take photos.

Mr DAVIS continued giving notice of motion.

Further notice of motion given.

BUSINESS OF THE HOUSE

General business

Ms WOOLDRIDGE (Eastern Metropolitan) — By leave, I move:

That precedence be given to the following general business this day:

- (1) notice of motion given this day by Mr Barber relating to the advanced lignite demonstration program;
- (2) notice of motion 101 standing in the name of Mr Rich-Phillips in relation to the failure of the government to produce various documents;
- (3) notice of motion 121 standing in the name of Mr O'Donohue relating to Victoria Police and frontline police numbers; and

- (4) notice of motion 115 standing in the name of Ms Wooldridge in relation to a joint committee reference on Victorian jobs and small business.

Motion agreed to.

Standing orders

Mr JENNINGS (Special Minister of State) — By leave, I move:

That standing orders be suspended to the extent necessary to provide for statements on reports and papers today to be taken at 5.30 p.m. for a maximum of 30 minutes.

Motion agreed to.

MINISTER FOR SMALL BUSINESS, INNOVATION AND TRADE

Ms WOOLDRIDGE (Eastern Metropolitan) — I desire to move, by leave:

That the notice of motion given this day in my name in relation to Mr Somyurek's absences from the Legislative Council and the ministerial salary and allowances received whilst stood down be debated forthwith.

Leave refused.

MINISTERS STATEMENTS

Early childhood education

Ms MIKAKOS (Minister for Families and Children) — I rise to inform the house that earlier today the Andrews Labor government commenced its consultations on the education state. As a government we have a vision to make Victoria the education state. This envisages providing educational excellence and opportunity in every community. It means making Victoria a place where education is universally recognised as an accessible and powerful force for personal, social and economic renewal.

Building the education state starts with our early years services — from a child's first visit from the maternal and child health nurse to their first day at kinder and on to school and training and beyond. We now understand more than ever before about the brain's development. The first years of life are a critical time for the development of the brain. These years form the very foundations for success in school, in training and in work. We now know that attendance at high-quality early childhood education and care leads to higher academic achievement at school. We now know that by reducing vulnerability in the early years we increase an individual's life chances down the track as well as our

nation's gross domestic product. The early years set our children up for lifelong success.

Today the Andrews government launched a consultation process which will give every Victorian the chance to shape the future of the education state. This is about starting a conversation with the community, with parents, with local government and with early years education providers about Victoria's key challenges and strengths and the opportunities for the future. We invite all Victorians to participate in this conversation about the education state and to put forward their ideas, experiences and aspirations. Education in the early years of childhood is a central part of our vision for making Victoria the education state, and the Andrews Labor government is committed to ensuring that every Victorian child is given the best start in life through high-quality early childhood education and care.

MEMBERS STATEMENTS

Australian Hellenic Game and Conservation national competition

Mr BOURMAN (Eastern Victoria) — On Sunday my wife and I went to the Metropolitan Clay Target Club in Epping to attend the Australian Hellenic Game and Conservation national competition. The event was huge, with a large number of participants attending from South Australia, Western Australia and other states, and with Greek language radio station 3XY Radio Hellas providing live broadcasts. It was a family event with a large number of juniors competing along with their fathers and, in some cases, their grandfathers. There was one case of a junior beating the scores of his father and grandfather for the first time. It was hard to tell if the father was annoyed or proud. It is rare to see three generations competing against each other in any sport but is not uncommon in shooting sports. I thank Chris Tzelepis for arranging my attendance, Alex and George Tzelepis for looking after us so well and of course the Australian Hellenic Game and Conservation club for the honour of letting me be part of the event.

Victoria Police

Ms PENNICUIK (Southern Metropolitan) — I was very concerned to read in the *Age* of 1 June a report by Liam Maddox that a Victorian police computer had been used to heavily edit a Wikipedia page about the death of 15-year-old Tyler Cassidy to remove sentences critical of the force's handling of the incident in which he was shot and killed. The edits are among hundreds recorded on Wikipedia pages from internet protocol addresses registered to Victoria Police, as reported by

Fairfax Media. Tyler Cassidy was tragically shot by police at the All Nations skate park near Northcote Plaza in December 2008.

The Wikipedia page about the incident, titled 'Death of Tyler Cassidy', had been edited anonymously 17 times from an address registered to the Victoria Police network. In the most recent edit in November last year a section that said Tyler Cassidy was believed to be the youngest person killed by a police officer in Australia was removed. A mention of the 2008 article in the *Age* which reveals that poor leadership, planning and communication had contributed to fatal police shootings was also removed from the police article.

A spokesperson for Victoria Police initially denied the address was linked to the force but later confirmed the edits were from its network and said it was considering developing a policy around the edits. I hope Victoria Police is doing more than that and is investigating the incident, given the devastation of Tyler's family following his death and the understandable concern of the community.

South Yarra railway station

Mr DAVIS (Southern Metropolitan) — My matter today concerns South Yarra railway station and the decision of the current government to cut the station from the Melbourne Metro rail link. It is important that the station, which is a significant crossroads station, is connected to the new underground system. The government has not properly funded the massive rail link project, with less than \$2 billion of funding allocated for a \$11 billion project. We know the Minister for Public Transport will not release information regarding that station, and I wish those seeking that information well, because it ought to be in the public domain. The South Yarra station ought not be cut out of this major development. It is a short-sighted decision and part of the government's scorched-earth policy towards the Assembly electorate of Prahran.

Route 8 tram

Mr DAVIS — Not only has the transport minister not given satisfactory answers in the Parliament about the focus on South Yarra station but she has failed to give satisfactory answers about the route 8 tram. Correspondence to me on this matter leaves it entirely open that the government will cut the route 8 tram, as leaked information reported in the *Age* made clear it was intending to do. Abolishing the route 8 tram would be a foolish mistake, and it is a move the government should not undertake without proper steps.

Statements interrupted.**DISTINGUISHED VISITORS**

The PRESIDENT — Order! Before I call the next speaker, I acknowledge in the public gallery today, with the member for Clayton from the other place, the Honourable Hussein Mar Nyuot, South Sudan's opposition spokesperson for humanitarian affairs. We welcome you and your colleagues to the Parliament today.

MEMBERS STATEMENTS**Statements resumed.****Social Enterprise Awards**

Mr DALIDAKIS (Southern Metropolitan) — Last week I had the pleasure of presenting the Social Investment Award at the Social Traders Social Enterprise Awards for 2015. Often in this place and in the community we talk about big and small businesses, but one businesses group we do not often talk about, and probably should focus on more, is social enterprise business. Such businesses use the power of the marketplace to help solve some of our most pressing societal problems. They are businesses that exist primarily to benefit the public and the community rather than shareholders and owners. They are often commercially viable businesses which generate a great social impact.

The wonderful thing about being able to present this award last week was that it was the first time — and 18 such awards have been handed out — that there were joint winners, and I am happy to announce that they both came from Victoria. One winner was STREAT, an investment by Social Ventures Australia which is supported by the National Australia Bank and other philanthropic organisations. It undertakes a range of activities to use that capital appropriately. The other winner was — and there was a little bit of a personal touch to this announcement given that my mother was a refugee to this country — the Asylum Seeker Resource Centre Food Justice Truck, which does a great deal of humanitarian work across our society in relation to asylum seekers and their needs. It was a great pleasure and honour to deliver those awards.

Statements interrupted.**DISTINGUISHED VISITORS**

The PRESIDENT — Order! It is visitors day. I also welcome to the public gallery a former Speaker of the Legislative Assembly, Judy Maddigan.

MEMBERS STATEMENTS**Statements resumed.****Keech Australia**

Ms LOVELL (Northern Victoria) — It is with great pleasure that I congratulate Bendigo-based company Keech Australia on its induction into the Victorian Manufacturing Hall of Fame. It is always wonderful to see local companies thriving. I am pleased also to note that the former coalition government provided almost \$150 000 in grant assistance to Keech to help it develop its revolutionary 3D printing technology.

Powercor Moira Shire Business Excellence Awards

Ms LOVELL — On Friday, 29 May, I was pleased to attend the Powercor Moira Shire Business Excellence Awards. Congratulations to all the nominees, and particular congratulations to the winners: Michael Lumsden, Nathalia Boarding Kennels and Cattery, Cobram Kitchen and Cabinets, Riversdale Organic Farm, First National Real Estate, Bella Pelle Body Clinic, Action Bike and Ski, Plastic Forests Pty Ltd and Rich Glen Olives. Rich Glen Olives also had the distinction of winning the overall Powercor Business Champion Award — a fantastic achievement.

Give Me 5 For Kids

Ms LOVELL — Last week I was proud to participate in 95.3 SR FM's Give Me 5 For Kids appeal launch in Shepparton. The annual charity event has previously raised thousands of dollars for Goulburn Valley Health, and this year it is aiming to raise its highest amount ever, with a target of \$100 000 by the end of June. Congratulations to all involved. This is a wonderful combined community effort, and I am proud to support it.

Shire of Murrindindi

Ms DUNN (Eastern Metropolitan) — I commend the Shire of Murrindindi on its recent motion advocating for the protection of the Leadbeater's possum, Victoria's state faunal emblem, which relies on hollows created by ageing trees for its survival. The shire's motion singles out the urgent issue of continued logging in montane ash forests in the Murrindindi area.

Members may be surprised to know that 83 per cent of trees that are clear-felled in the Central Highlands end up as woodchip at the paper mill. Murrindindi notes that the Threatened Species Scientific Committee considers that the most effective way to protect further decline and rebuild the population of Leadbeater's possum is to cease timber harvesting within the montane ash forests of the Central Highlands. The council wants the federal minister to investigate and consider measures which could be invoked to compel the Victorian state government to cease logging in areas considered to be the habitat of the Leadbeater's possum.

I thank the Murrindindi councillors for their courage and determination to stand up and make VicForests and the government accountable for such unnecessary destruction. I invite the Minister for Agriculture to look at Murrindindi shire's concerns, consider what is at stake and whether future generations will thank her for giving a green light to continued logging in the native forests of Murrindindi shire and other forests across Victoria.

Neale Daniher

Mr DRUM (Northern Victoria) — My members statement is about Neale Daniher. I have a long history with him, going back to Assumption College, where we were classmates. In football, we played against each other, we played with each other and we coached teams that played against each other. We have been mates for 35 years.

At the Collingwood-Melbourne game on Monday, we all got to see Neale Daniher at his absolute best. We had the Big Freeze at the G, where there were tens of thousands of supporters all wearing blue beanies to raise money for awareness of and research into motor neurone disease. It would be understandable if Neale were to back away from the public limelight that he is currently putting himself into. However, he has taken exactly the opposite approach. He is raising awareness of motor neurone disease, and he is raising money in the hope that a cure might be able to be found for those who in the future will be struck down by the disease. This is an opportunity for all of us to become involved in the program, and it is an opportunity for the government of the day — the Andrews Labor government — to get behind the cause and add to the some \$2.3 million that has been raised to try to help find a cure for motor neurone disease.

I acknowledge the battle that Neale is going through at the moment. Many people who have had this disease have taken the easy way out by taking their own lives

while they were still able to do so. However, Neale is going to fight this fight to the end, and he is going to make sure that everybody gets the opportunity to realise what a horrible disease this is. He is going to continue to raise awareness and money in the hope that one day we will have a cure for this horrible disease.

Box Hill Hospital

Mr LEANE (Eastern Metropolitan) — I was lucky enough to have a tour of the new Box Hill Hospital's Building A, courtesy of the chief executive officer of Eastern Health, Alan Lilly, who is a great man. Building A has increased the number of beds in the hospital by 200. It has a larger, more efficient emergency department, an 18-bed intensive care unit, 10 new operating theatres, and improved women's and children's services, where they deliver a baby every 4 hours. It also has two floors of parking, which is very important in the Box Hill area, as anyone would know. The existing old Building B is currently being worked on to marry it with the new Building A.

There has been input from staff on the new building, including on things like the way the doors open for patients and communications from patients. It is a great facility, and everyone who was involved in delivering this building should be proud.

East Grampians Health Service

Ms FITZHERBERT (Southern Metropolitan) — Recently I had the pleasure of visiting the East Grampians Health Service in Ararat with Ms Wooldridge and the member for Ripon in the other place, Ms Staley. We saw what it does so well for its local community and also heard how it wants to grow and improve. The service provides acute, residential, community and home-based services. Hospital-in-the-home activities include things such as wound care and the delivery of chemotherapy through continuous infusion, much of it well away from a hospital ward, which is where most patients tend to prefer to have it, if they can.

The service has a proposal to create an integrated community healthcare centre. That would involve the refurbishment of a disused laundry, which is currently sitting vacant, and a small extension to the existing community health centre. Integrating the services will provide many benefits for the local community, including the sustainability of its birthing service in what is the 11th most disadvantaged municipality of the 80 municipalities in Victoria.

I commend the work of the East Grampians Health Service and its efforts to keep improving the services it provides to its local community of around 11 000 residents. I wish it well in obtaining the funding support it needs to create an integrated community healthcare centre.

Windermere

Mr MULINO (Eastern Victoria) — I rise to acknowledge the work of Windermere, a not-for-profit organisation that provides a wide range of services throughout south-eastern Melbourne and the Gippsland region. In doing so, I also implicitly acknowledge the work of other similar not-for-profit organisations that provide similar services.

This organisation has been operating for 150 years, which is a remarkable record. It provides services to a region which includes around 1.5 million residents and is growing rapidly. It is a complicated area, with suburban, peri-urban and regional communities and many culturally and linguistically diverse communities. The organisation provides a wide range of services, including counselling services for the homeless; disability services; suicide prevention, including suicide prevention for younger people; childcare services; and victim assistance. Many of those services are very innovative, and they are services that others, including government agencies, do not provide.

The organisation provides services across a wide range of areas, which can be important for those who have complex needs and require a wide range of services at the same time. It provides services in a way that is very important for many in our community. It also has to deal with all levels of government and a range of funding models. It is impressive that it manages to navigate all those complexities. I acknowledge and congratulate Windermere and also other similar organisations in my electorate.

YMCA World Challenge

Mr ONDARCHIE (Northern Metropolitan) — Last Saturday, 6 June, I was honoured to be an official witness for the YMCA World Challenge world record, which took place at 9.00 p.m. On 6 June, on the anniversary of its birthday, the YMCA right around the world takes part in a challenge to tell the YMCA's story to thousands of communities around the world at the same time. This year, the challenge was a Guinness world record attempt for the most consecutive football — that is, soccer — penalty kicks at the one time.

I commend Glyn Davies, the chief executive of YMCA Whittlesea, Jonathon Santamaria, the youth coordinator, and their team of staff and volunteers for bringing together this program, in which 82 participants took part. They kicked penalty kicks as part of the global challenge for youth empowerment.

The Bundoora United Football Club home ground was used, and I want to acknowledge the president, Vince, the treasurer, Tony, the team and in particular the participants who contributed to this world record challenge to kick goals for youth empowerment, which happened at exactly the same time right around the globe.

It is time that people listen to our younger people, take their advice, listen to their innovations, listen to their ideas and give them the opportunity to make a contribution to the world going forward. They are our next generation of leaders, politicians, businesspeople and community servants. I want to commend our youth and let them know that we stand behind them on all of their challenges.

National Emergency Medal awards

Ms SHING (Eastern Victoria) — I rise today to acknowledge the firefighters who were recipients of National Emergency Medal awards at a ceremony at Lardner Park on Sunday, 31 May. It was an absolute pleasure and honour and indeed a privilege to shake the hands of 157 firefighters from throughout Gippsland who gave up much in terms of personal risk to their own safety and circumstances and often enormous loss to their own properties in order to fight the fires of Black Saturday, which cut a swathe through many of our regional communities. Those communities are still healing from that trauma.

The 157 firefighters from throughout Gippsland gave tirelessly of their time. They were enormously courageous. They braved horrific elements and had to battle circumstances that no-one would wish upon anyone. They often left their own homes and families in order to stay at the front line to provide services and support throughout that awful period more than five and a half years ago. It was a pleasure and privilege to join with Country Fire Authority management to recognise these 157 firefighters who, as part of the National Emergency Medal presentation, were awarded for significant service during a declared national emergency.

I pay tribute again to their ongoing work and note that their selfless and ongoing efforts are what keep our

people, homes and livestock safe. They continue to add to our regional communities.

Queen's Birthday honours

Mr RAMSAY (Western Victoria) — In my members statement I acknowledge those who received Queen's Birthday honours in the Western Victoria Region. I congratulate Ms Cheryl Barker for her appointment to Officer of the Order of Australia in the general division for distinguished service to the performing arts as an operatic soprano. I also congratulate Mr William Coleman for his distinguished service to the print media industry as a noted editor, journalist, biographer and author to the parliaments of Australia.

I particularly acknowledge the appointments to Member of the Order of Australia, AMs, in the general division of: Professor David Battersby, vice-chancellor of Federation University in Ballarat, for significant services to tertiary education as a senior administrator and academic and as an advocate for improved community engagement; and Mr Peter Burnett, who is the owner of Lord of the Isles Tavern in Geelong and a great supporter of the Geelong Football Club and who is also acknowledged for his significant service to tourism and hospitality at the state and national levels and as a supporter of charitable and sporting groups.

I acknowledge Catherine Birrell of Newtown for services to nursing, James Conroy of Bacchus Marsh for service to the cattle breeding industry, John McCarthy for service to the community of Norlane, Denis Walter from Geelong for service to the performing arts as a singer and entertainer, and Mr Frank Raymond Coulson, who received the Australian Fire Service Medal for his service going back to 1962 with the Cashmore fire brigade. His contribution includes more than 20 years in leadership positions, with 10 years as captain of that brigade.

Congratulations to them all.

WorkSafe Game of the Month

Ms SYMES (Northern Victoria) — It is always an honour to be asked to represent a minister at an event in my electorate. It is even more special to me when I am asked to represent a minister in my home town of Benalla. I recently spoke at the WorkSafe Game of the Month between the Benalla Saints and the Shepparton United Football Netball Clubs. It was a great event, with Eloise Southby as MC along with insightful and entertaining guest speakers and sports stars Sharelle McMahon and Peter Knights.

WorkSafe as a name was proudly restored by the Labor government after the former government sought to change it. It is a name that is closely associated with country football and netball clubs — a partnership that recognises that those clubs are the beating heart of most regional and rural areas. AFL Victoria and Netball Victoria, along with WorkSafe, are delivering positive messages of health and safety right throughout country Victoria.

The Game of the Month events bring clubs, community organisations and local businesses together with WorkSafe reps, including the much-valued WorkSafe inspectors. It is a great opportunity to have important conversations about the impact on workers, their families, friends and communities, and Victoria as a whole of workplace injuries and the commitment needed to the health and safety of workplaces and helping injured workers return to safe work as well as maintaining the best value workplace injury insurance in the country.

I offer my thanks to the Benalla Saints president, Bruce Biggs, for hosting the event. It was a great day, and it also acted as a family reunion for me, bringing together my father, uncle, brother and cousins, who, along with my grandfather, have contributed almost 1300 games to that club. It was a great day — go Saints!

Government performance

Mr FINN (Western Metropolitan) — I knew that Labor supported cage fighting, but I had no idea Labor would be keen enough to introduce it to the caucus room. Being a member of the parliamentary Labor Party in Victoria is now officially a contact sport. More than a contact sport, it now requires body armour and a helmet. It is a very good thing that the carpets and furnishings in this chamber are red; this will prevent the political blood of the former Government Whip from causing immeasurable damage.

On this occasion, Cesar did not even make it to the steps of the state Senate before he was knifed. It seems his replacement was also winged; she should be careful who she stands next to. Nobody can be sure of Mr Somyurek's condition, but we know that the Premier will not be invited to his place for dinner anytime soon. If he does, he should bring a food taster.

After just six months the Andrews government is a total, unmitigated shambles: faction fighting faction, sub-faction against sub-faction. The Premier is a rubber man bouncing around at the whim of his union bosses. Some may regard this as highly amusing. Some may even have suggested that people should invest in

popcorn for the benefit of those watching. I call it a tragedy for Victoria and Victorians. This government is a disgrace.

PRODUCTION OF DOCUMENTS

Mr BARBER (Northern Metropolitan) — By leave, I move:

That in accordance with standing order 11.01, there be tabled in the Council by Monday, 22 June 2015, any agreements in relation to the Advanced Lignite Demonstration Program between the state of Victoria and —

- (1) Coal Energy Australia;
- (2) Ignite Energy Resources; and
- (3) Shanghai Electric Australia Power & Energy Development Pty Limited (SEAPED).

This motion requests that a number of specific documents be released to the chamber relating to a number of grants provided by the previous government to a number of companies seeking to further develop coal in Victoria. This new government talks very loudly on the subject of renewables while privately and rather more quietly putting its money and support behind the development of coal. Just last week we saw the Minister for Energy and Resources throw a lifeline to a proposed massive coalmine down near Corner Inlet, where a company has been exploring for further deposits of coal and wants to squat on that deposit for the next seven years while it works out through other grants provided by the taxpayer the magic formula for clean coal.

That is devastating enough for the landholders, who have had their lives put on hold. It is devastating for all those who value the scenic coastline, the productive agricultural lands and of course the significant and quite threatened native vegetation on that site. But it is because of those issues together with the global impacts of the continued increase in our emissions that we should be concerned about what is being put forward by this government, which is now responsible for the funding and indeed the performance of the so-called Advanced Lignite Demonstration Program.

There is no way that some purported industrial process of clean coal — probably to arrive many decades in the future — is ever going to be able to compete economically with the renewable technologies we have now. Wind and solar are already cheaper than new-build coal and gas projects for energy generation. In fact solar is now competitive with electricity out of the grid. With the rising price of gas, we can forget about gas generation as a so-called interim or transition

fuel on the way to zero emissions. Wind is going to be doing that job. It is already doing that job, as we see when a coal-fired power plant at Anglesea closes down for lack of market support when offered for sale.

But nobody ever seems to give up on this dream of clean coal. Coal Energy Australia has been granted \$30 million for the development, we are told, of a \$143 million demonstration plant producing fertiliser, oil and high-value coal used in steelmaking — to compete, that is, with black coal, of which Australia and the world already have quite a bit. Ignite Energy Resources, the beneficiary of Ms D' Ambrosio's lifeline, has been granted \$20 million for the development of an \$84 million precommercial plant producing upgraded coal products for local or export markets. That is why it wants to mine this coal down on the beautiful South Gippsland coastline, which it says is adjacent to a nearby port. The locals down there might get a surprise if they think coal is going to be exported over to their current facility. In fact they are looking at a Gladstone-style \$500 million to \$1 billion coal loader before one single tonne of product could be exported across the coast there, and it is extremely dubious as to who would fund that, let alone who might be the buyer of such a product if it could feasibly be produced.

Then Shanghai Electric Australia Power & Energy Development Pty Ltd wants to get in on the game. It has been granted \$25 million for the purported development of a \$119 million demonstration plant at the AGL Energy-owned Loy Yang A power station to look at a so-called precommercial briquetting plant and cogeneration unit and the production of briquettes for export to China — that is, to a country which has for the first time reduced its consumption of coal this year as it moves rapidly away from coal-fired electricity, just as some of these chancers from the list I have just read reckon they are going to be able to sell coal in the export market.

When you think of clean coal just think of the words 'expensive coal', because that is what we are looking at down the line — and it could be decades away, if technology like this ever gets up. The fact is renewables and, importantly, energy efficiency are cheaper options to provide our energy needs now than clean coal will ever be. That is the argument from the point of view of the Greens. In terms of releasing these documents, even the supporters of clean coal ought to support this motion. What has happened here is that some tens of millions of dollars have been handed over to these companies, which then have to go and raise extra funds for their development, prove their technology and maybe — just maybe — find a market for it at the end.

The most we know about it is the contents of the program's web page.

We need to know a lot more. We need to know what milestones these companies will have to achieve in order to receive the release of any of these public funds. Just because research and development in association with coal has been outsourced to the private sector, where once it might have been done in-house by the State Electricity Commission of Victoria, does not mean we have outsourced the Westminster accountability for how public money is spent.

We had an analogous debate in the previous Parliament, which was associated with the so-called HRL Limited clean coal grant. The issues at play in that instance were exactly the same as is the case with these three grants. Both the state and federal governments had provided money to this company, which was going to build some sort of demonstration plant. The company failed to attract commercial co-investment, and over time it became very clear that the company would not meet its milestones as information about those milestones dribbled out. Eventually the grants were pulled by both the state and federal governments, but only after the whole show had fallen over as a commercial proposition.

For those who want to keep talking about 'Coal, coal, coal forever — a thousand years of coal', I say that it has served its purpose quite nicely. People do not think clean coal is coming any time soon. Even those promoting it will not say that, but it does allow them to further delay action, to keep supporting the historical legacy of our big, dumb and centralised energy system. It allows them to avoid the necessary changes that have to be made to involve co-generation, energy efficiency and renewables into the grid and, for that matter, to allow more of us to become both energy producers and energy consumers. I am not just talking about a significant number of houses with solar panels, but also the businesses that are increasingly moving down this path.

However, people still seem hypnotised by the huge coal deposits in the Latrobe Valley. They have an obsession with finding some future market for some sort of product out of it. If that is the case, though, they should be shouting from the rooftops as to how these funds will be expended. In the previous Parliament, when a very similar documents motion was moved, we eventually, belatedly, obtained some small amounts of information through both the Freedom of Information Act 1982 and through accountability from the then Minister for Energy and Resources, Mr O'Brien, but it was after the whole thing had fallen over, and we still to

this day do not know how much the public paid out and how much of the original promised grant we were able to claw back.

For that reason we want to see, in a similar form, material for these three grants that was eventually made available in relation to HRL. While we are at it, the Minister for Energy and Resources could start regularly reporting to Parliament as to whether her clean coal dream is getting any closer or whether we are just throwing public money down a very big hole in the ground.

Mr DRUM (Northern Victoria) — The coalition is happy to talk to Mr Barber's motion for tabling of the documents regarding the agreements between the state of Victoria and Coal Energy Australia, Ignite Energy Resources and also Shanghai Electric Australia Power & Energy Development Pty Ltd. The coalition supports the motion as we think this is an incredibly important issue and industry. We also think this issue is nothing to be frightened of, and that we should not be scared of the attempts by various private investors to clean up our huge resources of brown coal. Australia is currently the fifth largest coal producer and exporter in the world. Nearly all of the coal that leaves our shores is black coal, normally from the areas around the Hunter region of New South Wales or the Mackay region of Queensland. Black coal is drier coal, it burns cleaner with less carbon dioxide, but it also burns with pollutants that do not exist when we burn brown coal.

Brown coal — and we have something like 500 years supply of it in Victoria — is high in moisture, which makes it burn dirty, and it is high in emissions. Every year in Australia 459 million tonnes of coal are produced — we produce 63 million tonnes of brown coal — and 336 million tonnes of coal are exported. That export market is worth about \$50 billion a year to Australia.

Mr Barber said in his contribution, 'I don't know why we don't just shut the whole thing down'. The truth is that coal consumption in Europe is increasing, not decreasing. China still uses an enormous amount of coal to run its nearly world-leading economy. One of the other great economies of the world is Germany, and it uses coal for 25 per cent of its energy. Greece still uses coal for 50 per cent of its energy production.

We can put our heads in the sand and pretend that this horrible product is not needed, but it is needed. I share Mr Barber's frustration with this investment in clean coal technology because the story has been going on for many years. We have been saying, 'Give us some state government assistance and we will get our scientists

and technicians onto this. We will crack the code and work out how we can dry brown coal, get the moisture out of it and produce an exportable briquette that will bring riches to our shores as well as clean up our pollutants in many of the overseas countries to which we are currently exporting’.

I share Mr Barber’s frustration in this regard; however, I am a supporter of the concept that we should be striving to find a solution for the way we use our brown coal reserves. Mr Barber might be right: in 10 to 15 years maybe renewables will overtake coal as an efficient way of producing energy. But that is not the case at the moment. When we talk about many of the countries that are currently using coal as their energy source we must remember that people are living on the equivalent of \$2 or \$3 a day. So if you are happy to go over and make energy more expensive in all of these incredibly poor countries, then go ahead — just slam the whole industry worldwide.

This is something that we have to work through collectively. Sure, we have to cut down on emissions; sure, we need to be mindful of every tax dollar that is spent. However, the pursuit of cleaning up our brown coal reserves is something that we should be encouraging. It is a pursuit that we should be supporting. If that means we need to have greater transparency about the grants that are being made available to some of these technological companies, then sure, let us have a look at them. However, an out-and-out attack on coal because it is not as clean as wind farms or solar energy is ridiculous. At the moment in many countries around the world these energy sources are much more expensive.

We will work towards the same goal, I am sure. However, we will have a significant difference of opinion about how we get there. I think we need to put a larger degree of practicality into our pursuit of a cleaner world.

Mr JENNINGS (Special Minister of State) — I appreciate receiving the call to outline the government’s position on the motion that has been moved by Mr Barber. The government, as may be expected, is relatively relaxed about this motion passing today. The government can consider the status of those documents and respond accordingly. That is what we will be doing, so certainly we will not be opposing the motion.

We think that the request of the Legislative Council to examine the status of the project is worthy. Regardless of your political, scientific or economic view of the value of advanced lignite demonstration programs,

there is value in understanding what they are about and what arrangements have been entered into by the previous government and in those issues being discussed in the public domain.

The incoming government — this government — inherited a range of contractual obligations. We feel it is incumbent upon us to measure whether those contractual obligations are being complied with by the parties who are engaged by the contracts — whether there is success in terms of the key performance indicators and the benchmark of delivery within the terms of those contracts. That is something that the government will continue to do. We will continue to assess whether those milestones are achieved in terms of those contractual arrangements. I volunteer on behalf of the government that that is something that it recognises as being incumbent upon it.

In terms of the status of these documents, I have had a conversation with my ministerial colleague who is responsible for these matters, the Minister for Energy and Resources. She understands the nature of the request; she reminds me of the nature of some of those documents and she raises a question about whether they are in a form that would enable an easy delivery of them to the Parliament. But the government has processes to assess their status, and it will at the very least provide a report back to the Parliament, if not the documents themselves, in a timely way, even though I understand that this request falls outside the next sitting week.

That may be a matter that Mr Barber has chosen by design rather than by accident, but it is interesting that the date he calls for these documents to be tabled is the day before the next sitting week. That may suit his purpose. It may suit the Parliament’s purpose for there to be an expectation that these documents will be tabled in alignment with a sitting day rather than pre-empting it, but that may be something for the chamber to consider.

Mr Barber — It is within the standing orders.

Mr JENNINGS — I will respond to the interjection. The standing orders allow for it, but whether it is in fact the best way in terms of the Parliament of Victoria doing business is another matter. That is a subjective matter, and in my subjective view it would probably be wise for these things to be in alignment. That is what I am putting to Mr Barber, but I am not contesting his motion and I am not opposing it. I am just noting that on the way through.

On that basis the government will consider these issues on their merits if that is the determination of the Council.

Dr CARLING-JENKINS (Western Metropolitan) — I will make some brief comments on the motion that Mr Barber has presented to the house today. I will be supporting this motion. The Democratic Labour Party believes in complete transparency in government dealings, and this motion encourages openness in government agreements and contracts.

Mr Barber's motion asks for the tabling of documents in relation to the Advanced Lignite Demonstration Program that was launched by the previous government in 2012. I did not know a lot about this until Mr Barber brought it up, so I thought I would do a little bit of research. I found that it has been suggested that this program would see the development of high-value energy products, including oil, fertiliser and upgraded coal, and that it would also foster economic development in the Latrobe Valley, where employment opportunities are badly needed.

I see no problem with the documents relating to the former government's agreements with Coal Energy Australia, Ignite Energy Resources and Shanghai Electric Australia Power & Energy Development being tabled. Any constructive agreements made by the former government and continued by the current government should be made available for examination.

As I understand it from my research, these were very significant grants. Coal Energy Australia was granted \$30 million towards the development of a demonstration plant producing fertiliser and high-value coal used in steelmaking, Ignite Energy Resources was granted \$20 million for the development of an \$84.3 million precommercial plant and Shanghai Electric Australia was granted \$25 million for the development of a demonstration plant for the production of briquettes for export, hopefully working towards a commercial-scale plant that would potentially supply Latrobe Valley generators.

These are significant grants and as such, using taxpayer funds, should be open and transparent. I came to the conclusion that this is a good motion that we should be supporting.

I listened to the contributions to this debate from other members. I heard Mr Barber's point about the need for an increased emphasis on renewables, and I certainly agree with that. I look forward to working in this place on that issue over the next few years. I was interested in Mr Drum's contribution about the international

consumption of coal going up and not down, and the need to strive to find a way to use our coal reserves. Mr Drum made some interesting points, which I appreciated, and I appreciate his thoughts on the practicality needed in this debate. The DLP applauds that attitude. While I hear the concerns of Mr Jennings regarding the time frame associated with this motion, and I agree with his points, I will be supporting this motion.

Motion agreed to.

PRODUCTION OF DOCUMENTS

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I move:

That this house —

- (1) notes the failure of the government to comply with the following resolutions of the Council requiring the Leader of the Government to table in the Council certain documents, specifically the resolutions of —
 - (a) 11 February 2015 in respect of port of Melbourne documents;
 - (b) 25 February 2015 in respect of West Gate distributor documents;
 - (c) 25 February 2015 in respect of Australian Formula One Grand Prix documents; and
 - (d) 25 February 2015 in respect of Cranbourne-Pakenham rail corridor project documents;
- (2) notes that the government's failure to comply with the resolutions of the Council is inconsistent with the Andrews government's election commitment to proper accountability to Parliament by the executive;
- (3) affirms the privileges, immunities and powers conferred on the Council pursuant to section 19 of the Constitution Act 1975, and the power to make standing orders under section 43 of that act;
- (4) affirms the right of the Council to require the production of documents;
- (5) is of the firm opinion that the Council is fully entitled to scrutinise the activities of the government and demand accountability by the government; and
- (6) notes that if the resolutions of the Council are not complied with, the Council reserves its right to find the Leader of the Government guilty of a contempt of the Council and to impose an appropriate sanction until the resolutions are complied with;

and requires the Leader of the Government to table by 12 noon on the next day of sitting following the adoption of this resolution, all documents required to be tabled by the resolutions of the Council outlined in items (1)(a) to (d) that have not already been tabled.

This motion is about the Council doing its job, and it is, frankly, about the government doing its job. By this motion the Council is seeking and requiring the government to comply with legitimate orders of the Legislative Council. Over the course of the first six months of this Parliament, the Council has appropriately and properly sought from the government documents on a number of issues. The Council seeks documents on a range of issues in order to undertake its functions of holding the government to account and standing in the place of the people of Victoria in ensuring that the government delivers on what it said it would deliver upon, ensuring that the government acts in accordance with the statutes that it administers and ensuring that the government undertakes its operations consistent with the requirements and expectations of this Parliament.

The house has an important function to undertake in holding the government to account, and one of the key mechanisms it uses to do that is through gaining access to government documents through resolutions from the house. On a number of occasions this year the house has made resolutions, as we have done earlier this morning, requiring the government to present certain documents which will assist the house in scrutinising the operation of the government. On a number of occasions this year the government has either been completely unresponsive or has responded only in part or has sought by its response to determine what documents it will provide and what documents it will not provide, and a response of that nature is not consistent with what the standing orders require and is not consistent with the powers and privileges of this house to require the government to present documents consistent with any orders that are made by this house.

The purpose of the motion this morning is to restate to the government the determination of the house that it expects that the documents as listed — those in respect of the port of Melbourne documents, the West Gate distributor documents, the Australian Formula One Grand Prix documents and the Cranbourne-Pakenham rail corridor project documents — will be delivered. To date three of those resolutions have not been complied with to any extent, and one has been the subject of a response from the Attorney-General, which provides an incomplete and inadequate response. I am sure other members will speak to that in some further detail.

The second element of the motion highlights the fact that the government, in failing to respond to orders for those documents, is in breach of its own commitment to this Parliament. Heading into the 2014 election campaign we remember Daniel Andrews, the then Leader of the Opposition in the Assembly, now the

Premier, and the then shadow Attorney-General, Martin Pakula, now the Attorney-General, both made commitments to the people of Victoria as to the way in which a Labor government would conduct itself in Parliament and the way in which a Labor government would be accountable to the Parliament, including ensuring that the government was responsive to the Parliament.

What we are seeing with the four resolutions of the Council which are set out in this motion is that the government is not only not complying with the orders made legitimately by this Parliament, but it is acting inconsistently with the commitments that its leader made late last year to be a different sort of government, to be a more accountable government and to ensure that it was open and transparent to the Parliament. We are not seeing that election commitment to the people of Victoria being honoured by the government responding to these four individual resolutions.

The third element of the motion affirms the powers and privileges of this house. It has been well established beyond doubt that by virtue of section 19 of the constitution, the Legislative Council has the power to require the government to provide documents as ordered by the Council. This is a matter that has been subject to testing in other jurisdictions. It has been tested extensively in New South Wales, where it was subject to a judicial decision by the High Court. On a number of occasions it went through the New South Wales Supreme Court and subsequently the High Court. Both those jurisdictions found beyond doubt that the power exists for a Parliament to require governments to present documents.

This motion at item (3) restates the fact that the Legislative Council of Victoria, by virtue of the Victorian constitution, has the powers that existed in Westminster, including the power to require the presentation of documents. That has been tested in the Supreme Court of New South Wales, it has been tested in the High Court of Australia and it is something that has become the practice of the Legislative Council from the 56th Parliament onwards.

The fourth element of this — —

The PRESIDENT — Order! In accordance with sessional orders I interrupt the proceedings for question time.

Business interrupted pursuant to sessional orders.

QUESTIONS WITHOUT NOTICE

Ministry

Mr JENNINGS (Special Minister of State) — As a courtesy, I wish to inform the house that the Minister for Environment, Climate Change and Water is on leave. I am acting in her stead, so I can take questions on her behalf until members are further advised.

Mr Barber — On a point of order, President, I appreciate the minister's clarification, but the last bit he said confused me. Is he acting as the minister and therefore taking questions as the minister, or is he taking questions on her behalf?

Mr JENNINGS — On the point of order, President, I am the acting Minister for Environment, Climate Change and Water.

Ms Wooldridge — On a point of order, President, I seek some advice from the Leader of the Government in relation to the absence of Minister Somyurek from the chamber and whether he will be attending.

Mr JENNINGS — I am not aware of Mr Somyurek's attendance in the Parliament apart from the fact that I was aware that he was in the Parliament today. I drew attention to that earlier. At this moment I am not certain where he is within the Parliament.

Mr Davis — On the point of order, President, I had intended to ask questions of Minister Somyurek today, and I do not think it is satisfactory for the Leader of the Government to indicate that he does not know where Mr Somyurek is. Mr Jennings is part of a government. He is the Leader of the Government in this chamber, and responsibility for the attendance of ministers is surely, at least in part, his.

Mr JENNINGS — Further on the point of order, President, I made it very clear to the chamber last sitting week that the minister is not undertaking his responsibilities, and I gave notice at that time that I would take any questions covering his portfolio. I made that very clear. I have not changed that advice. That advice continues to this day.

Mr Ondarchie — On the point of order, President, in relation to the answer of the Leader of the Government, I remind members of examples within the Westminster system where ministers without portfolio have been available to answer questions. I remind the Leader of the Government of Peter Mandelson, a minister without portfolio in the Blair government who was available to answer questions. I also remind the Leader of the Government that on 8 March 2011

Baroness Warsi in the House of Lords was available to answer questions as a minister without portfolio. I reiterate the point about where Mr Somyurek is.

Mr JENNINGS — Further on the point of order, President, I am certain that you understand the concept, which Mr Ondarchie does not, that in the two cases he has cited the formal delegated responsibility of those two ministers in question was as minister without portfolio, as distinct from a minister who is not exercising his responsibilities.

Mr Davis — Further on the point of order, President, in this chamber, as per Westminster tradition, we are able to ask questions not only about a minister's duties and activities and about their portfolio, as the member has outlined, but also about matters with which they are connected. It would seem to me that Mr Jennings is not able to answer some questions that may need to be asked of Mr Somyurek.

The PRESIDENT — Order! Many of the matters that have been raised in points of order by the opposition are moot, because Mr Somyurek is not here. The points that have been made may well have some validity and would be entertained by the Chair if Mr Somyurek were here, but he is not. I do not regard it as the responsibility of Mr Jennings to have him here or indeed even the responsibility of the Government Whip, who probably has a more direct responsibility to find out where Mr Somyurek might be and try to have him available in the house. At the end of the day members are responsible for their own attendance or non-attendance in the house.

I think it is most discourteous of Mr Somyurek that he is not here at this time for the proceedings of the house when he does appear to be in the precinct, when he has been in the chamber earlier, when he was here yesterday and when, according to media reports featuring Mr Somyurek himself, he has been continuing to discharge his duties as a member of Parliament and has apparently not been on leave, which has been the suggestion proffered to this house. I regard it as a grave discourtesy to the house and to the Parliament, but nonetheless it is on Mr Somyurek's own head. It is not the responsibility of the Leader of the Government or the whip to have him here or to basically drive him into this place.

Given that he is not here, most of the points of order that were raised in terms of whether or not Mr Somyurek could or could not be questioned on matters are moot. He is not here.

Minister for Small Business, Innovation and Trade

Mr DAVIS (Southern Metropolitan) — In the absence of the Minister for Small Business, Innovation and Trade, Mr Somyurek, I ask the Leader of the Government: will he inform the house who Minister Somyurek has met with or had contact with in recent weeks, and is Michael Donovan, the head of the Shop, Distributive and Allied Employees Association, among them?

The PRESIDENT — Order! I will allow the Leader of the Government to deal with this, because he is obviously more than competent to provide an answer to a question such as this. Nonetheless, I think it is straining the boundaries to ask the minister if he knows who another member has been meeting or not meeting.

Honourable members interjecting.

The PRESIDENT — Order! As I said, the minister will have an opportunity to answer — I will let him answer the question — but in my view this is moving into territory that is not very productive.

Mr JENNINGS (Special Minister of State) — The person who asked the question knows that this is a ridiculous question. It is a ridiculous question to be asked of me, it would be a ridiculous question if asked of Mr Somyurek if he were here and if Mr Somyurek rose to his feet under any circumstances to comment on what a ridiculous question it was, then you, President, in the chair, would not be in a position to direct Mr Somyurek to answer in any other form. It is a ridiculous, stupid question.

Supplementary question

Mr DAVIS (Southern Metropolitan) — Further to this point and to the leader's answer, will the leader arrange for the diary of Minister Somyurek to be released so that the community can see what activities and what meetings he has undertaken in recent weeks?

The PRESIDENT — Order! I will allow the minister to answer. 'Recent weeks' is a very vague term and again not really helpful to us in terms of determining an answer that is apposite to the question.

Mr JENNINGS (Special Minister of State) — We are in the middle of debate on a motion put by Mr Rich-Phillips in relation to precedent and process with respect to the releasing of documents, and at the heart of that debate are well trodden arguments in relation to the availability of documents to Parliament which may be obtained through FOI or other

instruments or legal processes. The member asking a stupid, ridiculous question is not one of them.

Ordered that answers be considered next day on motion of Mr DAVIS (Southern Metropolitan).

Minister for Small Business, Innovation and Trade

Ms WOOLDRIDGE (Eastern Metropolitan) — My question is to the Leader of the Government. Given that the Premier referred to weeks and not months in terms of the conclusion of the inquiry into the Minister for Small Business, Innovation and Trade, Mr Somyurek, and given it is now two and a half weeks in, can the Leader of the Government inform the house whether there is now a date for the conclusion of the investigation?

Mr JENNINGS (Special Minister of State) — I stand by the answer I gave previously, when I reiterated the Premier's comment of weeks rather than months. The Leader of the Opposition then asked me for a further clarification by interjection when she said, 'By the end of June?', at which time I indicated that my belief was that the inquiry would be completed in that time frame. I am of that view.

Supplementary question

Ms WOOLDRIDGE (Eastern Metropolitan) — Given that the minister has advised the chamber now that he is being kept informed of every step along the way — —

Mr Jennings — That is not what I said.

Ms WOOLDRIDGE — That is exactly what you said, actually. While there is a loose date, but not a firm date, can the minister advise the house whether all parties have now formally submitted the required statements and documents to the investigation?

Mr JENNINGS (Special Minister of State) — The current Leader of the Opposition is in the trap of having fallen into the habits of the former leader of her party in this chamber by asking a question that is not based upon what I have said, not based upon what is on the public record and not put on the basis of fact. There is no fact that gives rise to her supplementary question about my information level in relation to the independent inquiry. There is no assumption on which she could make that conclusion. On that basis I am of course not in a position to be able to provide her with any details such as she has sought from me.

Freedom of Information Commissioner

Mr RICH-PHILLIPS (South Eastern Metropolitan) — My question is to the Special Minister of State. I refer to the revelation made by the Secretary of the Department of Premier and Cabinet, Chris Eccles, that he has ordered an inquiry into the office of the Freedom of Information Commissioner, and I ask: why was it appropriate for that investigation to be undertaken through the Department of Premier and Cabinet and the public sector commissioner, given it concerns an independent officer of Parliament, rather than being referred to the Parliament’s Accountability and Oversight Committee, which actually has responsibility for the FOI commissioner?

Mr JENNINGS (Special Minister of State) — Whilst this may be a complex matter, it is a reasonable question that the member asks, and I am very happy to answer it. If there were a question about the FOI commissioner and the work of the office being undertaken in terms of its statutory responsibilities and in terms of its responsibilities to the Parliament and to the people either through statute or through what is expected of it in terms of budget measures, for example, then the course of referral to a parliamentary committee may have been deemed the most appropriate course.

That was not the nature of the matters that were raised. That was not part of the scope of the issues subject to this investigation that was drawn to the attention of the Secretary of the Department of Premier and Cabinet. The secretary did undertake a conversation with the FOI commissioner about what appropriate independent scrutiny may be brought to the issues at hand, and the FOI commissioner agreed that this independent process was an appropriate one given the level of consideration of the matters before the investigation, and by agreement the reference to the public service commissioner was instigated.

Supplementary question

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I thank the minister for his response, but ask how the transparency surrounding the Department of Premier and Cabinet (DPC) is enhanced when you have an independent officer of the Parliament, who has oversight of DPC activities around FOI, being the subject of an inquiry led and initiated by DPC when there is an independent third-party body, being the Accountability and Oversight Committee, to undertake that? How does that not undermine the independence of DPC operations?

Mr JENNINGS (Special Minister of State) — The issue at hand was compliance with public sector values in terms of the administration of the office. That is the basis on which that determination was made. In fact the Parliament may or may not be an expert in public sector administration or the standards or the best way in which they can be maintained. It may be, but not necessarily in this case. In the case of public sector values within the Victorian public sector, the best place to assist them is through the public service commissioner.

Legal costs

Ms WOOLDRIDGE (Eastern Metropolitan) — My question is to the Leader of the Government. Can he outline the circumstances where a minister or member of the government is entitled to access taxpayer-funded legal representation?

Mr JENNINGS (Special Minister of State) — My understanding of these issues is that in circumstances where legal action is taken against a member of the executive, or for that matter departmental staff within Victoria where they have been exercising their responsibilities, there is an indemnity that can be exercised to allow for legal expenses to be provided in terms of legal support for the process in question. In circumstances where an investigation is undertaken in the absence of legal proceedings but that may have the potential to lead to them, then it is appropriate to have those legal costs covered.

Supplementary question

Ms WOOLDRIDGE (Eastern Metropolitan) — I thank the Leader of the Government for his response and ask: can the minister outline the name and circumstances where any minister or member of the government has accessed taxpayer-funded legal representation in this term of government?

Mr JENNINGS (Special Minister of State) — Apart from the case in hand, I am not mindful of one, although — —

An honourable member — Which case in hand?

Mr JENNINGS — The case in hand which relates to Mr Somyurek, which is a matter that I have already discussed. Last sitting week I was asked a question about whether his legal costs would be covered, and my answer at that time was yes. I was asked that question, and I have answered that question, so it is hardly a revelation for me to confirm it today.

An honourable member interjected.

Mr JENNINGS — I am certainly telling you that in the last term of Parliament Mr Guy, who sat in this chamber and was the former Minister for Planning, not only incurred great legal expenses but great payout costs for the people of Victoria. In fact there are many precedents where ministers — —

Ms Wooldridge interjected.

Mr JENNINGS — I have answered that question, and I am now holding up a mirror. The mirror may not be palatable because in the case I am referring to, not only were legal costs covered but the legal costs of settlement were part of the financial exposure of the state.

Notice of motion

Mr O'DONOHUE (Eastern Victoria) — My question without notice is to a member for Western Metropolitan Region, Mr Melhem. I refer to notice of motion 43 in his name on the notice paper and in particular to paragraph (1)(b), where the member refers to 'underhanded attempts to undermine the pay and conditions of weekend and minimum wage workers'. Noting the recent revelations at the Royal Commission into Trade Union Governance and Corruption about his alleged short-changing of workers in return for kickbacks to his union, the Australian Workers Union, which was confirmed by a senior government advisor, I ask: when will Mr Melhem bring this motion on for debate?

Mr MELHEM (Western Metropolitan) — I have said that as soon as I can bring it on, I will discuss it.

Supplementary question

Mr O'DONOHUE (Eastern Victoria) — That is very exciting news, and the opposition looks forward to debating Mr Melhem's motion in government business. By way of a supplementary question I ask: noting the evidence given under oath to the Royal Commission into Trade Union Governance and Corruption, can Mr Melhem advise the house whether his motion will be amended to condemn union leaders who accept a payment of \$25 000 a year to their union in exchange for depriving casual cleaners of \$2 million a year in penalty rates and other entitlements?

The PRESIDENT — Order! I rule the supplementary question out of order. There is a very narrow basis for asking a question of a member that goes to a notice of motion. The member's question goes to a matter of timing or procedure; it does not go to the substance of the motion. I regard amendments that may or may not be proposed to a motion as being part of the

substantive debate on that matter, so I rule the supplementary question out of order.

Mr O'DONOHUE — On a point of order, President, may I have the opportunity to reformulate the supplementary question?

The PRESIDENT — Order! I will allow the member to have an attempt at rephrasing the supplementary question.

Mr O'DONOHUE — Thank you, President. Noting the answer provided by Mr Melhem and the wideranging nature of notice of motion 43, will Mr Melhem's motion be fully debated and cover the revelations and the issues that have been at the — —

The PRESIDENT — Order! I rule the supplementary question out of order.

Notice of motion

Mr O'DONOHUE (Eastern Victoria) — My question is again to Mr Melhem, a member for Western Metropolitan Region, and I again refer to notice of motion 43 on the notice paper standing in his name and in particular to paragraph (1)(b), where the member refers to 'underhanded attempts to undermine the pay and conditions of weekend and minimum wage workers'. Can Mr Melhem advise whether side deals during his time at the Australian Workers Union to undermine the pay — —

The PRESIDENT — Order! The question is out of order, and this time I will not give the member a chance to rephrase the question because he ought to have understood my previous ruling on his supplementary question. The standing orders are very narrow in terms of the questions a member can put to a member with regard to a notice of motion. The member canvassed that in his first question; in his second question he is simply trying to get matters on the record, but that does not constitute a question that is allowed under the standing orders. I rule it out of order.

Timber industry

Ms DUNN (Eastern Metropolitan) — My question is to the Minister for Agriculture. On 26 May the minister stated to the house, 'The timber industry in Victoria provides employment to 21 000 people'. The minister may or may not be aware that VicForests own assessment was that the number of forest workers, including contractors, is 447 males and 38 females. This is provided on page 7 of its report entitled *FSC Forest Management and Controlled Wood Preliminary Assessment Report*, dated 13 June 2014. Will the

minister acknowledge that the number of forest workers in the native forest timber industry is small and that transitioning these workers to the commercial plantation sector or other industries is both feasible and sensible and in the long-term interests of the timber industry?

Ms PULFORD (Minister for Agriculture) — I thank Ms Dunn for her question on the Victorian timber industry. This government supports a strong, sustainable and viable timber industry, an industry that actually employs 21 000 people. This includes many communities in which working in the timber industry is the main or a very significant source of employment, and this is particularly the case in East Gippsland and in the Latrobe Valley but also in many other communities across Victoria. We will work closely with the timber industry to ensure its future. I believe it has a very strong future, and we will continue to sustainably manage our timber resources in a way that ensures the future of our timber industry.

Supplementary question

Ms DUNN (Eastern Metropolitan) — I thank the minister for her answer. What plans are there to transition forest workers in East Gippsland, given that VicForests now publicly acknowledges that its operations in East Gippsland are unprofitable?

Ms PULFORD (Minister for Agriculture) — I thank Ms Dunn for her supplementary question on the status of the profitability of VicForests. I indicate to the member that VicForests does stand on its own and is profitable and that it had a net profit of \$3.4 million in the 2013–14 financial year. Following a dividend payment of \$250 000 to the Victorian taxpayer in that year, VicForests has now returned total dividends to the state of more than \$5.3 million. It is worth pointing out that East Gippsland represents around 7 per cent of VicForests business operations. In 2013 VicForests passed with flying colours an Auditor-General's audit report, which also confirmed that VicForests does not receive subsidies in any form from government.

Regional network development plan

Mr PURCELL (Western Victoria) — My question is to the Minister for Regional Development representing the Minister for Public Transport. As the minister has heard from me previously in this chamber, there are massive public transport issues throughout my electorate, and today I particularly mention the Warrnambool to Melbourne train service. There are not enough services or seats on existing services; it is blatantly a problem. Now we have the challenge that

V/Line announced last week that it is changing the timetable of the Warrnambool service such that it will run 54 minutes later. To rub salt into the wound, the decision was made without any public consultation or feedback from the people who actually use the service. We know the government is undertaking a regional network development plan, and I ask the minister: will the plan have a strong community consultation focus?

Ms PULFORD (Minister for Regional Development) — I thank Mr Purcell for his question on this important work that is being undertaken and for his strong advocacy for western Victoria. Community consultation will play an integral role in the development of the regional network development plan.

In coming months the government and Public Transport Victoria will be liaising with local communities, councils and passengers to explore opportunities for adding to and improving public transport services and infrastructure in regional and rural Victoria. A regional transport advisory group, which will be co-chaired by Jaclyn Symes, a member for Northern Victoria Region, with representatives from regional Victoria, will advise the government during the consultation process and drive engagement — that very important engagement — with local communities and councils.

The consultation process will occur between June and September and will be critical to the development of the regional network development plan. The program for community and stakeholder engagement will include stakeholder workshops, local transport forums and online engagement. Sessions will be held throughout western Victorian communities, including Horsham, Hamilton, Warrnambool and Portland. The Andrews government looks forward to working with Mr Purcell and indeed with all members representing regional communities who may wish to have input into this important piece of work.

Supplementary question

Mr PURCELL (Western Victoria) — I thank the minister for her response and look forward to being involved in that consultation process. However, the issue is, what happens after the plan is completed? We believe the time for reviews and reports is over and that it is time for action to take place. When will the people of south-western Victoria have that improved rail service?

Ms PULFORD (Minister for Regional Development) — I thank Mr Purcell for his supplementary question. The regional network development plan will be completed by the end of the

year, and the outcomes of the report will be considered for the 2016–17 state budget.

Union-operated training facilities

Dr CARLING-JENKINS (Western Metropolitan) — My question is to the Minister for Training and Skills, Mr Herbert. As I am sure the minister is aware, in September 2013 the Construction, Forestry, Mining and Energy Union (CFMEU) opened a high-risk work training centre in Port Melbourne. This facility incorporates a simulated building site, providing real-life scenarios for learning skills such as rigging, scaffolding, forklift driving and tower and mobile crane operation. I understand such skills are vital for growing and improving the construction industry and are best taught by those closely involved with the workers and tradespeople on a daily basis. This facility was built with, and almost exclusively operates through, CFMEU funding, despite its being a registered training organisation. It provides a valuable resource to the industry, giving workers best practice and safe training to ensure that their skills are kept to an internationally recognised standard. Can the minister advise whether the government intends to provide funding and support for this facility and similar union facilities?

Mr HERBERT (Minister for Training and Skills) — I thank Dr Carling-Jenkins for her question. I absolutely agree that the Port Melbourne high-risk training facility is an excellent facility. I have visited and inspected the facility as have any number of members of Parliament who have an interest in training. It is certainly a state-of-the-art facility.

It is fair to say that the construction industry can be a very dangerous one. Governments of all political persuasions have looked at a range of measures to try to reduce the risk of injury on building sites. To my mind, having highly skilled and highly trained workers is the best thing that any company can do to avoid disaster on building sites. The site at Port Melbourne is not the only industry-specific site that is available in Victoria. There is the Plumbing Industry Climate Action Centre in Brunswick.

Mr Leane — Awesome!

Mr HERBERT — It is awesome, as Mr Leane says. It plays a critical role in training Victorian apprentices as well as retraining manufacturing workers in new careers in green plumbing and sustainable green energy.

There is the Master Builders Association of Victoria's Building Leadership Simulation Centre in Port Melbourne, which is a very impressive training facility, and if Dr Carling-Jenkins has not been there, I can assure her it is well worth going to have a look at. The centre provides state-of-the-art training in a simulated fashion. I was there recently for the manufacturing skills and training task force. It is fair to say that there are a number of these facilities around.

With regard to the specifics of the question, the government provides Victorian Training Guarantee funding for about 500 training providers around the state. We do not provide capital to non-government organisations or to non-TAFEs. There is no view on changing that; it has been a longstanding practice that we provide capital funding for government facilities. However, we do provide funding to each of those facilities through the Victorian Training Guarantee to train workers.

I also note the terrific work done by Anne Duggan and her team who head up training at the CFMEU facility in Port Melbourne. Anne ought to be commended for the decades of work she has done in training construction workers, and I will use this opportunity to acknowledge that. In short, we will provide funding to TAFEs for partnerships such as the recent one between Bendigo Kangan Institute and Toyota Australia to train apprentices. Toyota has provided a lot of the cars and equipment for that training. However, we do not provide capital funding for non-TAFE facilities such as the one Dr Carling-Jenkins mentioned.

Supplementary question

Dr CARLING-JENKINS (Western Metropolitan) — I thank the minister for his answer and for his commitment to industry-specific training facilities. I go back to my original question and emphasise that there is limited funding — not for capital — for actual training at this facility. In light of that and given the recent media coverage of the trade union royal commission and its pending time frame for reporting at the end of the year, can the minister advise whether this has been or will be taken into account in government decision-making to fund registered training facilities operated by unions such as the CFMEU in the future?

Mr HERBERT (Minister for Training and Skills) — I would not want to prejudge anything that comes out of a royal commission of course, but for me the issue is really about quality training. We have had a review into training providers, and it is not so much about whether the provider is private, public, run by the

union or run by an employer. It is about providing the skills that industries need to increase their productivity and the training that people need to get a job in those industries.

That is my guiding light in terms of the reviews we are doing into the funding we have. My main priority is to get rid of the dodgy training providers who are out there providing training that is not worth a bumper, where people are not getting jobs and industry is not getting any productivity out of it.

QUESTIONS ON NOTICE

Answers

Mr JENNINGS (Special Minister of State) — I have written answers to the following questions on notice: 440, 442, 465, 530, 537, 541–4, 548–52.

CONSTITUENCY QUESTIONS

Northern Victoria Region

Mr YOUNG (Northern Victoria) — My constituency question is to the Minister for Agriculture. The past duck shooting season was largely successful, with many shooters having good harvest returns; however, a spate of illegal activities, including vandalism of vehicles and physical threats by protesters, impacted on the leisure time of many shooters. Will a review of the incidents take place to improve compliance efforts to ensure that this does not continue next year?

Southern Metropolitan Region

Mr DAVIS (Southern Metropolitan) — My constituency question follows on from a previous constituency question that I raised, and it concerns the costs to be imposed on health services in my electorate. In its budget the government laid out an additional new set of costs, with \$420 million over four years to be taken as a dividend from the Victorian Managed Insurance Authority (VMIA). The government is taking that for the very first time. Southern Health, Alfred Health, Monash Health and Eastern Health are major providers in my electorate that access health insurance arrangements through the Victorian Managed Insurance Authority, and the dividend from the VMIA will clearly put additional costs on them. The Minister for Health claims that there will be no additional costs, and I am seeking the release of the working papers behind this claim and a clarification from her as to how the government can take money in a magic pudding way without it having any impact on those health providers.

Western Victoria Region

Ms TIERNEY (Western Victoria) — My constituency question is for the Minister for Environment, Climate Change and Water. Given that the minister is on sick leave at the moment, I seek the President's guidance on whether an answer is required within the specified period of time.

The PRESIDENT — Order! Yes, it is.

Ms TIERNEY — I read with great pleasure in the budget papers that \$12 million has been allocated by this state government to build a safe harbour at Portarlington. This was an election commitment made by then Labor opposition, and I commend the work undertaken by Minister Neville in securing and delivering on such an important election commitment.

The Portarlington safe harbour project has been a hot issue on the Bellarine Peninsula for some time now, and I am constantly being asked about the much-needed infrastructure investment. With a pre-budget announcement being made on this funding, many of my constituents have contacted my office seeking information about the time frame for the project. I ask the minister to inform me about the time line of this project and when it is projected to be completed, as well as the benefits to the community, including the number of local jobs that will be created from this state government investment.

Western Metropolitan Region

Ms HARTLAND (Western Metropolitan) — My constituency question is for the Minister for Public Transport. The route 431 bus from Yarraville railway station to Kingsville runs once every half an hour from 6.00 a.m. It is not the most regular service, but the big issue is that the last bus leaves at 7.00 p.m. This means that Kingsville residents who rely on the bus service cannot go out to dinner or come home late from work without the risk of being stranded. A similar bus — route 432 from Yarraville station to Newport — runs until 9.00 p.m. My question for the minister is: will she take steps to ensure that the route 431 bus continues to operate until at least 9.00 p.m, similar to other bus services in the area?

Northern Victoria Region

Ms LOVELL (Northern Victoria) — My constituency question is for the Minister for Roads and Road Safety, and it is regarding VicRoads plan to remove more than 170 trees along the Rushworth-Tatura Road without any community

consultation. My office has recently been contacted by constituents of Rushworth and surrounds with concerns about the lack of community consultation in relation to the planned removal of these trees, which include around 40 trees that locals claim to be significant. Surely prior to any decision surrounding the removal of such a large number of trees an assessment of the significance of the tree should be undertaken with community consultation. The removal works were originally planned by VicRoads to begin on 25 May. Once community members were alerted to this a number of residents attended the site, which resulted in the process being halted and the arrangement of a community information session.

My question is: will the minister ensure a thorough community consultation and will an assessment of the significance of the trees be undertaken prior to any works commencing? I ask this in relation to these trees and for any future removal of significant trees.

Eastern Victoria Region

Mr O'DONOHUE (Eastern Victoria) — The constituency question I raise is for the attention of the Minister for Police. I do so on behalf of concerned constituents of the city of Casey. I note that in opposition Labor did not commit funding prior to the election for any additional police and that once in government, in the recent state budget, it committed just a handful of additional police for Geelong and the Bellarine Peninsula and none for the rest of Victoria.

The community has increasing concerns with regard to the scourges of ice use and family violence across Victoria. I also note a recent Victoria Police guideline which in light of the increased terrorist threat level discourages single-member patrols. The question I ask of the minister is: can he provide an assurance to constituents in the city of Casey that police resources will be maintained at existing levels, taking into account population growth, over the term of the government, and that there will be no reduction in or detriment to police patrol hours across the municipality of Casey?

Eastern Victoria Region

Ms BATH (Eastern Victoria) — My constituency question is to the Minister for Police. At the recent Public Accounts and Estimates Committee hearings the Minister for Police stated that Victoria would recruit 400 custody officers to relieve pressure on police officers guarding prisoners in cells. He said additional custody officers would help free up police so they could return to frontline policing in our communities.

Recruiting and training the custody officers had bipartisan support prior to the 2014 election.

In Morwell the police station has six cells which require adequate staffing for the supervision of prisoners. It is now more than six months into Labor's term of government. My question to the minister is: when will the recruitment and training of the 400 custody officers begin, what steps are being taken to ensure that the recruitment and training is of the highest quality, and when will the hardworking police members of the Morwell police station be relieved of day-to-day management of prisoners in custody cells?

The PRESIDENT — Order! I point out that there is only one bite of the cherry — that is, you get only one question and there cannot be multi-part questions. You can do that in Victorian certificate of education exams, but not in here.

Southern Metropolitan Region

Ms FITZHERBERT (Southern Metropolitan) — My question to the Minister for Housing, Disability and Ageing is in relation to maintenance of the public housing towers in Dorcas Street, South Melbourne. This issue has been raised with me by a constituent who lives in one of the towers and is frustrated by the standard of cleanliness in public areas. Last week, at the invitation of the resident, I visited 200 Dorcas Street and saw the lack of cleaning for myself. I agree that her concerns are quite reasonable.

Can the minister advise when long outstanding cleaning and maintenance issues at 200 Dorcas Street will be addressed, including fixing the broken west-facing exit door on the ground floor, cleaning the filthy windows in the foyer that have not been cleaned in months and fixing the blocked drains in the residents' car park that flood whenever there is heavy rain?

South Eastern Metropolitan Region

Mrs PEULICH (South Eastern Metropolitan) — In response to a constituency question on 17 March in relation to the impact on the bottom line of local government costs of the government's additional public holiday policy, the Minister for Local Government conceded that the costs will have to be borne by councils and said that councils will need to determine 'the appropriate level of staffing required to deliver the essential services that their communities need'. As members know, councils deliver more than just essential services. In my constituency a lot of multicultural affairs events occur which may not be deemed to be essential but certainly are important, and

weekends and public holidays are the only times when communities can celebrate significant events.

I ask the minister whether she would consider compensating local government for incurring the additional cost of the government's declared additional public holidays to make sure that they are more able to comply with the government's rate-capping policy.

Western Victoria Region

Mr RAMSAY (Western Victoria) — My constituency question is to the Minister for Agriculture. It is about a matter raised with me by the Casterton Kelpie Association through the mayor of Glenelg shire, Cr Robert Halliday. The issue is with the proposed amendment to the legislation on puppy farming that bans purebred animals from being sold in pet shops. The Casterton Kelpie Association has been running an annual premier working dog auction for 20 years. It has more than 300 volunteers who take part in the auction, which is attended by an estimated 5000 people.

The issue is that the association has a very strict criterion for selecting breeders and working dogs for its auction. The proposed amendments will have unintended consequences on the working dog auction, which will not have a legal platform on which to operate and would be in breach of the Domestic Animals Act 1994. Local governments such as Glenelg shire recognise in their registration fees that working dogs are in a different category. I ask the minister to make provision in the ensuing legislation to allow the Casterton Kelpie Association to continue its working dog auction so that it will not breach any new acts of Parliament.

Western Metropolitan Region

Mr FINN (Western Metropolitan) — My constituency question is for the Minister for Public Transport. I refer to the ongoing speculation on the intentions of the Andrews government regarding the removal of the Main Road, St Albans, level crossing and the redevelopment of the St Albans railway station and bus interchange. There is growing concern among locals that the \$220 million allocated by the previous coalition government for these works has been pulled and redirected to works on the other side of Melbourne. Will the minister tell the community when the works on the Main Road level crossing and the railway station and bus interchange will be completed?

Northern Victoria Region

Mr DRUM (Northern Victoria) — My constituency question is for the Minister for Education and is about the recently opened Ulumbarra Theatre in Bendigo, which achieved much fanfare. What has not become common knowledge is the fact that a range of local central Victorian businesses that have been contracted to work on this project are currently owed millions of dollars. I have been in touch with the education department, and it has written back to me indicating that it is attempting to fast-track payments for variations to the main contractor. However, the problem with this is that the main contractor, Contract Control, is at odds with the subcontractors who have done all the work and are owed millions of dollars.

I am requesting that the minister meet immediately with a delegation of subcontractors in a show of goodwill and good faith that will hopefully see these central Victorian businesses receive the millions of dollars they are owed. I understand that he has the potential to ensure that these outstanding payments are redirected and paid directly to the subcontractors.

The PRESIDENT — Mr Drum, you asked for an action, not a question. Can you rephrase it to make it a question?

Mr DRUM — I appreciate the opportunity to put this into a question form. I ask: is the minister able to confirm whether he has met with a delegation of subcontractors, whether he is aware of the fact that these subcontractors are owed millions of dollars and whether he is aware of the fact that there is a rift between the main contractor, Contract Control, and the subcontractors, who have done the work and are owed millions of dollars?

The PRESIDENT — Order! Again, we do not have multi-part questions. A constituency question is one question. I will let it stand, but we really need to tighten up on constituency questions.

Northern Metropolitan Region

Ms PATTEN (Northern Metropolitan) — My constituency question is to the Minister for Health. Recently I met with some people living with hepatitis. In 2014 the Victorian government committed to five national strategies in relation to blood-borne viruses and sexually transmitted infections. Two of those relate specifically to hepatitis B and hepatitis C. Many other states and territories in Australia have current action plans in relation to hepatitis C and hepatitis B and these complement the national strategies. Hepatitis is often

described as a silent killer, with four Victorians dying every week as a consequence of viral hepatitis. In 2014 more than 2 per cent of Victorians, or 120 000 people, lived with hepatitis, but fewer than 5 per cent of them are accessing treatment. My question to the minister is: when will the Victorian government implement its action plan in relation to hepatitis C?

The PRESIDENT — Order! I do not think this announcement will affect anybody, because it is about a commemoration that occurs in a sitting week. I have been advised by Senator the Honourable Michael Ronaldson, the Minister for Veterans' Affairs in the federal Parliament, that he wishes to have confirmation of any Victorian MPs who intend to go to Turkey for the commemoration in Turkey of the August offensive, which is being held on 6 August. As I said, it is a sitting day, and I think most of us will be here.

PRODUCTION OF DOCUMENTS

Debate resumed.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — Just to continue from before question time, items (4) and (5) of the motion restate and confirm the Council's capacity to require the government to produce documents. They affirm the right of the Council to require the production of documents and the opinion of the Council that the Council is fully entitled to undertake scrutiny of this nature. This is not without precedent. This is something that the Council has done a number of times. It is now a well-established practice, in recognition that this Council can require the government of the day to produce documents.

Item (6) of the motion states very clearly to the government that if the government continues to not respond to these motions for documents — and we have four listed here that have not been responded to or have not been responded to satisfactorily — the Council reserves its right to impose a sanction. We saw in the 56th Parliament a number of occasions where documents were ordered by the Council. They were subsequently reordered by the Council and subsequently not delivered by the government. The Council took action against the government and the then Leader of the Government by imposing a sanction, and that sanction was of the nature of suspending the Leader of the Government.

Item (6) sets out very clearly that the Council still expects these four sets of documents to be produced. We also set out very clearly that if they are not produced, at a point of time in the future the Council

reserves its right to impose a sanction on the Leader of the Government, being the officer of the government who is responsible for the production of these documents. We go into this openly. We make it very clear as a Council in supporting this resolution today that if the government continues to defy the will of the Council and the four orders dating back to 11 February of this year, then there is scope for a sanction to be imposed on the Leader of the Government. This is also a well-established practice in this place.

Finally, the motion gives the government another opportunity. The motion restates to the government the Council's expectation that those four sets of documents as outlined in the motions between 11 February and 25 February are expected to be delivered. It restates that order, so it gives the Leader of the Government, as the minister responsible, the opportunity to come into this Council — and it requires that this be done by midday the day after the resolution is passed. If it is today, the expectation is that these documents will be provided by midday tomorrow. It provides a second opportunity, a fresh opportunity, for the Leader of the Government to comply with those four resolutions of the Council with respect to the port of Melbourne, the West Gate distributor, the grand prix and the Cranbourne-Pakenham rail corridor documents.

This is not an unreasonable motion. This is a mechanism that the Council used earlier this year, when its order with respect to east-west link documents was not initially delivered. At that stage we went through a similar process of restating the order, highlighting the fact that the government was at risk of sanction — the Leader of the Government was at risk of sanction — if the order was not complied with, and restating the immunities and powers of the Council to seek documents. On that occasion the government subsequently complied, and those east-west link documents were produced.

Today we are seeking to elevate the four existing orders that have not been complied with to the same standing. We are restating those orders to the government, giving the Leader of the Government a fresh opportunity to comply by midday tomorrow and flagging very clearly that if the government continues to be belligerent and not comply with those four separate orders, the Council is of the firm view that it has the power to require this and can take action and sanction the government if those orders remain unsettled.

In closing, I urge members of the house to support this motion. It is important that the Council, having made these individual orders, then take action to ensure that those orders are delivered upon. As with a court, where

a court makes an order it is important that the court then follow through and ensure that that order is complied with — and so it is the case with the Council.

I urge members of the Council to support this motion. It restates to the government that it must comply, and it flags to the government the consequences if it does not comply. Equally, given the government's apparent commitment — its claimed commitment — to accountability to this Parliament, I urge the government to comply with the initial substantive orders of February of this year and ensure that those four separate sets of documents are delivered to this Council without delay.

Sitting suspended 12.59 p.m. until 2.04 p.m.

Mr MULINO (Eastern Victoria) — I am pleased to have the opportunity to speak on this motion. This is a motion that rehashes a number of debates we have already had in this place. There have been a number of days on which we have debated in detail the provision of documents to this place and a number of times when those opposite have made the suggestion that unless they get access to every single document they know exists at a time of their choosing, the government is somehow not being transparent. It is a ridiculous notion. It is a massive exaggeration of the balance that all governments face between transparency on the one hand and workable government and the defence of the interests of the community and taxpayers on the other.

Many members have referred to longstanding traditions. They talk about the Magna Carta and they talk about constitutions; they talk about all sorts of things, including about how parliaments for a long time have rightly cherished the capacity to demand and scrutinise documents. Against that power one must balance another important consideration, one which I would describe in broad terms as the separation of powers. That is fundamental to the Westminster system and fundamental, I would argue, to just about every functioning democracy around the world. It is a longstanding characteristic of the British parliamentary system, which we inherited, and it is a very important part of the US presidential system, which is of course not a Westminster system.

Mr Barber — Have you read the case law on this?

Mr MULINO — I have not read all of the case law, but I certainly know that the USA has separation of powers. I do not think you need to read too many cases to know that. Separation of powers in the United States is different to ours — for example, the US executive and the legislature hold different roles to those held in

the Westminster system. In the Westminster system the executive and the legislature have more overlap than they do in the US system, whereas in the US system the top executive officers are appointed by the President and hold separate offices to the legislature. The point is that in those systems — both in the Westminster and the US systems — the executive, the legislature and the judiciary all have their own loci of power, and the system only works if none of them dominate the other. You cannot have a workable democratic system in which one part of the system, at its discretion, does whatever it wants at the expense of the other parts of the system.

I put on the record at the beginning of my contribution today that I believe the accountability of the government to the Parliament is critically important. Accountability of the government to broader society and the media is important. The government needs to be transparent and accountable, but it is also true to say that the executive is the centre of power and authority in our system and is a counterbalance to the Parliament. We need to recognise that the executive is a worthwhile centre of power and authority and that in order for government to function well it must be recognised and preserved as such. The judiciary also has its own privileges and power and is protected in all manners of ways in our federal and state constitutions, and that is important. We have the three arms of government, all of which are accountable in different ways to each other and to civil society. We have transparency and accountability, but no individual aspect of that is totally unfettered.

Let us look at one example of a framework that sets out how the various interests can be balanced sensibly. I refer to the Freedom of Information Act 1982, which everyone in this place would argue is an important reform. At the time the act was passed in the 1980s governments were becoming more and more transparent, and that is a good thing. Since the 1980s governments have made themselves more open to requests from people in the community and from people in the media to requests for documents on reviews of decisions and so forth.

The way the Freedom of Information Act limits the release of documents is well established. The act specifies that cabinet-in-confidence documents ought not be released unless it is in the public interest. Cabinet in confidence is a longstanding head of protection for documents, because the ability of cabinets to fully and frankly discuss issues is seen as integral to good government. This can be implemented in a range of ways. There are some governments in the Westminster tradition around the world that have varying degrees of

protection of cabinet in confidence, but, of course, there are grey areas. There is always an area of interpretation in each system as to whether particular documents should be given protection. The interpretation of legislation is rightly given to the courts; they will interpret the ways in which cabinet in confidence is interpreted according to the act, and that is appropriate. The important point is that cabinet in confidence is a critical and widely agreed head of protection for the release of documents.

Another example is the confidential deliberative processes of executive government where it might jeopardise the relationship between a minister and the public service. Again, this is a well-established head. This is really the codification of important traditions that have been built up over the centuries not only in our Westminster system but also in other systems.

A further example is where there are statutory confidentiality provisions, and again that is an important protection for documents. It would not be sensible for either house of the Parliament to be able to call for the release of documents when there are statutory provisions that the request conflicts with. That would not make sense, and it is important that it is explicitly reflected in the Freedom of Information Act and is recognised more generally as a head of restriction. There is no obligation to provide documents where they reveal confidential legal advice to the executive government, and again that is an important and longstanding recognition of the relationship between lawyer and client, but particularly important in the context of government and executive government seeking legal advice on sensitive matters.

Then there are public interest exemptions. It is worth noting them because a number are relevant to the projects that have been identified in the motion. One is national security or public safety, one is law enforcement investigations, another is material damage to the state's financial or commercial interests, and so on and so forth. Public interest is a critical and longstanding head of protection for the release of documents. We have already discussed this in exhaustive detail in relation to a number of matters in the motion.

They are the key heads of exemption that are spelt out very clearly in the Freedom of Information Act. I do not cite that act as being the only place where these important heads of power are defined, but it provides a good summary of the key heads of exemption, because they reflect some exemptions that are widely agreed and which are longstanding, and the act codifies them well.

Today's motion calls for very broad disclosure of documents in relation to four projects: the long-term lease of the port of Melbourne, the West Gate distributor, the Australian Formula One Grand Prix and the Cranbourne-Pakenham rail corridor. The motion notes that the government has not complied with a number of earlier motions. As I said, in the debates around those motions the government has already made its position very clear — that is, that it wanted to be very transparent in relation to those projects and transactions but that there would be limits placed on what documents would be revealed. This motion notes that the government has not fully complied to the liking of those who voted for the earlier motions. I note that the reason why there may not have been absolute full compliance with some aspects of those motions is for the reasons that have been fully discussed and are set out in *Hansard* in great detail. I will touch on some of those briefly today, but I direct people's attention to those very lengthy debates.

The motion also makes the rather cheeky point about the government having made an election commitment to greater transparency. I believe the government has fully complied with that in a number of substantive ways, but I will make the point more fully in a moment.

Mr Herbert interjected.

Mr MULINO — Yes, it is entirely consistent with the government's election commitment for it to also preserve the confidentiality of a limited number of documents where to do so is in the interests of the taxpayers and society more broadly.

The motion affirms the privileges and rights of the Legislative Council and, as I said, this side of the house does not dispute that the Council has the right to examine documents. Of course it has the right to call for documents. We do not dispute that, but we do dispute that the power is totally unfettered. As I mentioned earlier, there has to be a balance. If there is no balance in our system, then it just does not work.

Mr Barber interjected.

Mr MULINO — The balance is struck by the workings of the three arms of government. That is part of the way the system works. Ultimately it is the constitution in any system that governs the way in which the three arms of government interact, and where there are constitutional matters it is the top court of the land that interprets the ways in which the constitution governs the relations between the three arms of government. Mr Barber would like there to be some easy answer here. I simply do not accept the notion that

because there are complicated matters of interpretation here somehow it is problematic that the Council is not the one to fully determine its own powers. Ultimately it just does not work that way. If it were the Council that fully determined its own powers, you would not have substantive separation of powers.

Let me just go to the individual projects that are being talked about. The main reasons we are not going to disclose absolutely every document that is being called upon are: firstly, the public interest test; and, secondly, cabinet in confidence. That covers most of the contentious documents under dispute in these various motions.

I would say that members of most parties in this house would agree that in the modern economy the government increasingly has to partner with the private sector in a range of ways, whether it is the not-for-profit sector or whether it is the for-profit private sector, in delivering services and major projects. We do not live in the world of 50 or 100 years ago, when government delivered every service and every major infrastructure project itself. We simply do not live in a world where we have the government directly employing thousands of engineers and workers and where the government itself builds every road, bridge and railway tunnel.

The government interacts with the private sector in all manner of ways. Sometimes the government procures services and infrastructure directly through a design and construct contract. Sometimes it might be through a public-private partnership (PPP). It is through a whole range of mechanisms that the government interacts with the private sector, and I think that most people in this place accept that modern government relies on the government and the private sector interacting.

One of the complications with that is that it will often inherently involve commercial transactions, and there will often be aspects of those transactions that it is not appropriate to disclose. That is the nature of modern government. For example, it would be inappropriate to disclose where disclosing those transactions would not be in the interests of taxpayers, where disclosing those transactions would be a breach of contract or where disclosing those transactions or every aspect of those transactions would make it impossible for the government to deal in a sensible way with private parties on an ongoing basis.

Let us look at PPPs, for example. I know some in this house do not support PPPs under any circumstances, but leaving that extreme position to one side, if one accepts that PPPs should be one of the tools in the toolbox, there are aspects of PPPs that are extremely

sensitive — the public sector comparator, for example, during the point at which we are negotiating with the private sector. If we were to disclose every aspect of the public sector comparator, that would signal exactly how much the government was willing to pay and make it extremely difficult, if not impossible. There are some aspects which, during the transaction negotiation and potentially for some period after, it is not in the interests of the taxpayer to disclose. Some in this chamber might say, 'Let's disclose it and see what happens'. What would happen is that you would in effect never go into a PPP transaction again.

Another transaction might be where there are multiple stages. One example of that is level crossings procurement. It is going to be a multistage transaction in this government because we have one underway and there are going to be others. That is something that is foreign to those opposite because they did not have any, but we will have multiple stages to our level crossings program. The point is that if we disclose absolutely every aspect of the negotiations around that procurement right from the start, from the first transaction, how does that make it possible to engage in sensible negotiations in subsequent rounds? Where you have multiple stages to a large, complicated procurement process, it will often be the case that releasing some highly sensitive information that gives away one's own bargaining position will not be in the interests of taxpayers.

If a member wants to come into this place and say that they do not believe in PPPs or dealing with the private sector, that is a separate issue, but that is a pretty extreme and untenable position in a modern, complicated economy. If one accepts that one has to deal with the private sector, then it becomes not impossible to deal with the private sector in a way that protects the taxpayers interests without keeping some aspects of those dealings confidential, at least for a period of time.

Another type of interaction where it is necessary to keep some aspects of the deliberations confidential, at least for a period of time, is the whole area of market-led proposals. There would be very few in this place who would want to rule out all market-led proposals as a rule. That would be an extreme position, so once one accepts the notion that there is a great deal of innovation and a huge range of ideas in the private sector and that in government we should try to benefit from those where they are unique ideas — where there is intellectual property — and once one accepts that market-led proposals should be part of your toolkit, it becomes imperative for the government, if it is going to

deal fairly with the private sector, to potentially protect that intellectual property.

The private sector will never submit its best ideas in a way that will benefit taxpayers and potentially the government if it feels that on a whim the government could release information that is potentially extremely sensitive. Again, the market-led proposals process has to be transparent, but it also on occasion has to have respect for the fact that there might be commercially sensitive information. There might be instances where the public sector and the private sector negotiate over aspects of commercial transactions that involve commercial judgements that are very difficult to pin down — for example, around risk. One example might be where the private sector and the public sector are negotiating over the extension of a toll. One of the critical aspects of that negotiation would be —

Mr Davis interjected.

Mr MULINO — Exactly. That is one example. To protect taxpayers interests in that instance one has to come to a very clear understanding of the discount rate that is appropriate. That is not a trivial or simple matter. If the government's deliberations are going to be made public at every step of the way, the private sector will take advantage of that, and that will not be in the interests of taxpayers. The government has in place rigorous processes that protect taxpayers interests, and that is one more example of such a process.

There are a whole range of examples of interactions between the government and the private sector where aspects of the transaction will have to remain confidential —

Mr Herbert — They don't respect the private sector.

Mr MULINO — It is ironic. So much for a liberal party; so much for a conservative party. It is ridiculous. We accept the notion that on occasion the government will need to partner with the private sector. It will be on a case-by-case basis. It will not always happen, but it will occur on occasion. We also accept the notion that when such partnerships happen, the interests of society and taxpayers need to be paramount. For those interests to be protected, on occasion some aspects of a transaction will need to be confidential. It will be looked at case by case, as I said. When one looks at the Freedom of Information Act 1982 and other longstanding conventions, one can see that the public interest is always paramount.

Another class of transactions is asset recycling or sales. We are going to lease the port of Melbourne for a very

good reason. We are going to lease it for a period of time and then it will revert to state control. That will enable us to unleash capital to fund the removal of 50 of the state's worst and most dangerous level crossings. It is a critical leverage point to enable our state to undertake asset investment that would be otherwise impossible.

When you are engaging in a sales process, some aspects of that process should be in the public domain right from the start — for example, the public policy case. Labor in opposition made the case for the port lease very early on, in fact before the then government came onboard.

Mr Herbert — They copied us.

Mr MULINO — They copied us on that. We were very transparent about why we felt the lease was justified. We also made the case for the removal of level crossings. We have been very upfront for a long time. The public policy case is one aspect that should be transparent, and we have been transparent on that front, but there are other aspects of the transaction. We do not want to convey to the private sector our willingness to accept a certain price. We do not want to convey any information that would reduce the proceeds, because that would not be in taxpayers interests.

We have to undertake the sales process in a way that is transparent, particularly in terms of the steps we are going through, the post-lease regulatory environment, other forms of post-lease regulation and what we are going to do with the proceeds, which is fund the removal of level crossings. However, we also have to undertake a process in which we maximise competitive tension and in which we do not give away every bit of information to everybody right from the start. That would be naive, and it would not be in taxpayers interests.

When we look at these transactions, we can see there is a combination of public interest, commercial-in-confidence and cabinet-in-confidence considerations. They are the broad heads that cover most of the documents under consideration. The lease of the port of Melbourne is being undertaken in a transparent way. The West Gate distributor, as everybody in this chamber knows, has been the subject of a private sector proposal which is being considered by the government according to new guidelines. The market-led proposal is being considered according to a five-step process, which has been welcomed by the private sector. It consists of guidelines that will encourage the private sector to work with the

government. It provides a pathway for the government to either enter into exclusive negotiations or take the project through an open tender process, depending upon the circumstances. It has been praised by the private sector for being transparent, open and an improvement on the previous situation.

What we are appropriately doing with the western distributor is taking that market-led proposal through the five steps. The Department of Treasury and Finance is examining it in detail. There is an external panel consisting of Dr Kerry Schott and Tony Canavan. As we have discussed in detail in relation to other motions in this place, that process is exhaustive and rigorous. It has been hailed by the private sector as appropriate. I would have thought those opposite would be keen for there to be a process that would unleash from the private sector intellectual property that is unique and that would benefit the state. I would have thought this would be something they would welcome. I would have thought they would be keen to rigorously analyse a project that might do much for transport on the western side of the city. I would have thought those opposite would be keen to improve connectivity to the port. We are just seeing political sniping from them. It makes one wonder whether something other than genuine concern about the projects motivated this motion.

We are going through a rigorous process in a way that is not drawn out but which allows sufficient time to go through all the complexities of this proposal, because we are trying to address an extremely complicated transport problem on that side of the city where this major project interacts with many other major infrastructure assets of the state. That is where this is at.

The Australian Formula One Grand Prix documents are currently under active consideration, and we have talked about the Cranbourne and Pakenham rail corridor in exhaustive detail. The government has again gone through an exhaustive process of examining the market-led proposal that was put to it. After that exhaustive process the government has come up with a superior solution that will provide greater public transport capacity. Again it is an example of the transparency that the government has in place — which is exactly what is being sought by this motion. We can go through each of the projects and demonstrate that there is sufficient transparency in place. We do not need the inappropriateness of an unfettered power to be able to hold the government to account.

Mr Herbert — This is from a party that did nothing for three years; it didn't do one single thing.

Mr MULINO — It is extremely ironic. We on this side of the house have no problem with being held to account, but we do not support unfettered powers, which do not lead to good government.

Let me conclude by looking at what the opposition should be doing rather than continuing to go down the path of political pointscoreing, which is what it looks like to me. It seems to me that this motion is about opposition members trawling for any document they can possibly get and about trying to breach longstanding conventions.

What opposition members should be doing is trying to support the government in setting up improved processes for transparency. They should be supporting the government's improved guidelines for market-led proposals. They should be supporting the government in setting up Infrastructure Victoria, which is going to be a critical improvement in providing transparency for major projects. The government is working very steadily towards that, and in the middle of this year it will put forward a plan for Infrastructure Victoria. That was a key election commitment, and it has widespread support in the community and in the public policy arena.

Victoria has waited far too long for an institution with this kind of capability and expertise. Infrastructure Victoria will have independence and rigour. Infrastructure Victoria will have the capacity not just to undertake complex rigorous analyses of major projects and make them public but to make them comparable across projects. The whole point is that if you want to make sensible decisions about major projects where you have limited funds and a number of different competing priorities, then you need to be able to compare those different priorities. That is one of the key contributions that Infrastructure Victoria will make, and it is well overdue.

Other jurisdictions in Australia have beaten us to the punch by a long way on that, as have other jurisdictions overseas. Infrastructure Australia has been around for half a decade, and as I understand it Infrastructure New South Wales has already had two rounds of reporting, so the time is well due for Victoria to put in place a more rigorous overarching framework for the way in which it evaluates and reports on major infrastructure projects that are under consideration.

That is where those opposite should be devoting their energy, not to exercises that are nothing more than fishing expeditions. There is nothing in this motion about trying to improve outcomes for the Victorian taxpayer or get better public policy outcomes. What the

opposition is trying to do here is transparent, but it is not about transparency. Opposition members are the ones who are transparent: this is about political pointscoring.

In conclusion I simply say that we have a very transparent system in place. You can go through each type of transaction: there are reporting arrangements, there are independent bodies that examine each project, there is stakeholder consultation and there is public reporting by ministers, the Ombudsman and the Auditor-General's office. For each of these projects ministers have been putting up time lines on their websites. For each of these projects ministers have detailed lengthy processes involving exhaustive stakeholder consultation. The transparency is there, but we are building on it. For example, we are strengthening the consideration of market-led proposals and we are going to put in place an independent body to examine infrastructure projects. That is the constructive way to deal with this issue, not through fishing expeditions.

I argue against this motion, and I hope that the Council concurs.

Mr BARBER (Northern Metropolitan) — It seems that government members and their lead speaker are starting to get a bit bored and frustrated with this debate. Mr Mulino spent a long time making the case for why there needs to be a balance between secrecy and transparency, and I will go through that in a bit, but he constantly hedged around the question of who it is who makes the call about where this balance lies. Apparently he chose to come down on the side that government members, who are the only people who have seen these documents, are the ones to decide both their content and their nature and therefore where they fit against his purported tests.

He dug his tests out of the Freedom of Information Act 1982 and then at various times referred to them as longstanding conventions and as principles. He went back and forth suggesting that there was some magical quality to this checklist of his, but he never quite pinned down for us where it is that the items on his list come from. He said there is a reference to them in the Freedom of Information Act, but he is quite clear that the FOI act does not apply to the Parliament.

He said to the chamber that there are statutory secrecy provisions that could be brought to bear. Is it quite the case that when this Parliament agrees to a statutory secrecy provision in an act that secrecy also then applies to the Parliament? If that is the case, then every single time we pass a statutory secrecy provision in this

place we will want to know from the government whether that particular provision does or does not actually override the constitution.

Mr Mulino said it is all about the constitution; he said that is where the separation of powers is to be found, but then he spent most of his time talking about cabinet deliberations.

Mr Dalidakis interjected.

Mr BARBER — If Mr Mulino could give me his attention for a moment and worry less about his jovial pal, could he tell me where it is in the Constitution Act 1975 that I can find reference to the cabinet?

Mr Mulino interjected.

Mr BARBER — No, I am saying that Mr Mulino, the lead speaker for the government, said that the separation of powers was to be found in the constitution, and he then said that cabinet in confidence was part of that. What I am saying is: show me where the constitution refers to the cabinet. The section he is really looking for is section 19 — the section that says that the powers, privileges and immunities of this house are those as of the House of Commons of 1855. As I have said many times — talk about bored and frustrated; how many times have I had to stand up in this place and say it? — there is no Westminster Parliament on earth that has ceded its powers in relation to any of these matters that Mr Mulino brought up. He called forth these spirits from the vasty deep and said that these were all the things that the government had on the checklist for deciding whether these documents could be released.

Ms Shing interjected.

Mr BARBER — That is the real question, is it not? If there is a balance to be struck, who decides? Who makes that decision? Mr Mulino's proposition is that they, as members of the government and as the only people who have even seen these documents, will decide what documents are to be released based on a set of tests he has laid out, tests which actually do not come from anywhere. He just dragged them out of the Freedom of Information Act 1982 and started referring to them as longstanding conventions.

There needs to be a balance between the three arms of government — the executive, the Parliament and the judiciary. There is no doubt that if Mr Mulino and his government continue this type of attitude — as well as him having to have many other debates like this one, which he is already finding quite frustrating — this matter will head to the courts. It is not that the courts

will come and have a look inside the chamber and sort out that dispute — —

Ms Shing interjected.

Mr BARBER — It will be a dispute between the two legal persons on either side of that separation of powers that Ms Shing learnt about in first year — that is, the legal person, the executive, and the legal entity, the Parliament. You can find reference to those in the constitution if you would like to go and look.

Ms Shing — Tell us, Poppa Barber!

Mr BARBER — Ms Shing is new here. That is all right, but when you get a new toy, a new device or a new computer, the first thing you do is crack open the instructions and read them.

Mr Dalidakis — On a point of order, Deputy President, I believe the member has objectified another member and spoken very poorly. I ask him to withdraw.

The DEPUTY PRESIDENT — Order! That is a frivolous point of order. Mr Barber will continue.

Mr BARBER — When all else fails, read the instructions. In this case, it is the Constitution Act 1975. You would have expected liberal reference to have been made to it in the case that was put forward by the government, but we did not hear any. In amongst that, Mr Mulino made a couple of points that I think could be examined. Mr Mulino made the point that cabinet needs to be able to deliberate. In effect, if the cabinet room were wired up like the Big Brother house and we could all watch, then, yes, it would destroy the ability of the cabinet to deliberate in a way that was confidential. But it is a far cry from that to suggest that any piece of paper that is put on a trolley and wheeled through the cabinet room is somehow covered by cabinet in confidence, which I agree is an important aspect of our Parliament.

Mr Mulino is now conceding that it is a grey area, so I had a look at something that is completely pertinent to this matter: the Auditor-General's report entitled *Operational Effectiveness of the myki Ticketing System*, which was tabled today. Members who have read it will see — and I am paraphrasing but hopefully not verballing the Auditor-General — that he says that myki had a business case but that business case was later altered to reflect some changes and that because that document went to cabinet it is not available to Public Transport Victoria in the life of this government. Since the whole purpose of a business case is to deliver some benefits and the agencies are then meant to

deliver those benefits, how can they possibly do that if they are not allowed to read a business case that happened to belong to the previous government?

The Auditor-General's role in this is to ensure that we deliver benefits from business cases, including those outsourced public-private partnership commercial arrangements that Mr Mulino wanted to champion. The Auditor-General notes — somewhat wryly, I think — that this government has chosen to release the business case for the east-west link, but when you extend that principle through all the other arrangements we have in place, you would want to see all those business cases made public so that the actual delivery of the originally promised benefits could be subject to scrutiny by members of the public — let us not leave them out of this — the Parliament and even the Auditor-General himself, who is an independent officer of Parliament.

The Auditor-General has powers under his act to scrutinise cabinet documents and to release them in the public interest if he sees fit, and that is because he works for the Parliament. He must have got that power to scrutinise cabinet-in-confidence documents — this is very distressing for some of the ministers present at the table — from Parliament, and if he has it, why can we not have it? If the Auditor-General has been granted this power by the Parliament, how can it now be argued that the Parliament does not have the power to scrutinise cabinet documents?

I have already referred to statutory secrecy. An interesting point is that if the executive, which I am not calling the cabinet, was unable to confer with its legal advisers in the confidential way that anyone does when they end up in court — and the government is in court all the time for all sorts of reasons — it would be unable to represent itself in court and therefore it would be unable to function as an executive.

Depending upon which particular scholar you talk to, some will say that the Parliament's power is completely unfettered or that there could be a limited set of cases where, for the reasonable necessity of the operation of one part of our constitutional system, cabinet documents could be made available. The courts in the past have obtained cabinet documents in the case of the Northern Territory land councils. It seems the courts can obtain them, and it seems the Auditor-General can obtain them. Maybe one government gets to obtain them from a previous government and releases them when it suits it politically, but the Parliament has been left out of this entire process somewhere along the line, according to Mr Mulino's construction. If he is right, we are all in a hell of a lot of trouble. The Auditor-General quite clearly points out another

absurdity if it were to be that any piece of paper that has gone to the cabinet is not available.

We have a number of quite important documents here. We have the documents associated with the rejected proposal for the Cranbourne-Pakenham rail upgrade. I heard the words ‘intellectual property’ come out of Mr Mulino’s mouth earlier on. He said it is necessary to harness the private sector’s intellectual property. In relation to the Cranbourne-Pakenham rail upgrade, when the government determined that the project was not going to go ahead, we purchased the intellectual property, and it cost some millions of dollars.

My question to the government and Mr Mulino would be: now that we have paid money for that intellectual property, are we allowed to see it? Generally when I make a major purchase I like to know what it is that I have at the end of the transaction. Does the government concede that now the state of Victoria has purchased that piece of intellectual property from the private sector — and I have no conception of what this intellectual property might be — it is available to the Parliament? Otherwise the government is now spending public money with no capacity to ever be scrutinised on it.

Then there is Mr Mulino’s nebulous public interest test, which he talks about being in the Freedom of Information Act 1982. It appears in a couple of places in the act and he might like to consider it. As I have said, the FOI act is not relevant and is not brought to bear here. But by his analogy there is an overriding public interest test in the FOI act. Notwithstanding any of these other tests that may have been laid out in that piece of the statute, he says there is still a public interest override that can be brought to bear. I argue that that is the most important principle here. But the thing that Mr Mulino cannot quite get a handle on is who decides the public interest. Is it for his government to simply state what it is and then this Parliament has to wear that, or does the Parliament have to first debate the matter? While we may not concede our powers in the way that Mr Mulino argues, it does not mean that the Parliament cannot make its own decision as to what is in the public interest for it to release.

I refer to a matter debated in the Canadian Parliament relating to the conduct of the Canadian military in Afghanistan. Of course the government claimed that all these things were related to national security. But at the end of the day the Canadian Parliament — in fact the Speaker of the Canadian Parliament — made a ruling that the Parliament had unfettered powers to seek these documents and that it would be for the Parliament itself to decide what material should be made public. If there

is some magic process in play that only works in the Canadian Parliament, and apparently it works in every other Westminster system in the world but the Victorian Parliament, then I would be very keen to be educated on that.

The Greens will therefore support this motion, not just because the matters contained in it — that is, the proposed sale of the port of Melbourne, the proposed construction of the West Gate distributor, the ongoing controversy around the Australian Formula One Grand Prix and the now abandoned former proposal for the Cranbourne-Pakenham rail corridor — are important projects and important matters for scrutiny in and of their own right, but additionally because it is our fundamental job to hold the executive to account, and this is an executive that clearly does not want to be held to account. Therefore we must maintain this position, because the government is offering us no middle way.

Dr CARLING-JENKINS (Western Metropolitan) — I will make some brief comments on motion 101 that we are debating today. I agree that the government should produce the documents that have been requested, and generally I will agree with documents being tabled. Since coming to this place I have called for transparency in contracts and for accountability on several occasions. I note Mr Mulino’s contribution on behalf of the government. I am not necessarily convinced by his arguments on confidentiality around market-led proposals; however, I am open to it. But I am not here to argue what should or should not be disclosed, and I agree with Mr Mulino that the release of documents should be considered on a case-by-case basis.

There needs to be an openness, a transparency and a firm commitment to accountability from governments and from former governments. That is why we will generally support documents being released. I also note the gravity of not producing the documents asked for, and I encourage Mr Jennings to provide the documents set out here with respect to the port of Melbourne, the West Gate distributor, the Australian Formula One Grand Prix and the Cranbourne-Pakenham rail corridor project. However, I will not be supporting this motion because I do not agree with paragraph (6) of the motion, which reads:

... that if the resolutions of the Council are not complied with, the Council reserves its right to find the Leader of the Government guilty of a contempt of the Council and to impose an appropriate sanction until the resolutions are complied with.

I do not agree with the wording or the sentiment of that part of the motion. Generally I will not support the

holding of or the potential holding a government member in contempt in such matters. It is time for us to constructively and effectively work together in this house. That is something we should all be mindful of.

Mr FINN (Western Metropolitan) — As tempting as it is to go word for word with Mr Mulino on his filibuster, as tempting as it is to give him a 2-for-1 deal or perhaps a 3-for-1 deal, I will keep my contribution this afternoon relatively brief. This motion comes down to one word, and that is ‘respect’. That is not a word that the Three Stooges up the back there will understand, but respect is something that this motion is all about. It is respect for the Parliament. It is respect for the people who put us here.

This government is showing by its contempt for the Parliament that it has no respect for members of this house, it has no respect for the Parliament and it has no respect for the people who elected this Parliament. Mr Mulino used the word ‘superior’, and Mr Dalidakis will I am sure be jumping on board this one because I reckon there is a fair chance that is his middle name. That is the way the government feels towards this house. It feels superior. It feels that it can ride roughshod over the elected members of this Parliament, it can ride roughshod over the Parliament of Victoria. It cannot and it must not be allowed to do that.

I have been in this place before when we have had situations where ministers and the Leader of the Government have shown the same sort of contempt for elected members and for the house, and we have taken appropriate measures to suspend the Leader of the Government at those times. It was entirely appropriate, and if the government continues to show the disrespect and contempt it has shown toward the Parliament and its members, we should go down that track again. That is what this motion allows for.

What is the use of passing this motion if we have no avenue to hold the government to account and deliver a punitive measure if it does not comply? The whole thing at that point is as empty as Mr Dalidakis’s head: there is nothing there at all. I urge members to reject the government’s filibuster and to restore — not restore, to maintain — respect for this Parliament and ensure that we are not wasting our time by coming in here every day and bowing to the superiority of a government that thinks it is so much better than we all are. Arrogance is a word that came from the other side — and I tell you what, they are the experts on the subject. They know disrespect, they know arrogance and they know superiority. They are nowhere near as good as they think they are. This week has shown that they are nowhere near as good as they think they are. They

should do us all a favour and go back to their carcass room and give themselves a good kicking, as they have been doing for most of the week.

I will leave my comments there, because I want to vote on this motion. I can understand why government members want to talk this one out. I can understand why government members do not want to face the reality of this Parliament. I can understand why they would want to do that. But we must — we must. As a Parliament we have a responsibility to the people of Victoria to do just that. We have a responsibility to the people of Victoria to pass this motion. We have a responsibility to put the Parliament of Victoria above the so-called superiority of this government. If members of the government want to talk about superiority, it should be about the superiority of the authority of the Parliament over the executive — and that is why this motion should be passed today.

Mr LEANE (Eastern Metropolitan) — It is always a pleasure to follow Mr Finn. When he says he will be brief, he actually is brief. In his brief comments he spoke a lot about respect, in line with Mr Rich-Phillips’s motion 101. This motion is calling for the production of certain documents, despite what category they may fall into — be it commercial in confidence or cabinet in confidence. He spoke a lot about them having to be delivered because if they are not delivered, it will show disrespect to this chamber.

Mr Finn — And contempt.

Mr LEANE — And contempt; thank you very much. Personally I think it is better to look forward than backward. If we turn our minds to last term, not long ago, when Mr Finn was a member of the government, there were numerous occasions when documents and paperwork were called for but not delivered — but that seemed to be okay. It was okay to show such contempt and disrespect. The difference with that Parliament was that the government had 21 members out of 40. Mr Finn argues that unless a government has a majority, if documents and paperwork that are called for are not delivered, it is disrespectful and that if a government has a majority — 21 out of 40 — then there is no disrespect or show of contempt —

Mr Finn — We provided more papers than you could possibly ask for or ever read.

Mr LEANE — That is not true, Mr Finn, because there were a number of calls in this house for documents, particularly around the east–west link and

the full business case for it, that were never complied with.

Mr Finn interjected.

Mr LEANE — They were never complied with, Mr Finn. I appreciate that the government — —

Honourable members interjecting.

The ACTING PRESIDENT (Mr Morris) — Order! I am sorry to interrupt Mr Leane. I ask members that Mr Leane be heard in silence.

Mr LEANE — The premise we are meant to take from the arguments of members of the opposition is that if a government does not hand over documents because they are commercial in confidence or cabinet in confidence, it is in contempt of and disrespectful to this house. That is an amazing concept because when the coalition had the numbers in this house, a number of times its members rejected calls for paperwork but did not feel there was a need for any censure by the house for not delivering it.

I will use just one example. When there was a call for the full east–west link business case, a document was delivered to the chamber, which the clerks tabled. However, that document was the public document — a 10-page colour brochure, which was proved to have incorrect information. It was not the full business case; as indicated on the front cover it was the short-form business case, which had — —

Ms Shing — And pages of triangles.

Mr LEANE — It had lots of pages of triangles. It had a half-page picture of a tram, or it might have been a three-quarter-page picture of a tram. It had a half-page or so picture of a pedestrian crossing in the middle of town and, as Ms Shing said, many coloured triangles. If we are saying that it is disrespectful for a government to not deliver paperwork because it is commercial in confidence or cabinet in confidence, then the previous government was clearly disrespectful. If that is what we are saying, then last year disrespect and contempt were on hand completely.

Mr Barber — You would not want to be like them.

Mr LEANE — Getting to that, Mr Barber, I have been lucky to be an MLC on this side of the chamber for four years, then on the other side for four years and then to find myself back here. In fairness to Mr Barber, I believe he would have spoken on more motions calling for paperwork than I have, but I can say that I have spoken on a lot in this chamber. Regardless of

which side of the chamber I have been on, I have always said there has to be respect in relation to a call for paperwork where commercial in confidence or cabinet in confidence applies. I have been consistent in that. For a government to operate, that is essential. If we are going to talk about respect, we should accept that for a government to have respect it is important that it can operate in this fashion.

I will touch on the contribution of Dr Carling-Jenkins, who indicated that she had had a problem with paragraph (6) of Mr Rich-Phillips's motion. If we want to talk about disrespect, the problem is that the house will find the Leader of the Government guilty of contempt for not handing over paperwork that this house deems it appropriate to be handed over, and then this house will impose what it deems an appropriate sanction. If there were respect for the house, the house would know what is being proposed as an appropriate sanction. How can anyone vote on this motion without knowing what is being flagged as an appropriate sanction? More respect could have been shown with regard to that in particular.

I will go back to Mr Finn's contribution in which he referred to talking the issue out and wanting to vote on the motion. Mr Finn is an expert on talking things out. He was an expert on that in the last term — he was as good as anyone. If that were something to be praised, I would give him much praise. He was the best, and he usually is the best, at talking for a long time without providing any great substance.

With regard to paragraph (6) and the production of documents, if we accept that the government has the right not to release certain documents because those documents are an important part of the cabinet process and the deliberative process and they contain in-confidence advice from the public service, if we accept that this is an important way for the government to run, if we accept that in order to operate effectively governments should have exemptions from releasing material that could damage the state's financial and commercial interests and if we accept that ministers take an oath to put the Victorian people and their interests first, what this chamber will be doing by passing this motion is asking the minister to break that oath. This chamber will be asking the minister to either break the responsibility he is charged with as a member of the government or keep his oath and protect the interests of all Victorians by not releasing the documents that have been called for.

That is the situation this motion calls for, and I would expect every minister in the Andrews government to adhere to the oath they took when they became

ministers. In moving his motion Mr Rich-Phillips knew that. In supporting this motion the opposition knows that, but it wants to forge ahead and wants to be seen to be putting some appropriate sanction on a member of the government. It wants to go back to rule 21-19, which I spoke about earlier. It wants to use its ability to tip out this minister and as a result have a grab on the TV news or an article in the newspaper the next day. The words it would be looking for would be ‘contempt of Parliament’. Maybe that is the opposition’s goal, which it thinks will put it back into the sort of competitive position it has lost in the last few years.

The politics of this motion are blunt, and its unfairness is obvious. If we all had at heart what is best for the people we represent, we would clearly reject this motion. Unfortunately it looks like this motion will get up. I am not sure what the sanction will be, but unfortunately we will be discussing that in the coming weeks. Depending on the stance the minister takes, there is the possibility that the minister will be expelled from the chamber for a period of time. That has happened in previous terms of government. As I said, I have been on this side of the chamber and on the other side, and I have come back to this side. Last time I was on this side of the chamber a minister was expelled.

I do not think the people we represent really care. I remember the last time this happened to the Leader of the Government in this house. I do not think it made the big bang in the media the opposition was hoping for at the time. I do not think that many people were engaged by it. I do not think that the people we represent cared at all.

Mr Mulino — They want outcomes.

Mr LEANE — That is exactly right, Mr Mulino. What the people we represent care about is outcomes. They do not care about games being played in this chamber or a pretence that members are doing the right thing by the people they represent. They care about governments getting on with business — getting on with moving legislation which is important to the many stakeholders and individuals we represent and getting on with governing this state.

Mr Rich-Phillips has called for certain documents. This is part of the game — that is, calling for certain documents regarding controversial or recent projects. The fact that projects are recent means that there are more commercial details to be worked through. Calling on documents for recent projects can make a controversy out of something that is uncooked. It is easy to criticise something when the process is still

being worked through. If something is uncooked, you can point out all sorts of issues before it is done.

The documents that are being called for are for the port of Melbourne, the West Gate distributor, the Australian Formula One Grand Prix and the Cranbourne-Pakenham rail project. To start with the Cranbourne-Pakenham rail project, the project may need some cooking, but it is going all right. To give some background, under the previous government there was an unsolicited approach from a group. I think it might have been unsolicited, but I am happy to be corrected.

Ms Crozier — To your government?

Mr LEANE — No, to your government — to the previous government.

Ms Crozier — Are you sure about that? It is a big claim.

Mr LEANE — I am talking about the Cranbourne-Pakenham rail project. I remember that Mr Stockdale, a former Liberal Treasurer, was involved in the approach. At the end of the day, good on them for making that approach if they thought they had a good project. But unfortunately when that was unpacked, it did not stack up. It did not remove all the level crossings, and it did not deliver new train stations.

Ms Crozier interjected.

Mr LEANE — If the member wants to go over the project, I am happy to look back to the past, but I believe we should keep moving forward and looking forward. It is too easy to point to previous governments. I take responsibility for our government, and this is a project we want to deliver.

Ms Crozier interjected.

Mr LEANE — Despite Ms Crozier’s interjection, I was actually stating that it was an approach to the previous government that brought this project on, and the project was refined and so on. I am saying that there was an approach.

Ms Crozier interjected.

Mr LEANE — As far as the Box Hill Hospital goes, Ms Crozier, I complimented everyone who was involved. Some of us get a bit sick of the chants of, ‘This is your project’, ‘This is our project’. If it is a good thing, then happy days — congratulations to everyone.

When we get to the budget debate later, I am sure members on one side of the chamber will say the budget is awful and members on the other side will say it is great, but it is hard to spend that much money without doing a couple of good things. I used to say that when I was in opposition. I pointed out to the then government that I was pleased about the money it was putting towards certain schools in Eastern Metropolitan Region. I was pleased that money was being put towards certain hospitals and health facilities.

We can argue about semantics, who has done what and who is better than who, but the Cranbourne-Pakenham rail project — the project we are delivering — is a multibillion-dollar upgrade of the Cranbourne-Pakenham line. The good thing about that — and I am sure we are happy about it, without having to call for every commercial-in-confidence document — is that it will create thousands of jobs. It includes purchasing 37 high-capacity trains, which is a great thing. It is great that these trains will be built in the state of Victoria. There will be more jobs. It is all good. ‘Wait, there’s more’ — it is like watching one of those late-night TV ads, because it just keeps going and going. And there will be four new stations built.

Ms Shing — How many?

Mr LEANE — Four! Actually three, but we are throwing in an extra one. If you ring now, you will get four — actually, do not bother ringing — Clayton, Carnegie, Murrumbeena and Hughesdale.

In addition there will be the grade separation along those lines. There will be no level crossings all the way from Dandenong to the CBD. If anyone has ventured along Murrumbeena Road at peak time, whether that be the morning or afternoon peak, they will have found that the Murrumbeena Road level crossing is causing awful congestion to the point where vehicles are queueing up to get across it on the other side — the north side — of the Princes Highway. It is not good enough. It has to be fixed. Expressions of interest to remove those level crossings have gone out.

I am not too sure what parts of the documents — those expressions of interest and the responses — will be looked at, but it is pretty important that the government and the bidders, the people who put in expressions of interest, have some sort of confidentiality and are free to negotiate the best price and the best outcome for the people they and we in this chamber represent. I am not too sure why this is on the list of documents that have been called for. I am happy to be corrected by the next speaker, as I am always happy to be corrected on these issues. However, I think this is one of the projects that,

as I said previously, is only at an expression of interest stage. It is undercooked. Being able to find fault in something that has not even been agreed to or finalised is an easy thing. I think the opposition can do better than going along these lines with the political reality it faces.

We have been there before; I have been over that side before, and I understand that this is what you look for. As I said at the start, this all seems to go out the window when the government has 21 out of 40 members. That was the reality for the Baillieu and Napthine governments in this chamber. There was no great respect shown for calls for documents. There was no great outrage shown by members of the government when they were not delivered. There were no calls to censor Mr David Davis in the previous term —

Ms Crozier interjected.

Mr LEANE — Because I think this is an important point. There was no call by the opposition to censor Mr David Davis in the previous government. It would have been interesting if there had been. It would have been interesting to test the numbers. Even though there were 21 members sitting on this side, it would have been fun to test those numbers to see whether some people on this side of the chamber might have actually voted for it. I reckon there may have been some people tempted to take that course of action. However, there was no outrage.

It seems to me that the only time that this chamber has shown any disrespect is when the government does not have the numbers. If the government has the numbers in the chamber, it is all fine and it is all good — ‘Off you go. You don’t have to hand over anything’.

Getting back to the east–west link short-form business case document —

Ms Shing — Coloured triangles.

Mr LEANE — Even though it was full of pictures and coloured triangles, it stated things like the project was going to return \$1.40 for every \$1 spent —

Ms Crozier interjected.

Mr LEANE — I know they were rubbery figures; they were very rubbery. It was actually in the short-form document. It was actually stated by Dr Napthine. It was actually stated by Mr Abbott. During an interview, Mr Abbott was asked about the east–west link and whether he had read the full business case. His response was, ‘No, I haven’t, but I know it

returns \$1.40 for every \$1 spent'. I will go back and do a search in the library and get that media clip — —

Ms Shing interjected.

Mr LEANE — He actually did. He said there was a return of \$1.40 for every \$1 spent. I thank Ms Shing. He actually said it was a referendum — that is, if the Napthine government was successful in being returned to government, then that would prove that the people wanted the east–west link. That did not seem to stop Mr Abbott's backbenchers in the east pulling a lot of stunts and carrying on. Obviously they do not accept the result of the referendum set by their leader. But that is for the federal Liberals to sort out amongst themselves.

There was a bit of disrespect shown in the last term, if that is what we could call it, because after asking for a full business case we were delivered a public document that was very short on substance and very short on the number of pages. It was a document that was already out there to show there was a business case, and that showed disrespect for this chamber, if that is what we are saying. If the government had said at the time that it had a problem with commercial in confidence and cabinet in confidence, then I think it might have been a different story. We have always shown respect for that — we understand it — and we will continue to do so.

I expect this motion will be passed. We know the endgame that the opposition is playing. I would be very surprised if that endgame delivered any political capital towards what the opposition wants to achieve. This has happened before. It does not get an opposition too far. I urge everyone to see this motion for what it is and reject it.

Ms FITZHERBERT (Southern Metropolitan) — I rise today to support the motion moved by Mr Rich-Phillips. I note that in Mr Leane's contribution to this debate he talked about games being played in this chamber, to use his words. I suggest that it is actually Mr Leane who has been playing a few games here, chatting away for half an hour on this, harking back to the past and giving us chapter and verse on what the previous government did with this while in the same breath telling us that he wants to look forward.

Let us talk about what it is that this chamber has the power to do and what it can and should do in relation to motions such as those that have previously been passed on the production of document motions. It is unfortunate that the Parliament has to devote time to debating this motion. The documents really should have

been presented before this date. We could have used our time far more usefully on a range of other things.

Today I want to talk about paragraphs (1)(a) and (1)(b) in particular, which relate to the port of Melbourne and the West Gate distributor documents. I make the point that the crux of this issue is that the Council has the power to require the Leader of the Government to table these documents. It has this power so that it can do its job.

It is not good enough for the government of the day to say, 'Leave it with us. We'll look after it. You don't need to trouble yourself with the detail. We've got it all under control' — or, as Mr Mulino said, 'We have a superior plan'. That is okay; we can just wait to see what comes of that then. Or to use Mr Leane's words in relation to the Cranbourne–Pakenham railway lines, 'It's going to be all right'. That is okay. We do not need to scrutinise it. There is no point having an opposition. We can just leave it with the government, and it can get on with it. We can just work out later how it went.

I do not think that is good enough. It is the job of those in this place to trouble themselves with the detail. That is why we need to see the detail when we respectfully ask for it in accordance with long-established precedent in this place.

I note the contribution of Mr Barber today and his contributions to previous debates on motions such as these, which have outlined the legal framework and precedent in this Parliament and others that gives us the right to require the production of these documents. I am not going to go over what Mr Barber has said. He is already said it once, and he has said it well. There is no need for me to repeat it, but in a nutshell: the power is vested in the Constitution Act 1975.

Ms Shing might look forward to this — I am going to refer to *Erskine May*. I know she likes that. If we look at *Erskine May Parliamentary Practice*, 10th edition, 1893, the relevant chapter starts with the words:

Parliament is invested with the power of ordering all documents to be laid before it which are necessary for its information. Each house enjoys this authority separately but not in all cases independently of the Crown.

I think that is pretty straightforward. Mr Leane appears to have a different view. That is the authority. I know Ms Shing relies on it, so it must be true.

We need the documents because we need to know what studies have been done. We need to know who has been consulted. We need to know what the genuine costs are of these projects, because it appears that already there are significant blowouts. We need to

know what will actually be achieved compared to what has been claimed by the government, which is the ‘just trust us’ approach: ‘We have a superior plan. It’s going to be all right’.

I will turn to paragraph (1)(a), which is about the port of Melbourne. I am acutely aware of the significance of the port to the local community and to local businesses. It is very close to my electorate office in Port Melbourne. It is also the place where the produce of western Victoria — close to where I grew up in Geelong — exits our country and goes to the world. It is very appropriate that we look carefully at how we approach and plan for its future.

This government plans the privatisation, or at least the sale of a very long term lease, of the port of Melbourne. The former Minister for Ports, Denis Napthine, commenced the expansion project at the port of Melbourne, which was to buy sufficient time to enable the future port needs in Victoria to be developed. The former government also allocated \$110 million for scoping studies and planning for the port of Hastings. We on this side of the chamber have been very clear about the need for future port capacity growth, the need for a second port for Melbourne, and more broadly for Victoria, and the need for additional capacity at the port of Melbourne in the medium term.

We know that those in government have different views on how our port capacity is to be managed. There is no doubt that this issue will be debated in this place in the future. It is quite likely that legislation will come before this Parliament, and so it is appropriate that we as MPs start to develop an understanding of the risks and benefits associated with port privatisation. We cannot do this on an uninformed basis. We have asked for the documents, and we would like to see them delivered.

I also want to focus on paragraph (1)(b), which is in relation to the West Gate distributor. This goes to the issue of ageing infrastructure on the West Gate Bridge. The West Gate Freeway opened in 1971. It is older than a number of members in this chamber. The West Gate Bridge was completed in 1978. I note Mr Ramsay’s previous contribution about the massive amount of growth in traffic that head across this bridge. It has increased by about 2.1 per cent annually. In 2008 there were 180 000 vehicle movements a day. In 2015 we see just over 202 000 vehicles per day on the bridge. I know that members who need to use this bridge frequently see for themselves the frustrating snarl of traffic that often banks up. We need to address this growth through additional infrastructure. It is obvious to all of us.

The western distributor is a proposed tunnel and elevated motorway from the West Gate Freeway to CityLink with a connection to the port of Melbourne. The funding model proposed by the government is unusual to say the least. The project will be paid for by a mix of tolling revenue and taxpayer money, but the Andrews government will not pay anything. That is a really good idea! Why has no state government done that before? You just get everybody else to pay for it. It is not clear to me why the federal government should agree to stump up funds when the state government will not, and I suspect there is a fair bit of ambit in that funding model put forward by the state government. It is something we should be able to have a closer look at.

I note that on 15 September 2014 the then opposition announced a plan to release a call for expressions of interest for the entire West Gate distributor project by Australia Day 2015. The now Premier is quoted as saying:

Labor’s West Gate distributor is ready to go ...

I took that quite literally to mean that it could happen and that if the opposition became government, they could just press the button and it would happen. But this was not to be. Instead on 21 January the Premier announced the release of expressions of interest for only minor works, including traffic lights on Footscray Road — about 3 kilometres from the West Gate Freeway — at a fraction of the cost of the original project. It is all about saying one thing in opposition and doing another in government.

There are other reasons for the Council to want to look very closely at this project. There is the issue of extra lanes on the West Gate. In January the *Herald Sun* reported on a \$180 million black hole in Labor’s West Gate distributor project. The government tried to blame the cost on building extra lanes, but Labor’s *Project 10 000* document confirms that the \$400 million to \$500 million cost already included an extra lane in each direction. It is there in black and white on page 30. To argue that the extra lane would cost an extra \$180 million, which the government claims was not included in the original costings, is just wrong. There is very good reason already to be concerned about the costings of this project, yet the government says, ‘Just trust us. It is okay. It is on track. You do not need to worry your pretty heads about these things. We will do it’. It is not good enough.

I want to speak briefly about some comments made by Mr Mulino, who expanded in great detail on the exclusion of cabinet-in-confidence documents under FOI claims. I have to say with all respect that this is a

bit of a frolic. I hope that is not unparliamentary language, Acting President. It is a bit of a frolic because we are not talking about FOI; we are talking about this chamber's role in being able to quite reasonably and through long-established precedent ask for the production of documents. I believe that this has been established quite clearly in *Egan v. Chadwick*, which I am going to refer to.

Ms Shing — I am going to go and get *Erskine May*.

Ms FITZHERBERT — It is not that good, I am afraid. Maybe next time I will get that one out for you. An opinion paper by Bret Walker, SC, which was tabled in the Legislative Council, states:

Where a document is not to be regarded as a cabinet document, there should be no public interest reason to keep it from the people's representatives, the legislators, in the Council.

This goes to the issue of commercial in confidence as well, because that is seen as a subset of that earlier quote. Further:

... it has no better claim for immunity against an order for papers. It is for the Council to determine, in its assessment of the public interest, how secrecy of this kind should be observed.

I note the comment that one of the earlier speakers made — I believe it was Mr Barber — about the practice, which I hope does not happen too often, of wheeling documents through a cabinet room so that they magically acquire the status of being cabinet in confidence. I note also Dr Carling-Jenkins's comments about being uncomfortable with paragraph (6) of this motion, which is the section that talks about the resolutions of the Council not being complied with and the Council preserving its right to take action against the Leader of the Government.

I think it is a very good thing, as Dr Carling-Jenkins said, to talk about wanting to work constructively, but it leaves those of us in the opposition with the question: what if the government does not want to work constructively? What if it will not comply with a reasonable and a completely legitimate request to hand over documents? Should we simply put up with that? Or should this chamber go back to the long-established right to be able to take action in response to that kind of unreasonable action by government? I believe we do have that right. It is reasonable for us to consider taking that step. It is clear from the wording of this motion that the issue of the type of sanction that should be applied would probably be the subject of debate in this place. I could not imagine that it would not be so.

I conclude by noting a couple of comments in relation to what the government says about being open and accountable. This is something that has come up in previous debates on these motions, and it tends to be the common language used by the government to describe its approach. I was struck by comments made by Ms Symes on 11 February, which epitomise to some extent this approach. She is reported as saying:

On this side of the house we value openness, transparency and accountability.

Ms Symes — I was going to repeat that today.

Ms FITZHERBERT — I will repeat it for Ms Symes, who went on to say:

We know that governments that are not transparent and not accountable pay the ultimate price. We on this side are actively demonstrating a different approach. We made election commitments to open up the Parliament and the government to more scrutiny than ever before —

'more than ever before' is a pretty big claim —

and to become more accountable.

I call on members opposite to show some openness, some transparency and some accountability. I ask them to join us in supporting this motion and to produce the documents that this chamber has repeatedly called for.

Ms SHING (Eastern Victoria) — At the outset I will take up the most recent three-word slogan that Ms Fitzherbert referred to in her contribution — namely, openness, transparency and accountability. When those three words are put in the order set out by Ms Fitzherbert in her contribution, they form an election slogan from the coalition in the lead-up to the 2010 election. What happened at that election was that the opposition was brought to government off the back of a promise to be open, transparent and accountable. We heard that mantra ad nauseam. It went on and on and on about the promises it was prepared to make to Victorians and about the way in which matters would be dealt with under its leadership and governance.

What we saw, however, was one of the most spectacular about-faces in recent Australian political history. As is so often the case with coalition three-word slogans, not only did it turn into something that fell apart once any magnifying glass was applied to it, once any detail was sought of it or once any scrutiny was invited of the way in which the promises would be kept, but it in fact turned into somewhat of an albatross around the neck of the coalition government.

Mr Herbert — It is not as if they did much to be open, transparent or accountable.

Ms SHING — To pick up the minister's interjection, members opposite did absolutely nothing to deliver on a practical implementation of that three-word slogan, open, transparent and accountable. They also promised, as I recall from the bumper stickers and posters, to fix the problems when they were in government. I love dogs, so I think the phrase 'to sell someone a pup' is actually a good thing, but in this sense the Victorian public was well and truly sold a lemon. It was sold a dud. What it got was a government that was very fond of a three-word slogan. There was the 'fix the problems' slogan and the 'open, transparent and accountable' slogan — although that is technically four words. What the coalition delivered was smoke and mirrors. What the coalition delivered — —

Ms Fitzherbert — On a point of order, Acting President, Ms Shing is not being relevant. Ms Shing has been speaking on this motion for more than 3 minutes. It is a motion about the failure of the government to comply with resolutions of this Council, but she has been talking only about the previous government. She is not being relevant.

Ms SHING — On the point of order, Acting President, I note that in the 3 minutes I have been on my feet I have been responding to the commentary that Ms Fitzherbert started when she delivered her contribution. I am happy to bring myself back to the motion. However, I should be able to make my contribution as I see fit.

Mr Herbert — On the point of order, Acting President, I have listened to much of the debate. There has been an incredibly wide range of viewpoints put forward. In fact we have had some people make speeches that seemed to be entirely about the speeches of the person who spoke before them. On the central issue of this debate about whether this motion is fair dinkum or not, I would have thought that Ms Shing was right on the money in the first 3 minutes of her contribution.

The ACTING PRESIDENT (Mr Morris) — Order! On the point of order I rule that Ms Shing has just begun her contribution. I encourage her to continue and to keep in mind that her speech needs to be relevant to the motion before the house.

Ms SHING — What I was saying prior to Ms Fitzherbert's point of order was that we heard a lot about the way in which openness, transparency and accountability was to be delivered, yet those opposite did not lead by example. What we see now is motion 101, which sets out numerous components which it says amount to a dereliction of the Andrews

government's obligations to produce documents and information as a result of one resolution of 11 February and three resolutions of 25 February. The documents relate to the port of Melbourne, the West Gate distributor, the Australian Formula One Grand Prix and the Cranbourne-Pakenham rail corridor project. The motion also seeks to act on non-compliance with resolutions by invoking the capacity of the Council to not only scrutinise but also find the Leader of the Government guilty of contempt of the Council and impose an appropriate sanction until the resolutions are complied with.

Having read more than a little of *Erskine May* — as Ms Fitzherbert referred to in her own contribution — to my mind the Parliament is in a position to order the production of documents, and to that end I do not cavil at the points of view expressed by those on the other side of the house.

I do not take issue with the general notion set out by Mr Barber that Parliament can require the production of certain documents. However — and this is important — as Mr Mulino and Mr Leane said in their contributions, this power is not unlimited. Parliament is not in a position to act off its own bat without being responsible for the public interest. Parliament, and indeed good government, requires that a balancing act take place between on the one hand the right to have documents produced for scrutiny, analysis, evaluation, disclosure and dissemination, and on the other hand the all-important notion of the public interest being preserved for the purposes of ensuring that taxpayers are not duded, sold a lemon or lumped with a bill such as that which we saw as a consequence of the shamolic negotiations that occurred right up until the 11th hour before the election as they related to the botched, dud east-west link tunnel.

What we have seen is a coalition which indicated that it was happy about the notion of — —

Honourable members interjecting.

The ACTING PRESIDENT (Mr Morris) — Order! I ask members to keep the volume down slightly. I am having trouble hearing Ms Shing's contribution.

Ms SHING — It is the first time that anyone has ever indicated that they have been having problems hearing me say anything! It is good that we are exchanging views across the chamber, because this is an issue which people should have a view about and which they should turn their minds to. One of the key elements of turning one's mind to a question such as

that which lies at the heart of this production of documents motion is the notion of whether this is being done for a proper purpose.

The call for these documents cannot take place at large and in a vacuum without reference to the extent to which they are being sought for a proper purpose. The seeking of the production of these documents and the making of the statements set out in subparagraphs (1)(a) to (d) are not being done for a purpose which advances the public interest or enables government to better discharge its obligations to Victorians. In fact they are not consistent with the principles of executive privilege or with the notion of striking the balance that I have spoken about.

As Mr Mulino referred to in his contribution, it is not consistent with the principled approach taken when considering the release of documents obtained in any other transaction or exchange and requested through the processes of Parliament and the Freedom of Information Act 1982. It is not consistent with the way in which taxpayers money, resources, infrastructure, funding or service delivery should be delivered in the best public interest to make sure that the state retains the best possible advantage in conferring benefit upon Victorians, and reducing disadvantage for Victorians, and to make sure that it is not simply an exercise embarked upon because the coalition would quite like to waste the time of this house and the resources which are funded by taxpayers in order to seek the production of documents which are in and of themselves in the public interest relevant to ongoing negotiations, to cabinet in confidence or indeed to the privileges which those opposite so ironically and so frequently, with alarming regularity, sought to withhold when they were on this side of the house.

It would seem that what is good for the goose is not good for the gander when it comes to the way in which the opposition from up in its ivory tower, clip-clopping along on its high horse, is able to call so sanctimoniously for the production of these documents when in government it failed to walk the talk. It has failed to acknowledge the necessary and relevant public interest in this debate. It failed to make sure that it was delivering on its promises, and yet to that end we now hear the opposition calling us out for its own aspirations, which opposition members were not courteous enough to afford to Victorians when they were in government.

It is important to note that the specific projects referred to at paragraph (1) will provide enormous benefit to Victoria. They will provide an enormous investment in making sure that intergenerationally Victoria's streets,

arterials, jobs and housing arrangements will be improved.

I turn to subparagraph (1)(d) relating to the Cranbourne-Pakenham rail corridor project documents. The project has been outlined extensively in the contributions from members around the house, including by my colleagues Mr Mulino and Mr Leane. The project provides for the removal of nine level crossings, which will mean a seamless trip on the Dandenong line to the city without the frequent hazards, fatalities and near misses as a consequence of the level crossings and without the delays because of the lack of service and amenity. The four rebuilt stations will ensure that better benefits are conferred on people along this high-density line. We will have 37 high-capacity next-generation trains with local content that will deliver jobs and fortify confidence in our manufacturing sectors. The project will start to deliver jobs after the horrific job losses that were sustained under the previous government.

Expressions of interest documents for the nine level crossing removals have already been released to the market, with 50 per cent of local content to be part of the way in which the trains will be manufactured and fitted out. Clayton, Carnegie, Murrumbeena and Hughesdale stations will be rebuilt. People will be better furnished with travel options, and they will have better amenity. The documents deliver on the promises that were taken by Labor to the election that decided that the coalition was not able to sit properly in government and deliver on its promises.

The proposal from the previous government did not go far enough. It could not even deliver what those opposite had promised. It spruiked and committed to a proposal during the election campaign, it pre-empted the outcome and it subverted the process of its own unsolicited bid guidelines. That assessment shows that the project did not stack up, and when a project does not stack up — —

Mr Ramsay interjected.

Ms SHING — I will get to other projects that have not stacked up in a moment. When a project does not stack up it would be folly for any government to proceed down a path that is already errant. The previous government lied to Victorians about the way in which the project would be delivered. A robust assessment revealed that the project was rated only as average; it was not even above satisfactory. It had significant problems and shortfalls, including insufficient detail, unresolved technical and scope issues and significant project risk. This is beginning to

sound like an enduring theme in what the coalition proposed in government with half-baked, scrappy ideas that were put together on a whim to deliver things that would not confer the benefit they were promising.

A lack of integration between the components of the proposal was another key area. The estimates were — again in a theme common to the way in which the coalition entered into major project delivery — that the project could blow out from \$2.5 billion to at least \$3.1 billion and that, to top all of this off, trains along the line would continue to be overcrowded.

The solution to the problem that was proposed by the coalition was not only not going to work but it was going to come in over cost and was going to be a half-baked job. This approach is at its highest grossly incompetent. When we are talking about disclosure of documents, the refusal and failure to provide the documents that related to the project and the secrecy that extended across all decisions that were made about major projects in this state was nothing if not a red flag about the way in which those opposite were very good at talking the talk but failed abysmally at walking the walk.

The plan that has been proposed by this government for the Cranbourne-Pakenham rail project solves the problems. This much is clear. It solves the problems in practice, on the ground. Commuters will see real, significant, properly costed and accountable outcomes that improve their commutes. People will get to work faster, more safely, and they will get home earlier. This is not something on which there has been delay. This is not something that has been the subject of time wasting or something that has been frittered away. However, it has been a project that required work to bring it back on track. It required scrutiny and proper analysis, and it warranted a proper assessment of the true cost of the project in order to make sure that what Victorians got was what they were promised.

The Liberal plan itself was a con. In terms of unsolicited bids by private sector consortiums, it did not go far enough and could not even deliver the very basic core of what had been promised. What we have had here though, since announcing the Cranbourne-Pakenham rail project, is a long line of positive responses from those who are intimately associated with the provision of public transport and from those for whom public transport, better amenity, better connectivity, better services and better stations mean something. The Public Transport Users Association indicated in the *Age* of 1 April that Labor's rescoped Dandenong line upgrade was in fact superior to the coalition's version. In my view this comment

reinforces the position that doing it properly is better than flinging around a half-baked three-word slogan and a last-minute election promise.

In the *Age* of 31 March it was stated that the public-private partnership proposal of the coalition only went part way to solving the problems that had been identified in the course of the project. Just four of the nine level crossings between Caulfield and Dandenong would have been removed, with the next five to go at some unknown date. It is interesting to hear those opposite wanting specific dates and times around when projects will be commenced when they do not appear to understand the notions of pre-planning, surveys or making sure that disruption is minimised to those who will be directly affected by construction and by the changes that are at the heart of Labor's policy proposals.

As the *Age* has indicated, had this project been undertaken in the way proposed by the coalition, it 'would have left cars, trucks and buses stuck at boom gates even longer than they are today — perhaps 90 minutes in the 2-hour peak'. Labor is removing all nine of those level crossings and paving the way for trains to run more often, without gridlocking busy roads that are already packed with people driving to and from work or taking their kids to school.

Moving on to the other projects which are the subject of the motion, there is the Australian Formula One Grand Prix contract. The grand prix itself brings broad and significant benefits to the state. Once a year the hum of the cars, which can be heard from up to 50 kilometres away, drives tourism and investment attraction. It contributes to the events calendar of Victoria and makes sure that we remain squarely in the spotlight for national and international crowds. We deliver a combined economic impact to the state of approximately \$1.8 billion every year as a consequence of the grand prix.

There was a motion on 25 February, which is referred to at paragraph (1)(b) of the motion before the house, for the production of the contract signed by the Napthine government to host the Australian Formula One Grand Prix in Melbourne from 2016 to 2020. This motion was ultimately supported, after which time the Attorney-General wrote to the Clerk of the Council to advise that the Council's deadline of 17 March did not allow sufficient time for the government to respond to the order but that the government would respond as soon as possible. This is not in fact a statement made in bad faith. This is not in fact a statement made for an improper purpose. The Minister for Tourism and Major Events has requested legal advice from the Victorian

Government Solicitors Office. This, importantly, is a highly sensitive request which has required extensive consultation with the Victorian government solicitor and the Australian Grand Prix Corporation.

Again, the process of consultation is not being undertaken in bad faith; it is not being undertaken for a frivolous reason. It is being undertaken to make sure that the economic prosperity derived from the operation of the grand prix is not compromised or jeopardised and that the inclusion of this event on our calendar is not at risk as a consequence of the public interest being breached and documents being released at a time which is not in and of itself as appropriate as it could be.

In relation to the third project, which is in fact the first project referred to in the motion, at paragraph (1)(a), being the port of Melbourne documents, I note that this government is absolutely committed to the lease of the port of Melbourne as part of delivering on a jobs and infrastructure plan that will make sure that Victoria's needs now, in the medium term and down the track are looked after. That requires working through a process to make sure that taxpayers get maximum value and that the economic benefit conferred is the best it can possibly be. In making sure that it is the best it can possibly be, this government is acting squarely in the interests of the public.

This was a bipartisan commitment, and we are getting on with delivering it. We are carefully making sure that this is a negotiation process that delivers maximum benefit. To do anything else would be irresponsible and an abrogation of our government's — indeed any good government's — obligation to make sure that benefits are conferred in the best way possible. The process is being worked through in good faith. There is nothing disingenuous about this. This is not being done for any reason that the coalition might like to think has the crossbenches or those opposite at its heart. It is about the interests of those outside this place. It is about those who pay their taxes and, like shareholders in any corporation, expect that decisions will be taken in their interests which confer benefit for the right reasons.

I also touch on the western distributor proposal. The West Gate distributor, which is referred to in paragraph (1)(b) of the motion, will provide a crucial alternative to the West Gate Bridge for the 200 000 vehicles that use it every day. It is very clear that it will reduce travel times from Geelong and Ballarat to the city by up to 15 minutes and provide travel time savings of up to 40 per cent for traffic heading west in the afternoon. Transurban estimates that the project will generate 3500 new construction

jobs and 4500 indirect jobs and cost between \$5 billion and \$5.5 billion.

Transurban's business case shows that the project would have a cost-benefit ratio of 1.6 — that is, \$1.60 return for every dollar spent. The project could start at the end of this year and be completed by 2020. This is much better, I would suggest, than the botched business case for the east-west link, which Mr Leane referred to in his contribution. The project that was proposed by the now opposition was the subject of a business case which was revised because advice was received that Infrastructure Australia would not find it palatable enough. It was distilled into a 10-page document full of triangles, as Mr Leane indicated. It was full of pretty pictures, and it was glossy enough to convince people that it was a pup worth buying — a lemon worth popping in the shopping bag.

After Prime Minister Abbott indicated there would be a referendum on the east-west link, we saw the federal government resolve not to provide resources until and unless negotiations had been concluded allowing for benefits that appealed to the appetite of those in Canberra. Despite rail being a priority of Infrastructure Australia, despite planning indicating that traffic congestion would not be alleviated by the east-west link and despite a business case that indicated that tolls would need to be applied to existing roads, this project was deemed a good idea.

As far as major projects are concerned, those opposite are hardly schooled enough to give us advice on what is a good idea economically. If east-west link had gone ahead, we would have seen a return of only 45 cents in the dollar. Yet those opposite struck a last-minute side deal that committed any government to providing compensation irrespective of whether the courts upheld the east-west link contract. It was a cruel con on Victorian taxpayers, shackling them to debt which was necessarily and appropriately the subject of lengthy confidential negotiations from which the Andrews government was required to extract itself. We got there in the end to the tune of intellectual property, to the tune of one dollar and to the tune of making sure that we could deliver on our promise to take care of commuters and of projected growth. We want to make sure that Victorians fully understand what they will be getting, and we want to make sure that there are appropriate mechanisms to understand the basis on which benefits are being conferred.

The western distributor proposal is being assessed by the Department of Treasury and Finance and is also being reviewed by an independent expert panel. Taking up some of the comments made from the other side of

the chamber in the course of this afternoon about this assessment being just a review, I suggest that in fact an assessment by an independent expert panel is the best way to determine the extent to which value is being conferred. It is the best way to determine the way in which the public interest is being served. That panel has recommended progressing to the next stage and is now in the process of undertaking a rigorous assessment and entering into negotiations with Transurban.

It would be obvious to those opposite that negotiations will occur in good faith and will ensure that maximum benefit is obtained at the best possible price. This is not rocket science. Like the number of the motion itself, this is negotiation 101. We are making sure that negotiations occur in the best way possible, in the most timely way possible and in good faith. We are making sure that the project proceeds in an open and transparent manner and that any decision made about this project ensures that Victorians get value for money. We need to stop playing games on infrastructure and start making sure that now and into the future Victorians have those projects to hand which deliver real benefit and deliver it in the public interest.

If progressed, the Transurban proposal would meet the government's commitment to the full West Gate distributor by providing a direct link to the port and — this is important — taking thousands of trucks off the West Gate distributor and local streets in the inner west. During peak hour those streets are plagued with what have come to be known as rat runs. The trucks go all day and cause immense discomfort to those living in the immediate area. What will happen is that the direct link to the port and the removal of those trucks from the bridge will improve amenity and make sure that the public interest is delivered. Stage 1 of the West Gate distributor, which is already out to market and, for those who are inclined to read it, funded in the budget, will proceed regardless.

I note that paragraph (3) of the motion 'affirms the privileges, immunities and powers conferred on the Council'. I will focus on the concept of privilege for a moment. Privilege does not operate in a vacuum or in isolation from other considerations around good government. Privilege is not unfettered. As I indicated earlier, it is an accepted principle that in response to an order for documents, government can withhold the disclosure of documents when disclosure would be contrary to that all-important concept which has formed the basis of my contribution this afternoon — that of the public interest.

Executive privilege, the basis for withholding that disclosure, does not operate as a stand-alone concept. It

operates in a way that is tethered to the notion of delivering benefit, of acting in the best interests of Victorians and of acting for a proper purpose and in good faith. To that end I note that the way in which this motion has been proposed and put to the house and that way in which it seeks to empower the Council to find the Leader of the Government guilty of contempt and to impose a sanction on him, is in and of itself not an appropriate use of a reliance upon this particular power.

In closing — I know that members will be disappointed to hear that I am just about finished with my comments for this afternoon — I note that we must make sure that we are governing appropriately, properly and in a considered fashion. We must make sure that what we do in this place and commit to the notice paper in this place confers benefit in the public interest. For the reasons I have outlined in relation to the four specific projects referred to at paragraph (1) of the motion, it is my position, a position I share with those who have already spoken from the government's side, that to compel the release of these documents would not be in the public interest and would not confer the benefit that good government has at its heart.

Mr Ramsay interjected.

Ms SHING — It is not to say — to move back to a contribution made by Mr Ramsay just now — that this would not be open, transparent and accountable, but that it is a better balance between transparency and accountability on the one hand and maximising opportunity and advantage on the other.

It is with a circularity of sorts that I finish my contribution on the point that I started. Openness, transparency and accountability must be delivered, for all intents and purposes, for appropriate purposes and in good faith. To do anything less and to depart from that would be to fail to deliver on our obligations to govern well and to govern for all Victorians.

Ms PULFORD (Minister for Agriculture) — I am pleased to have the opportunity to join the debate on the motion put forward by Mr Rich-Phillips seeking documents in respect of the port of Melbourne, the West Gate distributor, the Australian Formula One Grand Prix and the Cranbourne-Pakenham rail corridor project. I note that Mr Rich-Phillips seeks to require the government to provide documents that the government is either giving consideration to, as the opposition is well aware in some cases, or is unable to provide because of its obligations to serve the best interests of the state.

As was canvassed in the contributions of earlier speakers in this debate, as members of Parliament and members of this house we have an enormous responsibility — indeed multiple competing responsibilities — to our electorates, to the Parliament and its traditions, and always first and foremost to the people of Victoria. The robust debate that occurs in this place from time to time is often a reflection of the great passions that we share about the outcomes if not about the process through which we get to them. Those of us who are members of the government also have another set of obligations, most of which are complementary but occasionally conflict. As members of the executive we have a sworn legal and moral duty to the people of Victoria to faithfully apply ourselves to the tasks we find assigned to us and to always act in the best interests of the state and the best interests of the Victorian public.

This is the conflict that occurs when the Parliament deems that it is in the public interest for a document to be released where the government is not in a position to release it because it conflicts with the government's obligations to the state. These are the limits placed on a general and deep commitment to being an open, accountable and transparent government, which this government is very committed to and takes seriously. But when the release of information is not in the public interest, there are circumstances where in whole or in part it is not appropriate to release certain documents.

The way in which the government seeks to apply this principle is in a manner that is consistent with the Freedom of Information Act 1982. The FOI act outlines provisions for the protection of documents and the circumstances in which it is not appropriate to publicly release information that may be sought by other politicians, by community groups, by organisations, by the media or by anyone seeking that information. It is that standard in the FOI act that defines the limits. Where the limit of information engages the responsibilities of the executive, then it is appropriate that those documents are withheld. It is that standard that we apply, and we believe that it is important that it is applied consistently, that the FOI act is the right standard and that it is appropriate to respond to these document requests in a way that is entirely consistent with this. We are required to act in the interests of the state at all times, and that is what we will do.

Previous speakers have canvassed the broad range of issues and the many and varied documents that Mr Rich-Phillips has bundled into this motion. Among them are the port lease transaction arrangements. To that I say there was a commitment by the now government and now opposition prior to the election to

enter into a long-term lease of the port of Melbourne. This was a bipartisan commitment. It was a very clearly stated election commitment, and it is one that we are getting on with delivering.

We announced our *Project 10 000* election commitment more than 12 months before the election, and it is a significant one. *Project 10 000*, named for the number of jobs that it will create, will remove Melbourne's 50 most dangerous and congested level crossings. Four of these crossing removals were recently contracted, are fully funded in the budget and are ready to go, but the commitment that was made against the proceeds of the long-term lease of the port of Melbourne will deliver more broadly on the full election commitment to the removal of level crossings. Anyone who spends any time on a train or in a car in Melbourne will appreciate that these projects are well due and that the benefits to Victorian motorists, passengers on our rail network, businesses, industry and residents will be enormous. Indeed in adjournment debates many members of the government, opposition and crossbenches have sought information from the government about progress on this very important policy and sought updates on particular projects. These projects are of enormous significance to the communities who will benefit from this policy.

Project 10 000 also outlined Labor's plan to establish the Victorian transport building fund and as part of this confirmed a dedicated \$1 billion for regional roads and \$1 billion for suburban roads, ensuring that our regional communities, our rural communities and also Melbourne's suburbs have access to the kind of funding that is needed to maintain our road network. I am sure all members will agree that this is a very valuable investment in road safety, which is of course always paramount in our thinking on transport and road spending, and it also brings enormous benefits to people and commuters from all walks of life. The quality of our road network is of course essential for the good, strong and effective functioning of our economy. We are committed to the lease as part of *Project 10 000*, and the revenue raised from the lease will be dedicated to these critical transport infrastructure projects. We are proceeding with that at great pace.

Mr Rich-Phillips's motion also seeks information about the West Gate distributor proposal. As somebody who spent an enormous amount of time this morning getting here from Ballarat, I think any project that will ease pressure on the West Gate Bridge, reduce truck numbers in the inner west and improve access to the port of Melbourne is a very welcome thing indeed. The western distributor proposal will provide an alternative

to the West Gate Bridge for the approximately 200 000 vehicles that use it every day. This will have benefits for people throughout the entire western part of the state. Of course many of those people do not commute to Melbourne on a daily or even a regular basis, but for commuters and occasional travellers this will improve travel times from cities like Geelong and Ballarat in my electorate by up to 15 minutes. For those westbound in the afternoon, heading into the sunset late in the day, it will provide travel time savings of up to 40 per cent.

This project is estimated to create 3500 new construction jobs and 4500 indirect jobs. The business case shows that this project has a cost-benefit ratio of 1 to 6. If projects could blush, that ratio would certainly make the east-west link proposal do just that. We believe that the project can start by the end of 2015 and be completed by 2020. Again, this is a government that is getting on with its election commitments.

In the case of the western distributor proposal, we are getting on with significant transport infrastructure planning, funding and delivery. It is what our economy needs and it is what our state was sorely lacking over the last four years. This new proposal is being assessed and reviewed by both the Department of Treasury and Finance and an independent expert panel. Those assessments have recommended progressing to the next stage. Next there will be rigorous assessment and negotiations with Transurban. It is the government's intention to be absolutely open and transparent and to ensure that Victorians get good value for their money on this project and indeed on others.

Prior to the election we indicated a desire to plan for our infrastructure needs in a different way. In our jobs plan of 2012 we indicated that we would establish Projects Victoria and Infrastructure Victoria. Victorians are well and truly sick and tired of politicking on infrastructure projects, and it is important that we get on and deliver.

The resolution of 25 February also seeks documents in relation to the Australian Formula One Grand Prix. Liberal Party members are seeking the production of a contract signed by their own government which relates to Melbourne's hosting of the grand prix from 2016 to 2020. This is a major event that has had a controversial history. It was not warmly embraced by members of the local community at first, but over many years now the grand prix has demonstrated significant benefit to the state. It plays an important role as part of our major events calendar, which in turn drives significant visitor numbers, significant tourism as well as attracting investment. For those who love Formula One it also

contributes a great vibrancy to the city at that time of the year.

I was involved in hosting a couple of events for our first super inbound trade mission in March, which coincided with the week of the grand prix. The government has a different focus for its trade missions with an increased focus on inbound visits. The super inbound trade mission had four main streams, and my involvement was with the food and beverage stream. It was wonderful to talk to people who had come from the Middle East, Asia and Europe and to learn more about our produce and to meet our growers and innovators in food. Towards the end of the week I met some people whom I had met at the beginning of the week. We have learnt that the benefit of an inbound trade experience is that people get to embrace the whole Victorian experience. They visited our farms, they visited our orchards, they visited our restaurants in the evenings and they networked and attended gatherings with other members of the trade missions. They were also able to wander around Melbourne and the rest of Victoria in a beautiful autumn week that had a particular kind of dynamism and vibrancy that is characteristic of grand prix week. It was a beautiful opportunity, and it occurred in a week when we were showcasing so much that we have to offer to the world and to global markets. An event like the grand prix was a wonderful addition.

I gather members of the delegation also got to see a little bit of our horseracing industry as part of their whole of Victoria experience. Reports of the success of the food and beverage stream of that inbound trade mission are significant, and it seems that these are very worthwhile investments by government. There have been others since.

The grand prix is an important part of our annual calendar of major events, which combined have an economic impact of around \$1.8 billion each year. In relation to the resolution of the house of 25 February, the Council supported a motion moved by Ms Pennicuik for the production of this contract. I will respond to that by saying that the Attorney-General wrote to the Clerk of the Council on 16 March indicating that the deadline did not allow sufficient time for the government to respond but that it would respond as soon as possible. The Minister for Tourism and Major Events is currently seeking legal advice on this question, and the request is being considered by the government. However, we are cognisant that there are some sensitive issues involved.

The fourth item for which Mr Rich-Phillips seeks documents also relates to a resolution of the house of 25 February and is in respect of the

Cranbourne-Pakenham rail corridor project. This is a significant project. It will have a great effect on travel times for the 1 million people living in the south-eastern corridor. The project proposal includes the purchase of 37 next-generation high-capacity trains, the removal of nine level crossings between Dandenong and Caulfield, the rebuild of four stations at Clayton, Carnegie, Murrumbeena and Hughesdale, upgrades along the corridor to power and signalling, and a new train depot and maintenance facility at Pakenham. As part of this project it is also proposed that high-capacity signalling will be trialled, which is in contrast to the plans of the former government. Expressions of interest for the removal of the nine level crossings has been sought from the market.

The government is, as all members would be aware, deeply committed to the creation of jobs and the kickstarting of the Victorian economy. We have committed to a minimum 50 per cent local content on the trains, thereby supporting job creation and jobs growth as well as a significant improvement to transport through the south-east.

The approach of the former government was quite different. That proposal did not go as far as the current proposal does, and we have our doubts as to how deliverable that project was. An assessment undertaken since we were elected to government has revealed that the former government's proposal for this corridor was lacking in detail and not sufficiently cognisant of the integration that is required between the components of the proposal. It also revealed that the former government had a pretty loose handle on the estimated cost of the project. For all that time, effort and money, it was unlikely to relieve congestion in the way in which we would all want it to.

Mr Rich-Phillips has moved a very wideranging motion. The subject matter that will be canvassed through the recovery of these documents is greatly varied. We have major infrastructure projects in different parts of the state. We have the long-term lease of the port of Melbourne and even documents that relate to our major events calendar and the important role that plays in driving business tourism and the visitor economy. As I said at the outset, we have an enormous responsibility to conduct ourselves in an open and transparent way and to make available to the public and to the Parliament information that is consistent with the public interest. However, as members of the government and the executive, we also have an enormous responsibility to ensure that the release of any documents is consistent with our obligations to serve the people of Victoria and to always act in the public interest.

As I indicated at the outset, the standard that is established in the FOI act is a good standard, is an appropriate standard and outlines the arrangements for the protection of documents. This is the standard that we will apply. This is the standard that we have been applying and that we will continue to apply, and we will apply it in relation to documents that are sought through this mechanism of a motion in the Council. We will be consistent, we will be open and transparent, and we will act in the best interests of the state at all times.

Mr DALIDAKIS (Southern Metropolitan) — It is with great pleasure that I rise to speak against the motion that was moved by the Honourable Gordon Rich-Phillips. It will take some time to unpack the motion that has been moved. I wish to start by quoting an important dictionary. That dictionary is the Oxford dictionary. It has a definition for 'hypocrisy'. I will read its definition:

The practice of claiming to have higher standards or more noble beliefs than is the case.

I am from Greek extraction, and it comes from the Greek word 'hupokrisis' — which means, 'acting of a theatrical part'. Today we have seen a lot of theatrical parts played by and a lot of hypocrisy from members of the opposition. I will continue to come back to that definition in the Oxford dictionary. In unpacking this motion moved by the Honourable Gordon Rich-Phillips it is important to digest that word.

Let me go back to it again — hypocrisy:

The practice of claiming to have higher standards or more noble beliefs than is the case.

Ordinarily that very definition could probably be ascribed to the Greens political party, but not today. Today it is absolutely in the purview of those members opposite — actually, only the one member opposite, Mr Ondarchie.

Ms Bath interjected.

Mr DALIDAKIS — The Nationals are not really a party, with two people in this place, so I will stick to the Liberal Party at this point. Let me deal with the motion, which states in part:

That this house —

- (1) notes the failure of the government to comply with the following resolutions of the Council requiring the Leader of the Government to table in the Council certain documents, specifically the resolutions of —

and I will start with (a) for Mr Ondarchie —

- (a) 11 February 2015 in respect of port of Melbourne documents ...

I find this fascinating. It is a good point to start with. I refer to the election on 29 November, and it appears that I need to remind those opposite that they are sitting opposite because they lost that election. Be that as it may, we went to the election with a policy of jointly undertaking a long-term lease of the port of Melbourne. In some respects I could use the term 'unity ticket', but unfortunately federal Minister for Education and Training, Mr Christopher Pyne, has ruined the term 'unity ticket', given what he did to the term prior to and then post the last federal election in agreeing, not agreeing, agreeing and not agreeing. However, the members opposite and the government had a policy, a unity ticket, in relation to the port of Melbourne long-term lease.

I move forward to today. All of a sudden the opposition is asking for documents in relation to the port of Melbourne for nothing more than to politically grandstand. It is a shame that opposition members feel so bereft of ideas, so bereft of policy and so bereft of bipartisanship, on a policy that we were in agreement on, that they wish to now play politics at its most base level. In an attempt to grandstand, they wish to somehow pervert the appropriate public policy position that both political parties had arrived at. I expected more. More fool me to expect more from those opposite. More fool me to expect people like Mr Ondarchie and others to show the principles that I have seen them demonstrate time and again on other issues but not demonstrate on this issue. I will come back to the port of Melbourne in due course.

Paragraph (1)(b) of the motion refers to 25 February 2015 — which, by the way, Mr Ondarchie should remember. The date 25 February is an important one because it is my birthday. I remember this date, and I suggest that you guys also remember it in relation to this motion. I will come back to this date, as it is also in subparagraphs (c) and (d), and remind members of my birthdate, which recurs in this motion.

Mr Ondarchie interjected.

Mr DALIDAKIS — It may well be a long 41 minutes, Mr Ondarchie. Paragraph (1)(b) states:

25 February 2015 in respect of West Gate distributor documents ...

What is interesting about paragraph (1)(b) is that the current government went to the election with a policy in relation to the West Gate distributor but in the course of preparing its policy implementation on that it has

obviously received a proposal for the broader western distributor project. The project is being looked at right now by appropriate government agencies, departments and officials to try to determine whether or not value for money for the taxpayer is there. We think it is a good project, but it is important that we be rigorous in relation to our analysis of these types of proposals. Any proposal on which taxpayers money is spent accordingly needs to have a degree of rigour. I will come back to paragraph (1)(b). At this point I will depart, but only very slightly.

I have talked about providing a certain degree of rigour around the expenditure of taxpayers money, but sadly it appears there was no such rigour with the expenditure of taxpayers money in relation to the east–west link proposal by the previous Baillieu-Shaw-Napthine governments. The east–west link originally had a range of business cases, some of which were rejected. They were rejected because they basically showed that there was no appropriately positive cost-benefit analysis. They were subsequently replaced with a business case that we released in government.

Funnily enough, if I can digress from a digression, we actually debated the release of the east–west link contracts on a number of occasions in this place, and I believe at times there were a range of interjections from a number of members — Acting President, you may have been one of those people, when you were not sitting in the chair — and the interjections always dealt with the east–west link contract having not been released by us. We got to a point where we did release it.

You could not write this script and have it submitted for a TV comedy show, because when we released that business case what did it show? It showed that only 45 cents in the dollar would be returned on the project and that the project would ultimately cost approximately \$10 billion — and that is just stage 1. It also showed that a range of tolls would be put on existing roads across the Melbourne arterial network. It is no surprise that the then government, now opposition, chose to withhold that document and not release it to the public. It is no surprise that the opposition has lost its moral compass, as reflected in the motion before the house. If you look at the document, there was nothing in it that the previous government could be proud of, which is why it hid it.

I will make a very big statement: if Mr Ondarchie had been Treasurer at the time, he would not have gone forward with that project. I know Mr Ondarchie outside this chamber; he is a man of principle. He would not have allowed his name to be associated with a project

that returned 45 cents in the dollar to the taxpayer. In fact Mr Ondarchie and I have had a range of conversations about commercial-related experiences, because both of us come from the private sector. Mr Ondarchie was very successful in his career prior to politics. I put it to you, Acting President, that Mr Ondarchie would probably have fired any of his staff who came forward with a proposal for him to look at a project that returned 45 cents in the dollar. When we — —

Mr Ondarchie — On a point of order, Acting President, as much as I am flattered by Mr Dalidakis's comments this afternoon, I cannot find the issue of the east–west link in the motion he is speaking to. I ask you to encourage him to come back to the motion.

The ACTING PRESIDENT (Mr Ramsay) — Order! That is not a point of order. However, I think there is some credence to what Mr Ondarchie says. When Mr Dalidakis continually refers to a member in this house, he is inviting an exchange. I encourage him to refer his contribution to the motion so he does not invite the interactions that I suspect will come if he continues down this path.

Mr DALIDAKIS — I respect your ruling and the position of Chair greatly, and I will refrain from praising Mr Ondarchie's professional career prior to politics.

The reason I had segued into discussion of the east–west link, though, was that Mr Ondarchie had claimed that the western distributor proposal currently before the government, which has been put forward by Transurban, does not have an appropriately good business case or he wanted to know a bit more about the case. I was comparing the approach of the previous government in relation to the east–west link with our approach, which involves going through a very rigorous process of reviewing the western distributor project. I am referring to point (1)(b) of motion 101, which refers to the West Gate distributor document.

The point I am making in relation to the West Gate distributor is that things have unfolded since then. The current government has entertained a proposal by Transurban that builds on the original West Gate distributor policy that we went to the election with, and this seems to be a promising proposal. However, I am not the person who is undertaking the review. We have a range of people employed to protect the Victorian taxpayer, make such an analysis and provide it to government. In terms of looking at (1)(b), clearly we

are not in a position at the moment to release documents about part of a project that is now consumed by a broader project that we are currently reviewing. I think this is called due diligence.

An honourable member interjected.

Mr DALIDAKIS — From time to time I will seek your guidance, Acting President, on the types of interjections I should be able to take up and which ones are unruly and I should leave.

The ACTING PRESIDENT (Mr Finn) — Order! I would suggest to Mr Dalidakis that all interjections are disorderly and that he should resist the temptation to respond to all interjections.

Mr DALIDAKIS — Acting President, that is the type of brave ruling from you that I seek, and I appreciate that guidance greatly. In relation to (1)(b), on that wonderfully great day of 25 February the project changed in nature.

I will now discuss point (1)(c) of motion 101, which also relates to events of 25 February. This point refers to the Australian Formula One Grand Prix. It saddens me greatly that the grand prix has been used as a political football in this way. Since the early days of the grand prix, people on both sides of this chamber have supported the enormous contribution that the grand prix makes not just to Melbourne but also to Victoria. It is an important part of the Melbourne major events calendar, and occupancy rates of hotels and other accommodation across the city during the grand prix are pretty much at 100 per cent.

Ms Pennicuik — Not true.

Mr DALIDAKIS — There is an unruly interjection. I claim that what I said is true. Occupancy rates at the time of the grand prix are close to 100 per cent. The interjection was from, unsurprisingly, my friendly and somewhat accommodating Greens colleague as member for Southern Metropolitan Region, Ms Pennicuik, but unfortunately she is wrong. I am not sure whether she is wrong all the time, but on this point she is wrong. The occupancy rates around the time the grand prix is held are nearly at 100 per cent. The flow-on economic benefits for both Melbourne and the broader rural and regional areas of Victoria are immense. People spend significant amounts of money within the retail sector, on catering and in restaurants throughout the suburban areas of Albert Park, St Kilda, the surrounding suburbs of Prahran and South Yarra, the Melbourne CBD and the like.

The people who visit Melbourne to celebrate the event that is the Australian Formula One Grand Prix can make a week of it. I know that Acting President Finn and I share a great love of this state, and I know there is a great deal to visit, tour and enjoy outside metropolitan Melbourne — from Geelong all the way down to Warrnambool, to Eastern Victoria — —

The ACTING PRESIDENT (Mr Finn) — Order! If Mr Dalidakis wants to take us on a statewide travelogue at this point, I advise that that would not be a good idea. It may draw a ruling from the Chair that might point out that it is not exactly relevant to the point of discussion at the moment.

Mr DALIDAKIS — Acting President, I take your commentary — more so than a ruling, I think — in the spirit in which it was meant, but the point I was making, which may have been lost, is that in relation to the Australian Formula One Grand Prix, which is referred to in the motion at paragraph (1)(c), is that the grand prix is important not just to metropolitan Melbourne but to the broader interests of rural and regional Victoria. That point may have been lost, but I wish to highlight it. Bendigo, Ballarat, Warrnambool, out to the east of Victoria, down to Lakes Entrance, all the way up through Cann River and possibly up to Bendoc in Victoria's north-east — all across this state we benefit from having a wonderful major event, the Australian Formula One Grand Prix.

Support for the grand prix has been bipartisan for a long time. From time to time we debate and argue across the chamber the merits of the investment in the grand prix. I appreciate that some people think we should be able to get that kind of economic contribution into our economy with less money invested. Some people think we should be spending more money on the grand prix — for example, by making it a night race, which would require a significant capital upgrade to the precinct at Albert Park. We should bear in mind that Albert Park is part of the wonderful Southern Metropolitan Region which I am so fortunate to serve.

Of course there are people who oppose the grand prix. I greatly respect those people and the reasons they choose to do so, whether they be financial or because of the unfortunate encroachment upon their lives if they live in the vicinity of the track, in terms of inconvenience, noise and the population explosion in the immediate area and surrounds. However, I come back to the point that there has always been a great deal of support for the grand prix. It saddens me that today and from 25 February the grand prix has been brought up as a political tool — a political football — of the now opposition in an attempt to score points in a

manner I do not truly understand, because up until the caretaker period last year members of the now opposition — the then government — had the opportunity to release any contracts they wanted. They had the opportunity to expose this wonderful program, to damage Melbourne's reputation as a major events capital city, by releasing those documents, which would have put at risk the race being staged here in Victoria going forward.

The last government signed an extension of the contract, and that is something the then opposition, now government, supported. We supported it because it was the right thing to do for Melbourne's sporting, economic and tourism landscape. Again, I come back to that sad Oxford dictionary definition of hypocrisy:

The practice of claiming to have higher standards or more noble beliefs than is the case.

That is very evident when we talk about the grand prix and the request to release documents.

Paragraph (1)(d) — and I have not finished with paragraph (1)(a); I will come back to it — also refers to 25 February 2015, a great day, and is in regard to the Cranbourne-Pakenham rail corridor project documents. This was in effect an unsolicited bid that the previous government entertained and looked at. When Labor came to government after the election on 29 November 2014, one of the things that the Premier, Mr Andrews, and the Treasurer, Mr Pallas, pledged was that in terms of the way the government would spend the Victorian taxpayer dollar, it would provide a rigour and a level of analysis to unsolicited bids and projects that had clearly not been evident previously.

I have used the words 'saddens me' in relation to the hypocrisy over the grand prix. I will not use those words in relation to this issue; I will use the word 'disappoints'. Because what we saw in the unsolicited bid for the Cranbourne-Pakenham rail corridor project was a level of analysis that showed that there was no value for money in the project. Not only did the project not deliver value for money, it stripped value away from the taxpayer and from the people who use that corridor. It meant that when looking at that project again, having applied a greater degree of rigour and analysis to it, we proceeded to go in another direction.

I again refer to the issue of the east-west proposal as a direct contrast to the financial rigour that Mr Pallas as Treasurer of Victoria and member for Tarneit in the other place has shown as a member of this government to ensure that Victorian taxpayers do not feel as if we are wasting their money. It is important because when we spend taxpayers money — hundreds of millions if

not billions of dollars — on infrastructure projects and capital investment in terms of rolling stock and the like, taxpayers need to have a high degree of confidence that what we are doing is being done for the right reasons and that those reasons stack up. If the projects do not stack up, Acting President, you would not be surprised to hear me say that they should not go ahead. We need projects to be financially viable and to return a value to the Victorian taxpayer that gives them confidence that their money is being well spent.

Turning back to the Cranbourne-Pakenham rail corridor project, a great number of stations in that project fall within the Southern Metropolitan Region, and I am sure you would appreciate, Acting President, that as a result of that it is a project that is of great significance and importance to people in my electorate and that as a result I feel very strongly about it. The government conducted an analysis of the bid for that project and found that it did not stack up. We also found that we could provide greater value for money for the taxpayer and for the people who use the Cranbourne-Pakenham lines by just doing something a little bit differently. For example, we have committed to nine grade separations along that corridor. We have committed to 37 high-capacity trains for the corridor. We will trial new signalling along the Sandringham line, which is also in Southern Metropolitan Region — a great deal of the Sandy line goes through Southern Metropolitan Region.

Acting President, that is what you and I would call a win, win, win. It is a win for the taxpayer because we are now providing a level of financial oversight and rigour that has been absent in the analysis of previous projects analysis; it is a win for the consumer, the taxpayer and the user of the Cranbourne-Pakenham corridor train lines because they get more trains and they get the grade separations, which obviously benefit the commuters and people with motor vehicles and improves the amenity for local residents; and it is a win because we are still trialling high-capacity signalling on the Sandringham line to see how it works, with a view to rolling it out to other lines as well if it is successful, if there is value for money and if it is safe to do so.

Paragraph 1(a) of Mr Rich-Phillips's motion, which relates to the port of Melbourne, is very strange given that this policy is bipartisan and that we share the ambition to release the capital that is currently locked up in the port by a long-term sale process. In a bipartisan spirit we share the belief that releasing that capital will enable us to do good things with the money for all Victorians, whether they are conservatives, whether they are Labor voters or whether they are a minority of Independent or Greens supporters.

Irrespective of which political party is their preference, as a government we represent all their interests evenly and equally.

It is a great responsibility that we carry on our shoulders, and one that I know makes the Minister for Training and Skills, Minister Herbert, work harder and harder every day. He is working longer hours than ever before because the responsibility of governing for all Victorians weighs equally on everybody. We need to make sure that every decision we make and take is in the best interests of all Victorians and provides value for money and has the financial rigour that would otherwise be absent.

There has been a lot of discussion in recent times in relation to rent hikes and concern about competitiveness through a long-term privatisation, sale or lease agreement for the port of Melbourne. Fortunately I think we can come to the conclusion that those fears are unfounded. There is no great concern about whether or not the people of Victoria comfortably believe that a long-term lease for the port of Melbourne will make things worse. I think we can show that by releasing that significant capital for other projects it will actually make things better immeasurably. Because it is a long-term lease and not a sale, we release that capital at this point in time and then the long-term lease returns back to the state of Victoria at a future point in time.

Acting President, you may well be a member of Parliament when that lease expires, but I can tell you that it is not my intention to be a member of Parliament then. However, I think it is a matter of principle and good governance that that long-term lease be returned to the Victorian Parliament so that the government of the day at that point has the ability to choose to do something with the port that it believes is in the best interests of Victorians at that point in time.

I mention the lease of the port of Melbourne being a bipartisan policy because I still do not quite understand why the Honourable Gordon Rich-Phillips not only put it in his motion but also put in the first part of it. It is almost as if Mr Rich-Phillips had a fear of the desire of his own side of politics to agree to a long-term sale process, and so he put it in his motion. It is a discrepancy that Mr Rich-Phillips may like to address at some stage, because it is glaring in its opportunism now that his party is in opposition that it was not prepared to release documents in relation to its own agreed policy position of the long-term lease of the port when it was in government. It is a question that I look forward to being answered at some point going forward. Paragraph (2) of Mr Rich-Phillips's motion states:

- (2) notes that the government's failure to comply with the resolution of the Council is inconsistent with the Andrews government's election commitment to proper accountability to Parliament by the executive.

Not surprisingly I take issue with paragraph (2). I believe that since the election the Andrews government has attempted to implement its commitment to proper accountability to Parliament by the executive. The opposition may have a question about the timeliness of our attempts to comply, but we attempt to comply nonetheless. For example, in relation to the changes to sessional orders that deal with question time, in the lead-up to the 57th Parliament's election the now opposition also had a policy to change sessional orders relating to question time. I believe the previous government had control of this chamber and failed to implement any changes to sessional orders to ensure that question time was far more accountable than it had been in previous parliaments, Labor and Liberal alike. In relation to a commitment to proper accountability to Parliament by the executive, we attempted to introduce sessional orders that were in keeping with the election policy that we took to the election for the 58th Parliament.

The ACTING PRESIDENT (Mr Finn) — Order!, I would be grateful if Mr Dalidakis would point out to me the relevance of the current argument he is pursuing. I am looking at the motion, but I do not see any reference to standing orders in there at the moment.

Mr DALIDAKIS — I appreciate the opportunity to explain. It is very clear in paragraph (2) of Mr Rich-Phillips's motion where he claims that the government's failure to comply with resolutions of the Council is inconsistent with the Andrews government's election commitment to proper accountability to the Parliament by the executive. What I am attempting to demonstrate is that there has been good faith in our attempt to commit to proper accountability to Parliament by the executive. I am using the example of sessional orders to prove that point.

The ACTING PRESIDENT (Mr Finn) — Order! I would say to Mr Dalidakis that it is a long bow, but let us see how he goes.

Mr DALIDAKIS — Thank you, Acting President. I will not abuse the leeway you have provided me. Getting back to paragraph (2) of the motion, the Andrews government has been elected. We have attempted to show that we are committed to implementing appropriate and proper accountability to Parliament by the executive in question time, because there can be little question that commitment to question time is absolutely about accountability by the executive

to Parliament. It allows — whether it be a member sitting on the opposition benches or Mr Barber representing the Greens or someone on the crossbenches — for questions to be asked without notice. There is no greater accountability to Parliament by the executive than to answer questions without notice. That is where I draw back to my argument in relation to paragraph (2) of the motion.

Paragraph (3) of the motion states:

- (3) affirms the privileges, immunities and powers confirmed on the Council pursuant to section 19 of the Constitution Act 1975, and the power to making standing orders under section 43 of that act;

We have just been talking in some respect about standing orders — sessional orders of course — but we have been talking about the very nature of that discussion.

Paragraph (4) of the motion states:

- (4) affirms the right of the council to require the production of documents;

But the right is not absolute. It affords the ability of the government to not provide documents at a time where those documents are required for privileged reasons. The basis for withholding those documents is of course executive privilege. I do not believe the government has ever — as Mr Barber so enthusiastically described as happening in the days of the Kennett government — wheeled documents through the cabinet trying to provide cabinet-in-confidence privilege. That was a stain on democracy in this place. I point out that in fact the government is keen, as it was in the 56th Parliament when it was in government, to make it easier to access freedom of information documents, not harder. Much to everybody's disappointment, in the last Parliament — and I am sure Mr Barber would agree — the standard to try to access freedom of information documents was much more difficult. That was a standard that was a stain on democracy.

Mr Ramsay — On a point of order, Acting President, could you ask Mr Dalidakis if he could clarify if it is his intention to filibuster until 5.30 p.m., because I see that Mr Melhem is also on the speakers list.

The ACTING PRESIDENT (Mr Finn) — Order! I do not think that is actually a point of order. It might be a point, but it is not a point of order.

Mr DALIDAKIS — I am dealing with paragraph (4) of Mr Rich-Phillips's motion:

... the right of the Council to require the production of documents ...

As I was saying, the Parliament's power to order the production of government documents is not unlimited, much in the same way that outside this chamber the right to free speech is not unfettered. We have laws that limit a person's right to what they perceive to be free speech, such as defamation law. In this Parliament we are fortunate to have the ability to use parliamentary privilege, which is something we should be using with a great deal of — —

Honourable members interjecting.

The ACTING PRESIDENT (Mr Finn) — Order! The level of conversation in the house is far too high. If I have to listen to Mr Dalidakis, everybody should.

Mr DALIDAKIS — Thank you, Acting President. I appreciate your good grace. As I was explaining using the example of freedom of speech, there is an acknowledgement that freedom of speech is not unfettered. I used the example of defamation as just one of many exceptions to freedom of speech.

Relating to the Council's ability to require the production of documents, it is a broadly accepted principle that has been understood by governments of all political persuasions over the years that a government may withhold some documents in response to an order for documents from this place if disclosure would be contrary to the public interest. As I said earlier in relation to freedom of information, freedom of information laws make it very clear that executive privilege is one absolute reason not to provide documents. It is very clear that paragraph (4) is contradictory to the way in which this house has governed production of document requests when that privilege is required.

Paragraph (5) expresses that the house:

is of the firm opinion that the Council is fully entitled to scrutinise the activities of the government and demand accountability by the government ...

Guess what? I agree with that statement. I think that it is important, and it should be the view of the Council that we should be able to scrutinise the activities of government and demand accountability. It is important for the institution of democracy that the people of Victoria — the people who elect us and put us here in this place — have a degree of confidence not just in the government in terms of what we undertake on a day-to-day basis on their behalf but also in the opposition in holding us to account. I have no doubt that you and your colleagues, Acting President, have a

great deal of vigour and verve to ensure that we are held to account. I think it is a great and appropriate policy — —

The ACTING PRESIDENT (Mr Finn) — Order! At the risk of devastating every member of the house, I must interrupt proceedings because it is time for statements on reports and papers.

PRODUCTION OF DOCUMENTS

The Acting Clerk — I have received the following letter from the Attorney-General dated 10 June 2015:

I refer to the Legislative Council's resolution of 11 February 2015 seeking the production of:

a copy of the scoping study for the privatisation of the port of Melbourne prepared by KPMG in 2014.

As I indicated in my letter of 16 March 2015, the scoping study report is a cabinet document of the former government. As foreshadowed in that letter, and in accordance with applicable constitutional conventions, the government recently obtained the consent of the Leader of the Opposition to access the report.

The government is now seeking advice on the report and will endeavour to respond to the Council's resolution as soon as possible.

BUSINESS OF THE HOUSE

Standing orders

Mr RICH-PHILLIPS (South Eastern Metropolitan) — By leave, I move:

That, further to the resolution of the Council this day in relation to statements on reports and papers, standing orders be suspended to the extent necessary to enable statements on reports and papers be extended by up to 30 minutes in place of government business.

Motion agreed to.

STATEMENTS ON REPORTS AND PAPERS

Budget update: report 2014–15

Mr DAVIS (Southern Metropolitan) — I am pleased to rise to make a contribution on a number of reports, including the Victorian budget update and the report on health workers, which has been tabled by a member of the Labor Party.

There are a number of key points I want to make tonight. The first relates to health workers and immunisation. The previous government worked very hard with health workers, including nurses, doctors and paramedics, to see a rise in the rate of immunisations.

This is important for health workers because it ensures a higher level of health and it also ensures that patients are less often exposed to dangerous conditions. The reality is that higher levels of immunisation are a very good outcome for the community because of the lower level of transmission of infectious diseases.

A higher level of immunisation has been inserted into the statement of priorities of a number of our major health services, including the ambulance service. In the last two days we have heard extraordinary statements from certain union leaders, particularly Steve McGhie, who has sought to prevent the immunisation of paramedics. I think that is scurrilous and badly focused. The public health interest here is very clear — that is, to see higher levels of immunisation for our health workers given they are providing care to patients who are often immunocompromised and in many cases vulnerable. To deny that to those health workers, to not insist that there is a high level of coverage and to seek to work with each and every health worker to lift the level of immunisation coverage to the highest that is achievable is an extraordinary decision for those who are involved in the healthcare system. As Minister for Health I worked hard to see those levels lifted. I saw that as an important outcome, not only in terms of the productivity of the workforce but in terms of safety for patients and for healthcare workers.

I also make some comments today with respect to health workers, particularly around ambulance failures to meet benchmark times. In the period prior to the 2014 election we heard a lot from the Labor Party. What we find now is that the government is not meeting benchmarks in terms of ambulance response times. The 15-minute benchmark is routinely now not being met, and the Labor government has got to begin explaining what it is doing and why it is not achieving the 15-minute benchmarks which it said it would meet.

There have been a number of very sad cases, including that of a 78-year-old woman who waited for an 1 hour and 52 minutes in what should have been a 15-minute benchmark response time, and a 17-year-old in Croydon. These are very sad cases, and my concern goes out to the families in each of those cases. But to argue, as Labor did prior to the election, that this was going to be magically fixed, is extraordinary now that we see the significant failings in the system.

The government is preparing to change the ground on the benchmarks, and that would concern me greatly. We have seen Labor do it before. In 1999 it was elected on a promise of a 10-minute response time. In the mid-2000s Labor pushed what was then the 13-minute response time out to 15 minutes. The 15-minute

response time has been a difficult target for any government to meet. In fact I do not think any government has met that target since the 15-minute response time was put in place. However, what we have seen from this government is what I believe is a series of steps to unwind its commitment to the 15-minute target, and that will be concerning. The previous government put 679 additional paramedics on the road, which was a massive increase, the biggest increase in the history of the ambulance service in Victoria. That was about patient safety, it was about outcomes and it was about working with the workforce and getting the very best outcomes for patients.

Auditor-General: *Early Intervention Services for Vulnerable Children and Families*

Mr EIDEH (Western Metropolitan) — I rise to speak on the Victorian Auditor-General's report entitled *Early Intervention Services for Vulnerable Children and Families*, which was tabled recently. As representatives of our state and as part of the community, we all share in the mandatory obligation to protect and nurture our children by ensuring that they have access to a safe and stable family environment to aid their development. Unfortunately we all know that is not always the case. In fact the report indicates that a frighteningly increasing number of children are requiring the intervention of the Department of Health and Human Services.

The number of children reported to child protection in Victoria has more than doubled in the past seven years, to 82 075 in 2013–14, representing a staggering increase of 92 per cent since 2008–09. Currently, if the department recognises early signs in children and families which may lead to child abuse and neglect, there are intervention services designed to offer timely support to those affected. These intervention models are the child and family information, referral and support teams and an integrated family services system. These two programs were under the microscope in this report as the Auditor-General assessed whether:

... vulnerable families can readily access early intervention services through the child and family information, referral and support teams (Child FIRST) and integrated family services (IFS) system ... whether outcomes for these families are improving as a result of this early intervention.

The results were shameful. The investigation found that the two programs are struggling to cope with the ever-increasing number and complexity of referrals. Despite the clear evidence that prevention and early intervention is important not only for the protection and wellbeing of vulnerable children and their families but also for the community, which ultimately bears the

economic and social costs of any failure to intervene effectively, at-risk Victorians cannot get access to these programs.

The department is being forced to focus its scarce resources on families with high and complex needs rather than on those families assessed as at low or moderate risk, who would benefit greatly from early intervention. There are few examples of vulnerable children and families being better supported. The report found:

... community-based service providers are delivering more services than they are funded for by around \$5.3 million but the department has not analysed its data to better understand why this has occurred.

Despite the department being made aware of the increase and complexity of cases being reported:

... it has not systematically analysed this demand or planned for early intervention services that can meet the needs of vulnerable children and families at different stages of their vulnerability.

On top of this, the current funding structure of the department does not reflect the growth in the number and complexities of cases.

Overall the report found three main areas which were problematic for the department: inadequate and reactive planning, inadequate partnerships and governance, and inadequate performance and outcomes monitoring. All these areas have identified weaknesses that must be overcome to ensure the effective functioning of the department and in turn the effective protection of Victoria's vulnerable children. The Auditor-General's office has made nine recommendations to support the one overarching recommendation:

... the Department of Health and Human Services takes the key shortfalls identified in this report as the starting point for a comprehensive and urgent review of its current approach to early intervention.

I am certain that all in this Parliament hope the department implements these recommendations to ensure that vulnerable children and families have access to the vital early intervention and prevention programs offered by the department to avoid any escalation of abuse in homes in Victoria. I commend the report to the house.

Auditor-General: *Early Intervention Services for Vulnerable Children and Families*

Ms SPRINGLE (South Eastern Metropolitan) — I rise to speak on the Victorian Auditor-General's recent report entitled *Early Intervention Services for*

Vulnerable Children and Families. It is a report that should make us very angry, and it should also give us pause. It is a report of the Auditor-General's independent investigation into the early intervention services that the state of Victoria provides to children and families who are displaying early signs that may lead to child abuse or neglect. The department responsible for providing those services is the Department of Health and Human Services, and the report details a shocking record of failure by that department when the number of children being reported to child protection has increased by 92 per cent in the last five years.

Some of the department's failures, as found by the Auditor-General, include: no systematic analysis of the massive increase in the number and complexity of child protection cases; an inadequate funding structure; inadequate forecasting, assessment and responses to current and potential demand for services; reactive and rudimentary strategic planning; ineffective communication within the department and between it and service providers; lack of a proper evidence base; and a focus on outputs rather than outcomes.

Fully seven years after the introduction of Child FIRST and the integrated family services, the department literally has no idea — because it has no way of telling — whether existing services delivered through that system are meeting current demands. It is almost a breathtaking record of failure. It is a failure of leadership and a failure of management. Staff who work for the department cannot possibly achieve what is being asked of them in this very challenging area due to a lack of resourcing but also due to what seems to be the completely inept management of resources.

I am pleased that the department has accepted all of the Auditor-General's recommendations, but this is not the first time the department has come under heavy criticism by independent investigators. Just last year the Auditor-General found that the child protection system was unable to respond to the growing demand and level of complexity in relation to residential care services available to children. In 2012 the Protecting Victoria's Vulnerable Children Inquiry, presided over by the Honourable Philip Cummins, found numerous problems with Child FIRST and made a series of recommendations aimed at getting the department to improve its internal procedures in relation to vulnerable children. We can keep going back to 2010, when the Victorian Ombudsman found that Child FIRST was experiencing a level of demand it could not satisfy and recommended that performance measures needed to be more comprehensive.

At none of these points of review and intervention has the department adequately addressed the deep concerns of independent reviewers. That means that for the entire period of the current child protection framework — a framework characterised by Child FIRST as the entry point into integrated systems of family services — the department has not had adequate data, planning or strategy in place to deal with existing levels of demand, let alone predicted increases.

The last Parliament then made a series of changes to the Children, Youth and Families Act 2005 that, in the words of one observer, ‘basically wipes out half the jurisdiction of the Children’s Court’ to oversee the actions of the department in relation to children under protection orders and in out-of-home care. As a result, the department — the same one that is the subject of this damning Auditor-General’s report, as well as many other reports — was handed much greater powers in relation to the children in its care. That was a grave error which will have grave consequences for many of the children in Victoria’s child protection system.

This Auditor-General’s report comes into this place at a crucial time. This Parliament is now debating the Children, Youth and Families Amendment (Restrictions on the Making of Protection Orders) Bill 2015, which addresses just one of the many concerns that flow from last year’s changes in this area. Are the government’s proposed amendments in this bill enough to address those many concerns? We must ask ourselves this question in light of the extremely serious failures detailed in this report.

Auditor-General: *Effectiveness of Support for Local Government*

Mrs PEULICH (South Eastern Metropolitan) — I wish to continue my remarks on the Victorian Auditor-General’s report on the effectiveness of support for local government. It was a report to the Parliament. The Auditor-General focused on the activities of two key entities providing support to the sector, namely Local Government Victoria (LGV) and the Municipal Association of Victoria (MAV). The Minister for Local Government has endorsed the recommendations of the report, which include to review the Municipal Association Act 1907, and I think there is a view in the sector that there needs to be a broad consultation with the Victorian local government sector in doing so.

The other concern that is emerging in the sector is the reluctance of the MAV, including its president and board, to accept the recommendations and certainly the authority of the Auditor-General first of all to undertake

the audit and secondly in relation to the recommendations, which need to be implemented in a timely and transparent manner. The Victorian Auditor-General conducted the audit into the effectiveness of the support provided to the local government sector and made recommendations in relation to the currency of the Municipal Association Act 1907, the MAV in relation to its policies and controls in the area of organisational governance, the MAV and the LGV in improving the evaluation of the effectiveness of their programs, and the MAV and the LGV in reviewing and documenting how they should work together. For a large sector which has been largely unreformed for a number of years commanding many millions of dollars, it is imperative for this to occur.

The key area of likely reform is the Municipal Association Act, which has not been comprehensively reviewed since its inception in 1907. It is unclear to the Auditor-General whether all of the MAV’s existing functions are within its legislative powers. Accordingly the Auditor-General has recommended that the Department of Environment, Land, Water and Planning as a priority review and determine the MAV’s functions, roles, responsibilities, powers and obligations through an analysis of its existing legal framework and ensure that this is reflected in the Municipal Association Act 1907; ensure that contemporary standards of governance and accountability are met, including the role, function and make-up of the MAV’s board; consult with relevant departments to consider whether the Public Administration Act 2004, the Financial Management Act 1994 and the Public Records Act 1973 should apply to the MAV, either directly or through enabling legislative power; and also assure itself following any review that all activities undertaken by the MAV are clearly within its power.

The breakdown of the areas of concern should be a salutary warning. It is mandatory reading for anyone who sees the importance of local government. The Victorian Auditor-General’s Office audit expressed a number of concerns, one in relation to functions and oversight and one specific one in relation to its lack of functioning as a public statutory authority. In actual fact the MAV is digging itself in, deeming itself to be independent, but a case in 2004 in the Supreme Court of Victoria determined that it was a body established for public purposes and that there is an absence of statutory oversight of the MAV, including in several acts that would ordinarily apply to public bodies.

There are a range of other matters of concern, including corruption and fraud policies. The MAV fraud awareness training for all staff occurred for the first

time in October 2014, and it drafted fraud and corruption policies at the same time. Similarly the MAV has only recently drafted a gifts, benefits and hospitality policy. It was also drafted in 2014.

The report also expresses concern about MAV's procurement role and the fact that, with the exception of MAV procurement and MAV insurance grants and events, MAV cannot link sources of funding to its work activities. Regarding procurement probity the report states that MAV:

... does not have a formal procurement policy in place to guide its procurement activities. Consequently there is limited formal guidance for staff in applying probity standards consistent with established better practice.

The story goes from bad to worse, but I think most disturbing is MAV's stubborn determination not to accept the recommendations of the Victorian Auditor-General when even the minister has done so. Broadly speaking, the sector has endorsed the fact that MAV and its governing legislation needs to be updated.

The response by the chief executive officer of MAV to the Auditor-General's remarks are, I think, quite concerning. He says that —

The ACTING PRESIDENT (Mr Finn) — Order! I am afraid the member's time has expired.

Auditor-General: *Technical and Further Education Institutes — 2014 Audit Snapshot*

Ms TIERNEY (Western Victoria) — I rise this evening to speak on the Victorian Auditor-General's 2014 report on technical and further education institutes, which was tabled last month. This report lays out starkly the clear-felling approach to vocational education taken by the former coalition government.

In his cover letter to the Presiding Officers, the Auditor-General states:

The report demonstrates that the financial performance of the TAFE sector is in decline, with combined net deficits for the 2014 and 2013 financial years. Our indicators of financial sustainability risks show short-term challenges at six TAFEs and longer term risks emerging for nine TAFEs as spending on asset replacement and renewal is decreasing.

It could not be more stark. Audit reports are normally as dry as dust. This report states that half of the TAFE sector is at short-term risk and three-quarters of the sector is facing long-term risks.

Appendix C is the perfect place to start because it provides a snapshot of the Napthine years. I will look at South West TAFE as it is in my electorate and is also in

the electorate of the former Premier, Denis Napthine, the member for South-West Coast in the Assembly. In Victorian history has an electorate ever been more let down by a local member who was also Premier? Figure C8 on page 43 shows that in 2010 South West TAFE had a 12.06 per cent underlying result. Liquidity and capital — —

Ms Lovell — On a point of order, Acting President, I believe the member is reflecting on a member of the other house. I find it offensive, and I ask her to withdraw.

Mr Herbert — On the point of order, Acting President, I was listening quite intently, and there was no reflection on a member of the other house. There was simply mention of who represented the electorate.

The ACTING PRESIDENT (Mr Finn) — Order! I do not find any point of order. Ms Tierney did make a reference. It was not a pleasant reference, but I do not see it as a reflection. There is no point of order.

Ms TIERNEY — Liquidity and capital replacement were in the green, with an overall low risk assessment. Figure C7 for the year ending 2011 shows an overall low risk again. One would suggest that this is because during the Baillieu era the Liberal-Nationals coalition government was too lazy to wreck anything, as shown in figure C6, which outlines the first year of that era of sluggish inactivity — the Baillieu years. That inactivity was replaced by the action of the Napthine years. That action was, in essence, to wreck vocational education in this state. Massive cuts reflected the first loss for South West TAFE, and overall risk moved to the medium level.

Figure C5 shows that in 2013 everything except liquidity moved into the high-risk category, and the underlying result reversed from 12 per cent in the green to 12 per cent in the red. A decent government would have noticed such a rapid turnaround and put a stop to such carnage. Only four years prior, every TAFE in the state had had positive underlying results, yet barely two years into the new plan over half the sector was in the red.

I believe it was Einstein who said that the definition of stupidity is doing the same thing over and over again and expecting different results. Figure C4 on page 41 demonstrates that there were no Einsteins in the former government. It is a sea of red, meaning high risk, yet those opposite ploughed on with their agenda of cuts. If 2013 did not alert the Liberal-Nationals coalition — —

The ACTING PRESIDENT (Mr Finn) — Order! The member's time has expired.

Auditor-General: *Victoria's Consumer Protection Framework for Building Construction*

Mr BARBER (Northern Metropolitan) — I was not exactly shocked, but I was quite saddened to read the Victorian Auditor-General's May 2015 report titled *Victoria's Consumer Protection Framework for Building Construction* because in many ways it points out that the problems that were highlighted in an earlier report were continuing in the same fashion. It laid absolutely bare the almost complete failure of existing efforts to protect people who end up in disputes with builders whom they have contracted to build their house.

A house is a major purchase and one you make very few times in your life. Apparently 28 per cent of building and renovation customers experience problems with their builder. Because of the amount of money involved and because we are talking about someone's home, disputes over house-building contracts are much more significant than disputes over other types of consumer contracts.

The approval process for becoming a registered builder is bewildering. From a consumer's point of view there do not appear to be any objective guidelines or criteria. The assessment of applications is done by individual assessors from within the industry who have what looks like absolute discretion. The Auditor-General's sample of the paperwork that has been used to register builders in the past shows numerous inaccuracies and inconsistencies, and a system of lifetime registration is in place so that once builders are registered there is no need for them to demonstrate their ongoing competency. As long as they keep paying the registration fee, they stay registered.

We only need to consider the situation of doctors and lawyers, where if 10 per cent of them at various times had been dragged before their disciplinary boards, then the world would come to an end, yet that is the case that we discover with building surveyors when we read further into the report. Consumer affairs is very much a toothless tiger in this jungle. The previous government acted to restore domestic building insurance, but the problem remains that it is called builders warranty insurance, and most consumers assume that means there is a warranty over the quality of the product when in actual fact it only comes into play if a builder dies, goes broke or simply runs away. The Auditor-General also tells us that there could be further cost savings to the way that the insurance scheme is being run.

The Auditor-General raised many similar concerns in 2011, yet it was 2014 before the then Minister for

Planning, now the Leader of the Opposition in the Assembly, introduced 400 pages of amendments to the Building Act 1993, only to withdraw them at the second-reading stage. In the words of the Auditor-General, last year's bill 'did not fully address the key issues with the current domestic building consumer protection framework'.

Victorian consumers need better protection than the market can provide. Like any market, a good consumer framework needs to be in place so that people can participate in that market with confidence. In fact a good consumer framework will enhance the nature of that market if people believe they can transact between themselves without ending up in an enormous amount of litigiousness or even in the terrible bureaucracy that anybody who has made a complaint against a builder or a building surveyor has found themselves. In other words, people need to know that the Building Practitioners Board and the Victorian Building Authority are doing their jobs effectively. They also need to know that building registration means more than an annual registration fee, that they have decent insurance and that there are enforceable dispute-resolution procedures in place.

Good and honest builders need to ensure that the reputation of their industry is not being brought down by a few — that is, the dodgy practitioners who should not be registered and who are fleecing consumers by building substandard homes. We all need to know whether this new government is willing to act on the findings of the Auditor-General — at long last — or whether we are going to have another four years of hand sitting followed by another Auditor-General's report.

Cancer Council Victoria: annual review 2014

Mr RAMSAY (Western Victoria) — I rise to speak on the Cancer Council Victoria annual review 2014. I note the comments by the council's CEO, Mr Todd Harper, who states in the report:

... we are seeing improvements in cancer control — from advances in research ... cancer detection and ... survival rates.

He then went on to say:

... we must keep evaluating and updating our range of support services.

There is no doubt that people in the community are more aware of current cancers and their prevention, the importance of testing and early detection, research funding and early treatment. On Mothers Day I was with the mayor of Surf Coast Shire, Margot Smith, to

support breast cancer research and fundraising as part of the Mothers Day Classic fun run, which happened all over Victoria. I have no doubt that women are the best advocates for raising public awareness of the importance of cancer research, testing and treatment facilities. That is why I was not surprised when Ms Debra Hallmark was appointed the CEO of the Australian Prostate Cancer Research Centre. This centre was opened in 2014, was built through private funding and is currently treating 170 patients per week. It is a world-class men's centre.

I have been a rural ambassador for the Prostate Cancer Foundation of Australia on many campaigns, but I suspect that prostate cancer is not recognised by the public or even the government as being the most commonly diagnosed cancer in Australia. Some 1 in 5 men are diagnosed with prostate cancer as opposed to 1 in 8 women being diagnosed with breast cancer. I would venture to say that services for men's health are the poor cousins of health services provided for women. The cancer council's report does not go into a lot of detail about its activities around prostate cancer, and I suspect that it is synonymous with men's health messages neither being heard nor services being provided specifically for men.

A world-class, world first specialist bulk-billing public men's health clinic dedicated to the comprehensive treatment of prostate cancer and related men's health issues, the prostate cancer centre will provide a one-stop shop for men's health issues below the belt. Quick diagnosis, reduced waiting times, efficient treatment, good service and early detection will give men better survival rates and reduce the cost burden to government of men presenting with advanced prostate cancer. Women have expected this service as the norm, but until now men have not been provided with the same service. I encourage the Andrews government to support this centre financially to cover the operational costs of its men's health service as the centre establishes itself as a start-up and moves to its five-year plan.

In summary, my contribution is not so much about what is in this annual review of the cancer council but what is not. I make no apology for raising the awareness of the specific work on men's health being done by the Australian Prostate Cancer Research Centre, which is an evolution of the Epworth Prostate Centre, and the funding support it needs from government. I look forward to visiting the centre on Friday, to meeting with Deb Hallmark and her team and to continuing to champion the importance of and raise the awareness of men's health issues and the most prolific cancer diagnosed in Australia, prostate cancer.

Auditor-General: *Occupational Violence against Healthcare Workers*

Mr ELASMAR (Northern Metropolitan) — I rise to speak to the Victorian Auditor-General's report entitled *Occupational Violence against Healthcare Workers*, which was tabled in May. According to the Auditor-General's report, the audit assessed whether the Department of Health and Human Services and WorkSafe are fulfilling their occupational health and safety responsibilities to protect and support healthcare workers who experience occupational violence in the workplace. The audit found that while some strategies have been put in place to minimise or handle dangerous situations for threatened, abused or assaulted staff, it appears that an ad hoc arrangement exists, which is not monitored or given sufficient departmental publicity to warrant a statement that all healthcare workers are aware of and know what to do in those circumstances.

There are several reasons why this violence occurs. Healthcare workers may be caring for alcohol or drug-affected individuals who take out their aggression on the very people who are trying to help them, and this is not acceptable. Sometimes having policies in place is not enough. The situation demands specific actions, and healthcare workers need to understand that we in the community support them 100 per cent. We do not expect healthcare workers to continue to treat people who behave violently towards them. It is not a failure on the part of healthcare workers to say loud and clear, 'This is not what we are here for', and they have the same rights and expectations of a safe workplace as do all Victorian workers.

The report indicates in some cases a conscious reluctance by healthcare workers to cease treating aggressive people or even to report those instances to the authorities. After a busy shift some workers are disinclined to fill out a report, because doing so is detailed and time consuming. If that is the case, the reporting mechanism needs to change. It deeply saddens and concerns me to read of the high number of reports of violence against healthcare professionals. And let me just say that one is too many.

It is awful that some workers dismiss or attribute workplace abuse to, 'The patient couldn't help it'. It is not their role to rationalise why; we understand why. What we need is an effective mechanism to eliminate this behaviour altogether and a concerted effort to protect our healthcare professionals in the performance of their duties. Healthcare professionals were once called angels of mercy, and in my mind they still are. I totally support any effective training programs or additional security measures necessary to protect them

in their workplace, and to this end I fully support the report's recommendations.

Auditor-General: *Early Intervention Services for Vulnerable Children and Families*

Ms CROZIER (Southern Metropolitan) — I am pleased to rise this evening to speak to the Victorian Auditor-General's report, *Early Intervention Services for Vulnerable Children and Families*, which was tabled last month. At the outset I would like to commend the Auditor-General, Mr John Doyle, for providing this important report and also for the briefing he and his team gave members of Parliament just a few weeks ago, highlighting some of the issues they had found. I note the opening remarks of this report, where it says:

We have an obligation as a community to protect and nurture our children by doing what we can to give them stable and safe family environments. Unfortunately, not all children have this stability and safety ...

That is a very important opening line because we have a responsibility as a community to protect the most vulnerable members of our community, and obviously children are some of our most vulnerable.

A number of findings and recommendations have been made in the report. I note that the Auditor-General has made some comment on the complexity and number of cases that are coming before the department and the variability of the level of coordination of services applied across the state. The report acknowledges the enormous challenges our child protection workers and the department have when managing some of these very complex cases. I put on the record my appreciation of all child protection workers and the work they do in sometimes very difficult circumstances.

When the report was tabled late last month, the Minister for Families and Children put out a media release in which she said early intervention services for vulnerable people under the Liberals failed. She went on to say:

While the previous Liberal government failed to increase funding to provide for vulnerable families and children, the Andrews Labor government delivered a significant boost in its first budget.

That is a completely inaccurate statement; I have to go as far as to say that that is a lie. I want to state what the former government actually did provide in this very important area. The facts are that in 2014 the coalition provided a total of \$433 million in funding for vulnerable children and families, including \$198.4 million in the 2014–15 budget for support

services, which included a \$30 million boost to combating family violence; an extra \$55 million in reforms for children in out-of-home care; and an additional \$150 million action package to address reducing family violence.

In 2013 the coalition provided \$218 million in funding for child protection, education and early childhood development support and other services for vulnerable children and families. In 2012 the coalition provided \$336 million in funding for additional front-line workers, improved intervention and diversion programs, Children's Court reforms and other services for vulnerable children and families. In 2011 — our first year of government — the coalition provided \$98 million for front-line child protection workers and investing in early intervention and support for young people in residential care; and \$17.5 million to strengthen the youth justice system, creating pathways into prevention and rehabilitation and addressing vulnerable youths and intergenerational crime.

That is over \$1 billion worth of investment in the coalition's term of government, so the statement put out by the minister is completely inaccurate. It is false, and I think it is mischievous, to say the least, to put out such a misguided statement. All governments want to do as much as they can to protect Victoria's most vulnerable. Our children should be first and foremost in everything a government does in trying to address the disadvantage of so many.

I commend on the record the former minister, Mary Wooldridge, and others who worked in this portfolio area for addressing those concerns and delivering significant investment and in many instances significant reform — sometimes reform which was contentious but which always had the best interests of the children themselves at heart. We can always do more and we must do more. This report goes a long way towards that in its recommendations. I look forward to the government addressing those recommendations and to working together to protect Victoria's vulnerable children.

Supreme Court of Victoria: report 2013–14

Mr O'DONOHUE (Eastern Victoria) — I am pleased to make a brief contribution in relation to the *Supreme Court of Victoria 2013–14 Annual Report*. Tabled in the house, the report goes into quite significant detail about the activities and achievements of the court and some of the challenges it is experiencing.

Living in Victoria — indeed in Australia — it is easy to forget that we have a strong, robust, independent judiciary that acts in the interests of the community. In the system of government that we enjoy we are indeed lucky to live in a community where everyone has the right to vote and there is an independent judiciary and an outstanding police force.

One of the actions of the former government was to establish Court Services Victoria, and I pay credit to the former Attorney-General and member for Box Hill in the Assembly, Robert Clark, the Chief Justice of Victoria and all those involved in the project. The former government, led by the Attorney-General, saw the creation of Court Services Victoria as giving the courts more independence and giving them responsibility for their own administration independent of and separate to the then Department of Justice. As members can imagine, the creation of this new organisation was a pretty complex process and a very challenging process for the Department of Justice. As I said, I commend the Chief Justice, the Attorney-General and all those involved in that project.

In her remarks on pages 2 and 3 of the report the Chief Justice said:

The Court Services Victoria Act 2014 received royal assent on 11 February 2014. The Supreme Court, together with the other courts and VCAT, worked closely with government in the development of this legislation to create an independent, judge-led administration for Victoria's courts and tribunals. The passage of the act was an important milestone in the state's history.

She went on to say:

Court Services Victoria will enable the courts to self-govern and ensure all resources allocated to courts are properly applied to achieve the best outcomes for the community. The Victorian courts will demonstrate their full transparency and accountability through the establishment and their commitment to CSV.

Later in the report, on page 9, some detail is provided about the establishment of Court Services Victoria. The summary says:

In February 2014, the court initiated a project to develop a memorandum of understanding (MOU) with Court Services Victoria (CSV) to be used as a basis for the ongoing relationship from 1 July 2014. The project examined and clarified the scope of services to be provided by jurisdiction services staff within CSV, and how services delivered by the Department of Justice up until 30 June 2014, would transition to CSV.

The summary goes on to give more detail on that transition process.

To summarise, the establishment of Court Services Victoria, whilst not perhaps headline grabbing or well known or well understood in the broader community, will, as the Chief Justice said in her remarks on page 2 of the report, 'enable the courts to self-govern' and to demonstrate full transparency and accountability. That reinforces the independence of the courts and the separation of powers, and I applaud the former Attorney-General in particular on the way he led this most complex and challenging project, a significant project for the courts of Victoria and for our system of government.

ADJOURNMENT

Mr HERBERT (Minister for Training and Skills) — I move:

That the house do now adjourn.

Discovery Science & Technology Centre

Ms LOVELL (Northern Victoria) — My adjournment matter is for the attention of the Minister for Regional Development, and it is in respect of the impending closure of the Bendigo Discovery Science & Technology Centre. I ask the minister, together with the Minister for Education, to work with The Bendigo Trust and commit to providing funding to secure the future of the centre. The centre is just a few months shy of its 20th birthday and has the distinction of being Australia's first science and technology centre outside of a major metropolitan area. It runs with one major mission focus — to inspire scientific curiosity, particularly in young people. It hosts events and exhibitions, is home to some wonderful attractions, including the Bendigo Planetarium, Vertical Slide and Kaleidoscope, and promotes a strong partnership with the education sector, including school excursions and sleepovers.

Every year the centre has thousands of visitors through its doors. Annual numbers sit at around 28 000, the equivalent of 1 in every 20 Victorian students. More than 200 school groups visit the centre every year. It has historically enjoyed strong support from the Victorian government, including a four-year funding commitment in 2010 by the coalition government of \$50 000 per year over four years. I am advised this funding was through Regional Development Victoria. The coalition intended to extend this funding, and a natural progression would have been for the current Labor government to have committed to an extension of the funding to give the centre and its staff security and allow this valuable Bendigo asset to continue operations into the future. Instead, no funding has been

forthcoming, and it has been reported that the centre faces closure on 12 July if funding is not provided to secure its future. Should the centre close, 17 jobs will be lost and an important educational and tourist attraction will be lost to Bendigo.

The most common feedback that I have received so far from constituents about this are cries of, 'What a shame', and, 'Labor is only concerned about metropolitan Melbourne'. In just a few days almost 3000 people have signed a Change.org petition. I encourage the minister to go online to read some of the reasons that people have given for signing the petition, which will help her to understand how deeply the Bendigo community feels about the impending closure of the centre.

I ask the Minister for Regional Development, together with the Minister for Education, to work with the Bendigo Trust and to commit to providing funding to secure the future of the Bendigo Discovery Science & Technology Centre.

Pacific National job losses

Mr PURCELL (Western Victoria) — I raise an issue for the Minister for Industry. Pacific National announced last week that more than 30 freight train drivers in country Victoria are likely to lose their jobs due to a downturn in export grain tonnages. In the small town of Dimboola, which has a population of approximately 1600, 12 of the 14 freight train drivers there will lose their jobs. This is a huge job loss for a town of that size. Maryborough, with a population of 7600, is expected to lose about 14 drivers. It is also believed there will be further job losses in Geelong and Ouyen.

While we need to support the towns directly impacted by the job cuts, the issue is broader than employment. All businesses, be they regional or metropolitan, domestic or globally focused, need to be competitive and able to adapt to the changing marketplace. It is critical that we provide businesses with the tools necessary to be competitive or Australian businesses will go under. I urge the minister to implement initiatives to support Australian businesses to succeed in the international marketplace.

Gippsland skills and training

Ms SHING (Eastern Victoria) — The matter I raise tonight is for the attention of the Minister for Training and Skills, Mr Herbert. I seek that he outline the actions the government is taking to ensure that training institutions in Gippsland are best able to equip students

and young people from the area with the skills and training they need to be able to find jobs in sectors that will give them job security and long-term career prospects. I note that Federation Training has been the recipient of support by way of a \$2.5 million Treasurer's advance as part of the TAFE Rescue Fund. It was a great pleasure to meet with Federation Training for the purpose of discussing the student advisory team that is being established to make sure that some of the horrific non-completion rates are remedied, to provide students with the support and assistance that they need to remain in study and to make sure that they have better job prospects and ongoing support from staff.

I would also like to ensure that the government is aware of the need to provide good consolidated course offerings that are tailored to the sectors and industries which are flourishing in Gippsland and ensure that those opportunities are linked to students who are interested in pursuing work, whether within industry in the area or as part of ongoing career development.

To ensure that regional Victoria, and in particular Gippsland, is able to be a beacon of opportunity and potential for young people, I ask that the minister outline what is being done within the skills and training portfolio to ensure that the young people in this region — who often unfortunately face a tough uphill battle to get reasonable and meaningful opportunity in the same way that metropolitan students do — are not overlooked and get tailored solutions to regional problems, which for too long have been allowed to languish and gather momentum, thus denying kids in those areas the opportunities to which, under the education state, they should be entitled.

Dowry ban

Ms SPRINGLE (South Eastern Metropolitan) — My adjournment matter is for the Attorney-General. It concerns the practice of dowries and the growing push for them to be banned to protect women in Victoria from violence and denigration. According to Indian women's rights advocate and psychiatrist Dr Manjula O'Connor, there have been at least 15 family violence-related deaths documented in Victoria's Indian community. In light of this alarming statistic she has stepped up calls to ban the dowry as it can cause bullying and violence by partners and in-laws towards the bride as well as belittling women generally. Furthermore, on a recent family violence-related death, Fairfax Media reported that dowry demands were a source of tension in the marriage.

Dowries have been outlawed in India since 1961, but unfortunately it is still a widespread practice in the

Indian community in Australia. Dr O'Connor has explained to the media, as reported by Rachel Kleinman for *WAtoday.com.au* on 6 March, that there were often multiple perpetrators of family violence towards the bride since parents-in-law and extended family can all take part in the abuse and the bullying. Dr O'Connor says that three-quarters of domestic violence cases she sees are related to women suffering after broken marriages and dowry demands.

Last year Ted Baillieu, the then member for Hawthorn and a former Premier, understood this serious issue and the need for immediate legislative reform by tabling a petition in the Victorian Parliament calling for a ban on dowries under the economic abuse section of the Family Violence Protection Act 2008. The Greens add our voice to the movement to ban the dowry. That would be an important step which would help to communicate the proposition that the dowry has no place in modern Australia, as indeed it has no place in modern India.

Obviously to be as effective as we can be in protecting women who may be subject to the dowry, a ban would need to be accompanied by additional community engagement around education and other strategies, to both encourage women to step forward and assist communities to make difficult social changes. The last thing we would want to do is drive the practice underground, which is what a simple ban without resourcing community change would risk doing. It has been reported in the media that the Minister for the Prevention of Family Violence, Fiona Richardson, has stated that the Royal Commission into Family Violence would investigate culturally diverse communities and other high-risk groups. But the minister did not respond directly to the question of legislative change on the issue of dowries.

I ask that the Attorney-General act immediately to ban the dowry practice, given there is sufficient evidence already upon which this government can and should act, and to engage affected communities in a consultative and educative way so as to provide the best chance of stamping out this unacceptable practice. In doing so — —

The PRESIDENT — Thank you. Did the member reach the action?

Ms SPRINGLE — Yes, I did.

Western distributor

Mr DAVIS (Southern Metropolitan) — My matter is for the attention of the Treasurer. It concerns the plan

of the current government for the western distributor. The western distributor is a road on which a lot of work needs to be done to understand how it will impact the community, and it is being done on the run. Notwithstanding that, my matter is the broader impact of the western distributor proposal. Obviously this is an interaction with the CityLink concession deed. The Treasurer, in league with other ministers, including the Minister for Roads and Road Safety and the Premier, will have a significant task to understand the impact of any such western distributor arrangement that saw an extension by perhaps 15 years of the concession deed on CityLink.

The concern is that in my electorate of Southern Metropolitan Region, Toorak Road carries a very large amount of traffic already, and the turn-off from the M1 to Toorak Road is already a busy and congested intersection. We know that the population of Melbourne is growing and that traffic movements are increasing massively. That is why in government we were concerned to see a new east–west link that would deal with the traffic and the congestion with the movement of both freight and commuter traffic. Notwithstanding all of that, we know that the growth in traffic and congestion is a challenge.

A 15-year extension on the CityLink concession deed would see significant additional traffic channelled down Toorak Road into the future. It will involve massive traffic flows that would slow the traffic and would also impact on the amenity of businesses as well as local residents. As part of the 15-year concession deed extension on CityLink I presume the Treasurer has significant modelling that would model the impact on Toorak Road and roads like it. If he does have that modelling, what I seek from him is that he release it for public examination. If he does not have that modelling, I ask him to undertake it as part of the process of examining the concession deed extension by 15 years.

Let me be quite clear: this will become a massive traffic road as time goes on — even much more than now. If the CityLink concession deed is extended for 15 years, the east and south-east of Melbourne will face huge impacts, and Toorak Road will face huge impacts with its growing population and growing traffic congestion. That will be worsened massively by the Andrews government proposals.

Mr Herbert — On a point of order, President, I seek clarity on Mr Davis's request. I understand that he seeks the release of any modelling and he seeks the minister to do modelling if it has not been done. I am not quite sure whether that is two actions or one. I seek a little bit of advice on that.

The PRESIDENT — Order! I am taking it as one in the sense that if the modelling has already been done, then he is seeking that to be released, but in the event that it is not done, then he is asking for it to be done. The minister is very close to the mark. I understand his point of order, and I think it is a good point he raised, but on this matter, given that the two are very close together, I am prepared to accept the matter.

Anglesea power station

Ms TIERNEY (Western Victoria) — My adjournment matter this evening is for the Minister for Environment, Climate Change and Water and is in relation to the recent announcement made by Alcoa regarding the closure of the Anglesea power station. In late May I joined the Minister for Energy and Resources at the Anglesea power station site, where we were taken on a comprehensive tour of the mine site and met with many of the mine workers.

The Anglesea power station has been in operation for over 45 years and has provided power for Alcoa's Point Henry smelter. Whilst my adjournment matter is in relation to the environment, it is important to mention that at the forefront of everyone's minds must be the 85 workers who will now be required to find new employment. Many of these workers have spent substantial amounts of their working lives at the power station, with the average years of service being more than 21 years for mine workers and 27 years for workers in the control room.

However, there are a number of apprentices at the site too, and we were told on the day that one of the first things that workers of longstanding service said after learning that the station will close was, 'What about the apprentices? They must be looked after', and I absolutely concur with that sentiment.

As the minister would be aware, the Anglesea community is very passionate about the environment and the protection of Anglesea Heath. I would like to put on the record my support for the work that ANGAIR, the Anglesea, Aireys Inlet Society for the Protection of Flora and Fauna, and Alcoa have done cooperatively for a number of years in the interests of the environment. I note that Alcoa has put on the public record that it has fully committed to a full environmental rejuvenation of the site. Many community members are very interested in the future of the mine site, particularly given its environmental value.

I ask the minister to inform me on the process that will be put in place for the protection of Anglesea Heath

now that Alcoa has announced the closure of the power station and indeed what the full rehabilitation of the site will involve.

Ice rehabilitation facilities

Mr RAMSAY (Western Victoria) — My adjournment matter is for the Minister for Mental Health, Martin Foley, and is related to the National Ice Taskforce forum which was held in Geelong last Friday. The forum was an opportunity for members of the Geelong community to exchange views and share their personal experiences in addressing the use of and addiction to ice. The panel included federal Assistant Minister for Health Fiona Nash, Geelong police superintendent Daryl Clifton and *Geelong Advertiser* editor Nick Papps. The information gained at the forum will be fed into the National Ice Taskforce, which is led by former Chief Commissioner of Victoria Police Ken Lay. The task force is charged with developing a national ice action strategy to tackle the growing use of crystal methamphetamine, known as ice. An interim report will be provided to the Council of Australian Governments in mid-2015, with the final strategy to be released before the end of 2015.

Those at the forum heard distressing stories from families who are struggling with children addicted to ice and not able to find support services or longer term rehabilitation facilities for their children. The forum recognised that prison was a poor option for those addicted to ice and that there is an urgent need for improved detoxification and rehabilitation facilities right across Victoria. The forum also revealed that there is strong support for drug courts in regional areas like Geelong, similar to the successful Dandenong Drug Court, where offenders facing a prison sentence for crimes related to their drug or alcohol dependence are given a drug treatment order.

None of this should be news to the minister, as the joint parliamentary committee inquiry into the supply and use of methamphetamines in Victoria, which included Labor members, reported to Parliament last September recommending these very actions. Inexplicably the minister was reported in the *Geelong Advertiser* prior to the forum as saying that the Andrews government would not fund long-term rehabilitation centres for ice users in regional areas, despite there being a waiting list of up to a year in facilities like Odyssey House in Melbourne. Regional communities, including Geelong, are facing significant health and social challenges with the escalating use and distribution of the purer form of ice, which is creating increased behavioural and mental health problems.

I ask the minister to reassess his position on funding longer term rehabilitation facilities, because it impacts on opportunities and could jeopardise potential federal-state funding arrangements that would see the establishment of accommodation facilities for the longer term rehabilitation of ice users in regional areas. I also ask the minister to assess the current work being done in Melton and in the Dandenong Drug Court, which chooses rehabilitation over detention, and I strongly suggest that the Andrews government action the recommendations of the Law Reform, Drugs and Crime Prevention Committee that are now in the custody of the Victorian Parliament.

The PRESIDENT — Order! Which action does Mr Ramsay want? I heard what Mr Ramsay said, but which action does he want? He gets one question in the adjournment, and he raised two items.

Mr RAMSAY — I raised the matter in relation to the minister not supporting investment in longer term rehabilitation — —

The PRESIDENT — Order! I ask Mr Ramsay to tell me which of the two actions he wants.

Mr RAMSAY — That is the matter. The action I want is for the minister to reassess his position in relation to the funding of long-term rehabilitation facilities in regional Victoria.

Aged-care facilities

Dr CARLING-JENKINS (Western Metropolitan) — My adjournment speech tonight is addressed to the Minister for Health, the Honourable Jill Hennessy, and the topic is aged care. The Victorian public sector is directly involved in the provision of residential aged-care services within the state. It operates more than 150 public sector residential aged-care services. Many are located in rural and regional Victoria. I recognise that they make a significant contribution to the sustainability of local health and aged-care systems. They also make a significant contribution to local economies — for example, they are often a major source of employment. Many regions cannot sustain private facilities, so there is only one option: the public sector.

Unfortunately a situation has arisen over the past number of years where these services have been left without sufficient operational budgets for capital works, including even minor improvements and renovations. I recognise that the commonwealth government has responsibility to fund and regulate aged-care services; however, it has not supplied any significant capital

support for Victorian public sector residential aged-care services for over 10 years.

I have seen many aged-care facilities, and they have been in varying stages of disrepair. Some have required refurbishment and others quite significant redevelopment to bring their amenities up to a contemporary standard of care. I understand that the Victorian government has undertaken targeted investment in aged care; however, this has not been sufficient to address the increasing needs in the state.

The recent commonwealth aged-care reforms could be an unexpected windfall to Victorian services that are currently in disrepair. In July 2014 the commonwealth aged-care reforms included a substantial increase in the rate of accommodation supplement where the facility is newly constructed or significantly refurbished. For example, there was an increase of \$20 per resident per day given to residential aged-care services with 30 residents. This would mean an additional \$200 000 a year. For many aged-care facilities this would be the difference between running at a deficit or a surplus, and it would also mean they would be able to reinvest in quality care.

I call on the minister to investigate ways in which the Victorian government can commence providing dedicated and ongoing consistent capital funding to public sector residential aged-care services in the 2016–17 budget.

The PRESIDENT — Order! As a matter of order, as I understand it Dr Carling-Jenkins addressed that matter to the Minister for Health.

Dr CARLING-JENKINS — Yes.

The PRESIDENT — I believe it should go to Mr Foley, the Minister for Housing, Disability and Ageing.

Dr CARLING-JENKINS — My apologies.

Centre Road, Bentleigh, level crossing

Ms CROZIER (Southern Metropolitan) — My adjournment matter is for the Minister for Public Transport, who has responsibility for level crossing removal across the state. I note Mr Davis's adjournment contribution referred to congestion on Toorak Road and the suggestion that that level crossing should be much higher on the priority list than the government has currently placed it.

I have raised on a number of occasions my concerns surrounding the removal of the Centre Road level

crossing in Bentleigh. Whilst I welcome the removal, it is a large project, and it requires proper consultation so that those who will be impacted by the removal can have a proper understanding of what will be delivered and what will happen. The handing out of pamphlets by Public Transport Victoria officials, or whoever they were, is hardly a consultation process. It does not provide an adequate explanation of what will happen to those businesses, which will be severely impacted upon by the removal. I spoke to the operator of one such business, which had been in operation for 31 years, and asked him about the consultation he had had. He said, 'Not very much; I got a pamphlet'. When I asked him what he thought it meant to his business, he said he would probably have to shut down.

This is a concerning aspect of the program that is being undertaken. I note that the level crossing removal project website states:

Community engagement will be carried out at Centre, North and McKinnon roads over the coming months, with construction to start later this year. This consultation will start with an information booth at Bentleigh station and McKinnon station in the afternoon of 20 May ...

As I have just highlighted, and I know this from speaking with traders and others, that is not the case. They are concerned about the impacts on their businesses. Therefore I ask the minister to provide a time frame for when proper and appropriate consultation will take place so that those traders impacted upon can put in proper planning for the future of their businesses and have some understanding and certainty regarding the impact of that particular level crossing at Centre Road.

South Eastern Metropolitan Region roads

Mrs PEULICH (South Eastern Metropolitan) — I raise a matter for the attention of the Minister for Roads and Road Safety. It is in relation to what has become a common theme that I have espoused since being elected to the upper house — that is, the need for road infrastructure. There is also a need for public transport, but in this instance I am talking about road infrastructure for the south-east, which has a documented congestion problem. Over the terms of successive Labor governments, a failure to invest in road infrastructure has made congestion intolerable, not only for businesses but also for local residents.

There are some exceptions. The Dandenong bypass was built following the completion of the Westall Road extension. Under the coalition both design work as well as funding for the Kingston leg of the Dingley bypass was well underway, and I understand the completion of

construction is scheduled for 2017. This is the time to start planning and designing and to secure funds for the last leg of what was loosely called the Dingley bypass, and that includes the connection of the South Gippsland Highway and the South Gippsland Freeway, extending from the Dandenong bypass. That would make it the fourth and last leg of this important piece of road infrastructure. It would substantially reduce traffic.

Commuters who are using the South Gippsland Highway, in particular anyone who has travelled along it towards Cranbourne and Narre Warren South, would know the mayhem of peak-hour traffic along the highway. Building this piece of road infrastructure would substantially reduce that congestion by ensuring that business-related traffic, trucks and freight could get onto the Monash Freeway without clogging up any other local streets. Completing the South Gippsland Highway and the South Gippsland Freeway connection in what is a four-stage process — the Dingley bypass — is very important to the south-east.

Knowing that the Labor Party does not plan well for these investments, I call on the Minister for Roads and Road Safety, whose electorate would also benefit from this piece of infrastructure, to start planning now so that when the Kingston leg of the Dingley bypass is completed, the construction of the fourth leg of this important piece of road infrastructure for the south-east can be continued. We in the south-east have suffered from traffic congestion, as is well documented in a range of sources, and need substantial investment, including in this important piece of road infrastructure.

Respite and emergency accommodation

Mr ONDARCHIE (Northern Metropolitan) — My adjournment matter this evening is for the Minister for Housing, Disability and Ageing, Martin Foley. It relates to respite care in the city of Whittlesea and the shire of Mitchell. I remind the minister that the previous coalition government committed \$3.6 million for the construction of two five-bed respite facilities in Melbourne's north in the local government areas of Mitchell and Whittlesea to allow for planned respite for families and children as well as emergency accommodation, and to provide a range of options from overnight to medium-term placements. On that point, I commend the work and support of Cr Christine Stowe from the City of Whittlesea — a strong and energetic advocate for improved services for Victorians with disabilities — Trevor Carroll and the entire Respite Alliance Whittlesea committee, who are doing more and more in advocating for respite accommodation.

My matter goes to the minister's response to my adjournment matter on 18 March. He wrote to me on 4 May and said:

We are considering the previous government's announcement of \$3.6 million for the next construction of two five-bed respite facilities in Mitchell and Whittlesea ...

My adjournment request to the minister is that he provide a date when the good people of Mitchell and Whittlesea can expect their respite facility to be built.

Sunbury rail services

Mr FINN (Western Metropolitan) — I raise a matter this evening for the attention of the Minister for Public Transport. I have to say the people of Sunbury are asking what they have done to receive such shabby treatment from this government. Fresh from being denied their own council this year, they have now been kicked off V/Line trains. The Sunbury community was shocked when the *Sunbury Leader* came out last week to inform them that as of 21 June they were no longer welcome on V/Line trains.

This was despite a promise some years ago by the then Brumby government that when electrification occurred residents would have the best of both worlds. They would still be able to use V/Line trains as well as Metro trains. From my own perspective I have to say that the V/Line service from Sunbury is very comfortable. It is very fast and is certainly my preference. If I have a choice, I will take V/Line over the Metro service any day of the week.

I well remember some years ago when I last represented Sunbury in this Parliament inadvertently floating the idea of electrifying the line to Sunbury almost being lynched. I changed my mind very quickly. What a great pity that the former Labor government did not float the idea before it went ahead and did it; it would have found out that the people of Sunbury did not actually want the electrification of their line. They were more than happy with the V/Line service. They just wanted a few more V/Line trains. It would have been a lot cheaper as well.

Despite the promise of the Labor Party back in those days we now see a situation where, as at 21 June, Sunbury commuters will face a fine in excess of \$200 if they have the audacity to step onto a V/Line train. That is outrageous. It is an insult to every person in Sunbury and is clearly yet another broken promise by the Labor Party to the people of Sunbury. It needs to be addressed as a matter of urgency. We are not far away now from that magic date when these new laws will come into being, so I ask the Minister for Public Transport to

restore the rights of Sunbury people to use V/Line trains. There is public outrage in Sunbury. Something needs to be done, and the restoration of those rights is that something. The minister should do it.

Healthy Together Victoria

Ms WOOLDRIDGE (Eastern Metropolitan) — I am very pleased to participate in the adjournment debate tonight. The action I seek is for the Minister for Health to ensure that funding is provided to Healthy Together Victoria beyond its concluding date of 30 June so that this vital program can continue.

Healthy Together Victoria started in 2012 and was an initiative of both the former coalition government and the federal government. It has had excellent results and a great impact with its focus on issues like obesity, tobacco and harmful alcohol use. It developed a new preventive health workforce. It targeted interventions in local communities tailored to their specific needs. It took an innovative approach to community engagement and social marketing. What was so strong about it at its core was that it was embedded with local partnerships, driving the change they needed to see. Local Healthy Together organisations along with council and community organisations determined priorities and approaches and implemented those programs.

What we know about health prevention is that it is not something that you can just dip into and out of. These are long-term initiatives that need an investment in culture change in relation to these very important issues. It is very disappointing that this government has not prioritised health prevention or the Healthy Together Victoria project to make sure that funding continues. This project was initiated, developed and delivered by the state government. There is no doubt that the state government has a core responsibility in relation to this area. It is an absolute mistake of the state government not to be championing, leading and funding this initiative going forward.

The program has had significant success, with 2784 organisations registered in the achievement program as part of that process. They include 1233 early learning centres, 576 primary schools, 121 secondary schools and 788 workplaces. There are also thousands of children, workers and families engaged in health promotion initiatives.

Fourteen municipalities have become Healthy Together communities: Ararat Rural City Council, Cardinia Shire Council, Whittlesea City Council, Mildura Rural City Council, Hume City Council, Wyndham City Council, Knox City Council, Greater Bendigo City Council,

Greater Dandenong City Council, Wodonga City Council, Latrobe City Council, Pyrenees Shire Council, Central Goldfields Shire Council and Greater Geelong City Council. I have had representations across the board from nearly all those councils and members of those communities saying, 'This is a program that must continue'. The state government must step up and fund this program to make sure that it can continue past the 30 June deadline when the funding finishes. This is about the health of our families and communities, and the Minister for Health must make sure the program is funded.

Crime prevention

Ms BATH (Eastern Victoria) — My adjournment matter is for the Minister for Police. The community crime prevention program includes community-focused grassroots crime prevention organisations that are well known to us, including Neighbourhood Watch, Crime Stoppers and Step Back. Think.

We all recognise the symbol of Neighbourhood Watch. We can picture it on our front gate, on a tree or on somebody's letterbox. Neighbourhood Watch was established back in the mid-1980s. It is a community-based safety program. Its aim is to improve the quality of life of our neighbourhoods by minimising preventable crime and promoting stronger community ties and links. Its mission statement is:

Connected, informed and empowered communities in which people feel safe and secure.

Across Victoria over 2.8 million people, which is approximately half our population, live in a Neighbourhood Watch centre or area. During its term of office the coalition government provided funding for 550 000 Neighbourhood Watch programs over a four-year period. It is my understanding that this funding is due to expire this year.

We are reminded on the television of Crime Stoppers all the time. It is a well-respected and well-run organisation. Since its inception in 1987 it has processed over 600 000 calls from the community, making available information that has led to many charges and arrests. Every week Victoria Police arrest between 15 and 20 criminals thanks to Crime Stoppers.

Step Back. Think was started in 2006 after James Macready-Bryan was hit violently after a night out. Since that time thousands of students have been educated about the consequences of making a violent decision.

These three not-for-profit organisations are very important to Victorians. I ask the Minister for Police to properly fund them so that they can continue their work and serve Victoria for many years to come. The 2015–16 budget papers the government is for families. Let us bring families together and support these programs. I ask the minister to fully fund these programs.

Responses

Mr HERBERT (Minister for Training and Skills) — In response to adjournment debate matters, Ms Lovell raised a matter for the Minister for Regional Development asking for funding for The Bendigo Trust for Bendigo's Discovery Science & Technology Centre. I will refer that to the minister.

Mr Purcell raised a matter for the Minister for Industry in regard to Pacific National freight train drivers. His request was for programs to help Australian businesses succeed in the international market. I will refer that matter on.

Ms Springle had a request for the Attorney-General seeking action to immediately ban the practice of giving dowries. I will refer that request on.

Mr Davis raised a matter for the Treasurer seeking the release of the modelling, or if there is no modelling he requests the government to do modelling, on the western distributor project. I will pass that on to the Treasurer.

Ms Tierney raised a matter for the Minister for Environment, Climate Change and Water requesting information on the process to protect and rehabilitate the Anglesea power station site after its closure in August. I will refer that matter on.

Mr Ramsay requested that the Minister for Mental Health reassess his position on funding for long-term rehabilitation facilities for ice users in regional Victoria. I will refer that on.

Dr Carling-Jenkins raised a matter for the Minister for Housing, Disability and Ageing seeking dedicated ongoing funding for capital improvements at public residential aged-care facilities. I will pass that matter on to the minister.

Ms Crozier raised an issue for the Minister for Public Transport seeking a time frame for consultation on the Centre Road, Bentleigh, level crossing removal project. I will refer that on to the minister.

Mrs Peulich raised an issue for the Minister for Roads and Road Safety seeking the beginning of the planning and design of the fourth leg of the Dingley bypass. I will refer that issue on.

Mr Ondarchie raised a matter for the Minister for Housing, Disability and Ageing asking for a date for the construction of two respite care centres that are to be built in the city of Whittlesea and the shire of Mitchell. I will refer that matter to the minister.

Mr Finn raised an issue for the Minister for Public Transport about Sunbury residents accessing V/Line trains. I will refer that issue to the minister.

Ms Wooldridge raised an issue for the Minister for Health requesting continued funding for the Healthy Together Victoria program. I will refer that to the minister.

Ms Bath raised a matter for the Minister for Police requesting continued funding for neighbourhood houses. I will refer that matter on.

Ms Shing raised an issue for me with regard to supporting training in Gippsland to ensure that people in Gippsland have the training they need to get jobs in new industries in Gippsland. The matter was related to Federation Training, to which we provided some emergency funding at the start of the year that went into a very successful bubble project to provide support for Gippsland students in terms of career advice, literacy and numeracy, and help with their courses.

The government will continue to support Federation Training. It is an incredibly important institution in Gippsland that has had a rough trot lately, including a merger that really impacted on it and funding cuts. It has lost a lot of staff and has closed a lot of campuses, but those days are behind us, and I can assure Ms Shing that the government will continue to support Federation Training both financially and in policy terms to rebuild and regrow and, if it can, to re-open some of those closed campuses, but certainly to strengthen its position. The government knows that it is an essential institution for that area, which has unacceptably high unemployment and which definitely needs skills training. I give Ms Shing the assurance that the government will be working with Federation Training to improve delivery in terms of training people for jobs and in terms of the government's investment in Gippsland.

I have written responses to adjournment debate matters raised by Mr Purcell on 15 April, Mr Davis and Ms Dunn on 16 April, Mr Davis, Mr Mulino, Mr O'Donohue and Mr Ramsay on 5 May,

Mr Bourman, Mr Eideh, Ms Fitzherbert, Ms Lovell, Mr Melhem, Ms Patten and Mr Ramsay on 6 May, Ms Lovell, Mr Morris and Mr Ramsay on 7 May, Ms Lovell and Mr O'Donohue on 26 May and Ms Lovell on 27 May.

The PRESIDENT — Order! The house stands adjourned until tomorrow.

House adjourned 7.04 p.m.